112TH CONGRESS, 1st SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS

IN THE MATTER OF ALLEGATIONS RELATING TO FUNDRAISING ACTIVITIES AND THE HOUSE VOTE ON H.R. 4173

STAFF REPORT

January 26, 2011

112TH CONGRESS, 1st SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS

IN THE MATTER OF ALLEGATIONS RELATING TO FUNDRAISING ACTIVITIES AND THE HOUSE VOTE ON H.R. 4173

Table of Contents

I. EXECUTIVE SUMMARY ……..…1
II. RULES AND STANDARDS APPLICABLE TO CONDUCT ……...…3
A. The House Code of Official Conduct and the Code of Ethics for Government Service …….3
B. Campaign Activity May Not Be Linked to Official Activity ……4
C. Appearances of Impropriety……...5
III. FINDINGS AND CONCLUSIONS ……7
A. The Overall Record Demonstrated That There Were No Appearances of Impropriety between Campaign Activity and Official Acts ……..7
1. Well-Established and Consistent Official Positions……8
2. None of the Amendments Were Connected to Fundraising Activities ……9
3. Wall of Separation between Fundraising Activities and Legislative Activities ……13
B. The Overall Record Demonstrated That There Were No Appearances of Impropriety between Campaign Activity and Special Access to Any Member in His Official Capacity ……13
1. The Committee's Ruling in the DeLay Matter ……14
2. The Members Had the Same Influence as Other Members …….19
3. Each Member Had Strict Separation between Fundraising Activities and Legislative Activities ……..20
4. The Nature and Duration of the Fundraising Events Showed That They Were Standard and Proper Events …….24

APPENDIX A: SELECTED DOCUMENTS COLLECTED BY THE COMMITTEE ON ETHICS

APPENDIX B: REPORT AND FINDINGS OF THE OFFICE OF CONGRESSIONAL ETHICS REGARDING REPRESENTATIVE JOHN CAMPBELL (Review No. 10-4283)

APPENDIX C: REPORT AND FINDINGS OF THE OFFICE OF CONGRESSIONAL ETHICS REGARDING REPRESENTATIVE JOSEPH CROWLEY (Review No. 10-6002)

APPENDIX D: REPORT AND FINDINGS OF THE OFFICE OF CONGRESSIONAL ETHICS REGARDING REPRESENTATIVE TOM PRICE (Review No. 10-8839)

APPENDIX E: REPRESENTATIVE JOHN CAMPBELL'S RESPONSE TO THE REPORT AND FINDINGS OF THE OFFICE OF CONGRESSIONAL ETHICS

APPENDIX F: REPRESENTATIVE JOSEPH CROWLEY'S RESPONSE TO THE REPORT AND FINDINGS OF THE OFFICE OF CONGRESSIONAL ETHICS

APPENDIX G: REPRESENTATIVE TOM PRICE'S RESPONSE TO THE REPORT AND FINDINGS OF THE OFFICE OF CONGRESSIONAL ETHICS

APPENDIX H: REPORTS OF THE OFFICE OF CONGRESSIONAL ETHICS REGARDING REPRESENTATIVES JEB HENSARLING, CHRISTOPHER LEE, FRANK LUCAS, AND MELVIN WATT (Review Nos. 10-3055, 10-7308, 10-6421, and 10-6028)

APPENDIX I: COMMITTEE ON ETHICS DOCUMENTS REGARDING DISPOSTION OF JUNE 2004 COMPLAINT AGAINST FORMER REPRESENTIVE TOM DeLAY

112TH CONGRESS, 1st SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS

IN THE MATTER OF ALLEGATIONS RELATING TO FUNDRAISING ACTIVITIES AND THE HOUSE VOTE ON H.R. 4173

STAFF REPORT

January 26, 2011

I. EXECUTIVE SUMMARY

On September 1, 2010, the Office of Congressional Ethics (OCE) transmitted to the House Committee on Ethics (Committee) (formerly known as the Committee on Standards of Official Conduct) Reports and Findings for two matters in which it recommended further review, concerning Representatives John Campbell and Tom Price.[1] On November 3, 2010, after the federal election, OCE transmitted to the Committee a Report and Findings in one other matter, concerning Representative Joseph Crowley, for which it recommended further review.[2]

In all three matters, OCE alleged that the Members' fundraising activities near the time that the House voted on H.R. 4173 (Wall Street Reform and Consumer Protection Act of 2009) in December 2009 gave the appearance that special treatment or access was provided to campaign donors, or gave the appearance that campaign contributions were linked to an official act.

---

[1] On September 1, 2010, OCE also transmitted one-page reports, without any findings or supporting facts or documents, in four other matters for which it recommended dismissal. Three of those matters concerned Representatives Jeb Hensarling, Frank Lucas, and Melvin Watt. The respective one-page reports regarding each of them can be found at Appendix H. The other matter concerned former Representative Earl Pomeroy; however, the Committee has jurisdiction only over the conduct of Members, officers, and employees of the House. *See* House Rule 10, clause 1(g); House Rule 11, clauses 3(a)(2) and 3(b); and Committee Rule 18.

[2] On November 3, 2010, OCE also transmitted a one-page report, without any findings or supporting facts or documents, in one other matter for which it recommended dismissal, concerning Representative Christopher Lee, which can be found at Appendix H. Pursuant to House Rule 11, clause 3(b)(8)(D), and Committee Rule 17A(i), the Committee shall not accept any referral from OCE within 60 days of any election in which the subject of the referral is a candidate, including primary elections. Representatives Crowley and Lee were candidates in the 2010 New York primary, which was held on September 14, 2010, less than 60 days before the federal election in November 2010.

In September 2010 and November 2010, the Committee provided Representatives Campbell, Crowley, and Price with OCE's respective Reports and Findings relating to them and offered each the opportunity to respond to OCE's allegations.[3] Each of the three Members submitted to the Committee a response to OCE's allegations, through their respective counsel, which each Member formally adopted by oath or affirmation.[4]

Pursuant to Committee Rule 18(a), the then-Chair and Ranking Republican Member of the Committee authorized a review of allegations that related to these matters. On December 15, 2010, the then-Chair and Ranking Republican Member of the Committee issued a statement announcing that they had jointly decided to extend the Committee's consideration of OCE's transmittals regarding Representatives Campbell, Crowley, and Price for an additional 45-day period.[5]

Following a review of OCE's Reports and Findings and an independent investigation of these matters, it is the recommendation of the Committee's nonpartisan, professional staff that the Committee dismiss the three matters from OCE concerning Representatives Campbell, Crowley, and Price.[6] An independent investigation of the relevant facts and surrounding circumstances in all three matters demonstrated that each Member's fundraising activities raised no appearances of impropriety. Nor did they violate any law or other applicable standards of conduct in connection with their fundraising activities.

An independent review showed that each Member's fundraising activities and their official actions relating to H.R. 4173 had several hallmarks that warrant this conclusion. First, each Member had strict separation between all fundraising activities and legislative activities by hiring a professional fundraising consultant to manage all aspects of fundraising events. These fundraising consultants had no interaction whatsoever with the three Members or their legislative staff on legislative activities. Each Member's fundraising consultant generally planned these

---

[3] OCE's Reports and Findings of Fact and Citations to Law (Reports and Findings) regarding the three matters can be found at the following Appendices: Representative Campbell, Review No. 10-4283 (Appendix B); Representative Crowley, Review No. 10-6002 (Appendix C); and Representative Price, Review No. 10-8839 (Appendix D).

[4] Representative Campbell's response to OCE's allegations against him, dated September 27, 2010, can be found at Appendix E; Representative Crowley's response to OCE's allegations against him, dated November 17, 2010, can be found at Appendix F; and Representative Price's response to OCE's allegations against him, dated September 27, 2010, can be found at Appendix G.

[5] This statement was issued pursuant to House Rule 11, clauses 3(b)(8)(A) and 3(b)(8)(D), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j).

[6] Because no supporting factual information was provided in the one-page reports to evaluate OCE's recommendations for dismissal in the matters concerning Representatives Jeb Hensarling, Christopher Lee, Frank Lucas, and Melvin Watt, *see* Appendix H, it is recommended that the Committee take no further action in these matters.

events several months in advance and invited thousands of people, without restricting invitations solely to individuals associated with a particular industry. Due to this strict separation, each Member typically did not even know about fundraising events until the day before or day of the event. Second, each Member held consistent and well-established legislative positions regarding H.R. 4173 long before and after any of the fundraising events cited in OCE's Reports and Findings. Third, each Member's official acts relating to H.R. 4173 were based on significant legislative concerns, which did not stem from requests from campaign donors. Fourth, each Member's fundraising events were brief, without any substantive legislative discussions regarding H.R. 4173 between the Members or any legislative staff and any attendees. Moreover, the record shows that the timing for floor action on H.R. 4173 was in constant flux, and was not known with certainty until days before the vote occurred on December 11, 2009. The Members' fundraising events were scheduled well before the date for final floor action on the bill had been established.

Given the foregoing, it is Committee staff's conclusion that the general characteristics of each Member's fundraising events exhibited no appearances of special access for attendees to the Members in their official capacity. Rather, they were no different than any routine fundraising event held by any other House Member. Given the foregoing, it is also Committee staff's conclusion that any correlation in timing between the Members' fundraising events cited by OCE and official acts regarding H.R. 4173, including the House vote on H.R. 4173, would be happenstance. This is especially so given that the record showed that the fundraising events were scheduled when the timing of floor action on H.R. 4173 was in flux and uncertain.

Accordingly, Committee staff recommends that no further action in these matters is warranted, that they be dismissed, and that the Committee consider them closed.

The factual and legal basis for Committee staff's conclusions and recommendations are fully detailed below as follows. Section II of this Report sets forth the rules and standards of conduct applicable to the allegations at issue. Section III sets forth the findings and conclusions reached by Committee staff based upon an independent review of all relevant facts and surrounding circumstances in each matter as applied to the relevant rules and standards.

II. RULES AND STANDARDS APPLICABLE TO CONDUCT

A. The House Code of Official Conduct and the Code of Ethics for Government Service

Many of the House standards of conduct that govern proper behavior involving potential intersections between campaign activity and official actions are derived from the House Code of Official Conduct and the Code of Ethics for Government Service. These Codes set forth broad

ethical standards of conduct that Congress has bound itself to abide by, and that the public expects from their elected leaders in their official activities.[7]

Specifically, the fundamental requirement of the House Code of Official Conduct provides that House Members and staff "shall behave at all times in a manner that shall reflect creditably on the House."[8] In addition, the Code of Ethics for Government Service contains the longstanding ethical precept that "public office is a public trust."[9] Another key provision of the Code of Ethics for Government Service provides that government officials should "[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not."[10] Under these fundamental tenets, therefore, the public has a right to expect that House Members and staff will exercise impartial judgment in performing their official duties.[11] The public also has a right to expect that its elected leaders will take official action on the merits of issues and without regard to extraneous factors, such as campaign contributions.[12]

B. Campaign Activity May Not Be Linked to Official Activity

To adhere to these broad ethical standards of conduct, the House Ethics Manual provides key guidance for Members and staff to observe with respect to potential improprieties between official actions and campaign activity. First, a solicitation for campaign or political contributions may not be linked with an official action taken or to be taken by a House Member or staff, which includes all legislative activities.[13] Similarly, a House Member or staff may not accept any contribution that is linked with an official action that a Member has taken or is being asked to take.[14]

Whether any contribution is impermissibly linked with an official act is determined on a case-by-case basis under the totality of circumstances in each matter. Even though there is no

---

[7] *See House Ethics Manual* at 2-3, 23 (2008 ed.).

[8] House Rule 23, clause 1.

[9] Code of Ethics for Government Service, Paragraph 10.

[10] Code of Ethics for Government Service, Paragraph 5.

[11] *See House Ethics Manual* at 2, 23, 151.

[12] *Id.*

[13] *House Ethics Manual* at 146-147, 150-151.

[14] *Id.* The House standards of conduct in this area are broader than prohibitions under federal criminal statutes, such as the federal bribery statute, for example, which requires a *quid pro quo* – a specific intent to give or receive something of value in exchange for an official act. *See, e.g., United States v. Sun-Diamond Growers*, 526 U.S. 398, 404-405 (1999).

hard-and-fast rule on this subject, the Committee has noted certain factors that Members should be mindful of in this area. For example, the Committee has noted that Members should be mindful of sponsoring legislation that benefits only one or a small number of entities, particularly when such entities are political contributors or supporters.[15] But, such actions are not per se impermissible.[16] Rather, if a campaign contributor has a matter that a Member reasonably believes is in the public interest, then the Member has an obligation to pursue the matter, while being mindful not to show any favoritism.[17] In addition, the House Ethics Manual also advises that Members should be mindful of the proximity between the solicitation or receipt of a campaign contribution and any official action done on behalf of a contributor, citing an early work on congressional ethics by Senator Paul Douglas on this point.[18]

Furthermore, a Member should not sponsor or participate in any solicitation that offers donors any special access to the Member in the Member's official capacity.[19] By way of example, the House Ethics Manual references a 1987 ruling by the Senate Select Committee on Ethics (Senate Ethics Committee), which found that a Senator impermissibly linked campaign contributions with special access by offering the opportunity to participate with the Senator in a once-a-month policy discussion group in return for $10,000 in campaign contributions.[20]

C. Appearances of Impropriety

Because Members occupy a position of public trust, these standards extend to even the appearances of impropriety regarding campaign contributions and official activity.[21] The

---

[15] *See* Memorandum attached to Statement of House Comm. on Standards of Official Conduct, regarding disposition of the complaint filed against Representative Tom DeLay, 108th Cong., 2nd Sess. (2004), at 21; *see also House Ethics Manual* at 308-09.

[16] *Id*.

[17] *House Ethics Manual* at 309.

[18] *See House Ethics Manual* at 147. As Senator Douglas observed:

> It is probably not wrong for the campaign managers of a legislator before an election to request contributions from those for whom the legislator has done appreciable favors, but this should never be presented as a payment for the services rendered. Moreover, the possibility of such a contribution should never be suggested by the legislator or his staff at the time the favor is done. Furthermore, a decent interval of time should be allowed to lapse so that neither party will feel that there is a close connection between the two acts. Finally, not the slightest pressure should be put upon the recipients of the favors in regard to the campaign.

Id. (citing *Ethics In Government* at 89-90 (Cambridge: Harvard University Press, 1952)).

[19] *See House Ethics Manual* at 147-148.

[20] *Id.*

[21] *Id.* at 147-48, 309.

Committee "has long advised Members and staff that they should always exercise caution to avoid even the appearance that solicitations of campaign contributions are connected in any way" with their official activity.[22] In the same vein, the Committee has advised that Members should also not make any solicitation that may create even an "appearance that, because of a campaign contribution, a contributor will receive or is entitled to either special treatment or special access" to the Member in his or her official capacity.[23] Otherwise, the public's confidence in government and their elected leaders may be undermined if the public believes that campaign contributors exercise undue influence in the governmental process.[24]

Other branches of our federal government are subject to similar ethical standards of conduct. Federal judges, for example, are admonished to "avoid impropriety and the appearance of impropriety" at all times under their judicial code of ethics.[25] With respect to appearances of impropriety in a pending case, federal judges are required by statute to recuse themselves if a reasonable, thoughtful observer who is fully informed of all the surrounding facts and circumstances on which recusal was sought would question a judge's impartiality.[26] Like the House's ethical standards, the Supreme Court has noted that the purpose of the judicial recusal statutes is to promote public confidence in the integrity of the judicial process.[27]

Therefore, a similar standard can be used to measure alleged appearances of impropriety in these matters. Indeed, this standard is consistent with appearance of impropriety standards declared by provisions of the Code of Ethics for Government Service and past rulings by the

---

[22] *Id.* at 147.

[23] *See House Ethics Manual* at 148 (stating that House Members should adhere to same rule articulated by Senate Ethics Committee in its 1987 determination regarding the opportunity for donors to participate in once-a-month breakfast club meetings for $10,000 in campaign donations). The Senate Ethics Committee ruled:

> While solicitations offering access to policy discussion groups may violate no law or Senate rule, they nonetheless affect public confidence in the Senate. Therefore, Senators should not make solicitations which may create the appearance that, because of a campaign contribution, a contributor will receive or is entitled to either special treatment or special access to the Senator.

[24] *House Ethics Manual* at 148, 309.

[25] *See* Model Code of Judicial Conduct, Canon 1, Rule 1.2 (2007).

[26] *See, e.g., In re Sherwin-Williams Co.*, 607 F.3d 474, 477-78 (7th Cir. 2010) (citations omitted). A "thoughtful" person is one who is not hypersensitive or unduly suspicious. *Id.* Moreover, a "reasonable" person can appreciate the significance of facts in light of relevant standards and practice and discern whether an appearance of impropriety is merely an illusion. *Id.* "That an unreasonable person, focusing on only one aspect of the story, might perceive" appearances of partiality "is irrelevant." *Id.* (citing *United States v. Bonds*, 18 F.3d 1327, 1331 (6th Cir.1994)).

[27] *See Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860 (1988)*; accord* Model Code of Judicial Conduct, Rule 1.2, comment 1 (noting that "public confidence in the judicial system is eroded by improper conduct and conduct that creates the appearance of impropriety").

Senate Ethics Committee involving substantially similar allegations as here.[28] Accordingly, a Member should avoid official conduct that would appear to a reasonable, thoughtful, and well-informed person to be improperly connected to campaign activities.

III. FINDINGS AND CONCLUSIONS

A. The Overall Record Demonstrated That There Were No Appearances of Impropriety between Campaign Activity and Official Acts

In its three Reports and Findings, OCE asserted that there is a "substantial reason to believe" that each Member "solicited or accepted contributions in a manner which gave the appearance that . . . the contributions were linked to an official act."[29] As a threshold matter, OCE's Reports and Findings are unclear as to what exactly the potentially impermissible "official acts" at issue were, other than obliquely noting that the Members offered amendments to underlying bills of H.R. 4173 in committee mark-up or to the House Committee on Rules before the House vote on H.R. 4173.[30] Even if one assumes that these amendments (or even the actual vote on H.R. 4173) were the "official acts" at issue, OCE's Reports and Findings and further independent investigation do not establish any connection between the origin or substance of any of these amendments and individuals or companies that made campaign contributions during the fundraising events at issue.

Additionally, an independent investigation of this allegation, as discussed below, showed that a "reasonable, thoughtful" person, who was well-informed of all relevant facts and standards would not conclude that there were any appearances of impropriety between official acts related to H.R. 4173 and fundraising activities by any of the three Members.[31] In all three matters, each Member's actions had several key hallmarks that clearly demonstrated this conclusion. These

---

[28] *See* Code of Ethics for Government Service, Paragraph 5 (expressing that Members and staff should "never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties"); Senate Select Comm. on Ethics, *Investigation of Senator Alan Cranston*, S. Rep. No. 102-223 (known as the "Keating Five" matter), Additional Views of Senator Jesse Helms, at 15 (1991) (stating that Senate "precedents make clear . . . that a Senator should avoid conduct that would appear to a reasonable, fully informed, nonpartisan person to be improper").

[29] *See* OCE Findings ¶ 1, relating to Rep. Campbell (Appendix B); OCE Findings ¶ 1, relating to Rep. Crowley (Appendix C); OCE Findings ¶ 1, relating to Rep. Price (Appendix D).

[30] *See* OCE Findings ¶ 2, relating to Rep. Campbell (Appendix B); OCE Findings ¶ 2, relating to Rep. Crowley (Appendix C); OCE Findings ¶ 2, relating to Rep. Price (Appendix D).

[31] *See In re Sherwin-Williams Co.*, 607 F.3d at 477-78 (noting that a "reasonable" and "thoughtful" person, who is fully informed of all relevant facts and standards, can discern whether an alleged appearance of impropriety is merely an illusion).

hallmarks were: (1) well-established and consistent official positions well before and after any fundraising event at issue, (2) amendments based on significant legislative concerns not requests from campaign donors, and (3) strict separation between fundraising activities and legislative activities.

1. Well-Established and Consistent Official Positions

The evidence showed that each Member's official positions on financial regulatory reform were well-established long before any fundraising event at issue and remained constant through the ultimate House vote on H.R. 4173 on December 11, 2009. The evidence also showed that these positions were based on the merits of what each Member thought was in the best interest of their constituents and the country. As such, the overall record showed that each Member's positions were not connected to fundraising activities by appearance or otherwise as alleged in OCE's Reports and Findings.

In the summer of 2009, for example, leaders of the New Democrat Coalition (NDC), including Representative Crowley, joined President Obama to support the President's proposed reform of regulations governing financial services.[32] The President's proposals contained many of the 21 principles for regulatory reform that the NDC's Financial Service Task Force released in February 2009.[33] Ten months later, in December 2009, H.R. 4173 was passed by the House. It contained 20 of the 21 principles for financial regulatory reform articulated by the NDC.[34] Therefore, Representative Crowley firmly supported and was at the forefront of the core legislative principles on financial regulatory reform that became law.[35] He never wavered from that position from at least February 2009 through December 2009, irrespective of any fundraising events that occurred during that same period.[36]

Similarly, Representative Campbell's Chief of Staff and Senior Legislative Assistant for Financial Services Committee work each stated that, by at least the summer of 2009,

---

[32] *See* http://ndc.crowley.house.gov, "New Dems Join President to Announce Reg Reform Plan," June 17, 2009 (last visited Dec. 28, 2010).

[33] *Id.*

[34] *See* http://ndc.crowley.house.gov , "New Dems Praise House Passage of Financial Regulatory Reform," Dec. 11, 2009 (last visited Nov. 5, 2010).

[35] *See* Interview of Counselor to Rep. Crowley by Committee Staff, Dec. 14, 2010 (stating that the NDC published its core principles before the President's plan, many of which were incorporated into the President's plan; that financial regulatory reform legislation that the House Financial Services Committee passed throughout 2009 was consistent with the NDC's principles for reform in this area; and that Rep. Crowley supported throughout 2009 the financial regulatory reform legislation being passed. (hereinafter "Int. of Counselor to Rep. Crowley by Committee Staff").

[36] *Id.*

Representative Campbell opposed the financial regulatory reform proposals being advocated by the Democratic majority in the House Financial Services Committee.[37] They said he adopted this position due to, among other things, Representative Campbell's concerns regarding regulation of banks, the systematic risk and the "too-big-to-fail" argument, and the proposed scope of the consumer financial protection agency.[38] In the summer of 2009, the Republican minority introduced H.R. 3310, which contained its alternative version of financial regulatory reform.[39] Representative Price was one of the original co-sponsors of H.R. 3310, along with the then-Republican Leader John Boehner, then-Republican Whip Eric Cantor, and a majority of the Republican Financial Services Committee members.[40] As a legislative and policy matter, therefore, the Republican minority's united opposition to the Democratic majority's legislative position on financial regulatory reform was firmly established by the summer of 2009, and did not waver after that, irrespective of any fundraising events that occurred during that same period.[41] Indeed, all Republicans ultimately voted against H.R. 4173.[42]

2. None of the Amendments Were Connected to Fundraising Activities

As discussed below, all amendments that the three Members offered were the product of their impartial judgments on the merits of legislative proposals, not requests from campaign donors. All were the product of each Member's legislative staff to address what each Member saw as important legislative concerns regarding the underyling bills of H.R. 4173 or various provisions of H.R. 4173.[43] All amendments were also consistent with past legislative positions

---

[37] Interview of Chief of Staff to Rep. Campbell by Committee Staff, Nov. 16, 2010 (hereinafter "Int. of Chief of Staff to Rep. Campbell by Committee Staff"); Interview of Senior Legislative Assistant to Rep. Campbell by Committee Staff, Nov. 16, 2010 (hereinafter "Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff").

[38] *Id.*

[39] The Consumer Protection and Regulatory Enhancement Act, H.R. 3310, was introduced on July 23, 2009.

[40] *See* *http://www.congress.gov/cgi-lis/bdquery/D?d112,d111:1:./.temp/~bdBa8h:@@@P:dbs=y:|/billsumm/billsumm.php* (last visited Jan. 24, 2011) (identifying co-sponsors to H.R. 3310).

[41] *See also* Interview of Chief of Staff to Rep. Price by Committee Staff, Nov. 12, 2010 (hereinafter "Int. of Chief of Staff to Rep. Price by Committee Staff") (noting that Rep. Price was consistently against the legislation on financial regulatory reform being advocated by the Democratic majority in the House Financial Services Committee); Rep. Price Response to OCE's Report and Findings, at 2-3 and Exhibit B (Appendix G) (setting forth Rep. Price's long opposition to legislative efforts he viewed as increasing the size of government, including financial regulatory reform, from March 2008 to the present).

[42] *See* http://clerk.house.gov/evs/2009/roll968.xml (last visited Jan. 24, 2011) (containing recorded vote on H.R. 4173).

[43] H.R. 4173 was a compilation of nine bills that had been passed earlier in 2009 by the House Financial Services Committee and in some cases the House as well. These nine bills were: (1) H.R. 1728 (Mortgage Reform and Anti-

that each Member took on similar legislative issues. Moreover, none of the amendments offered by the Members for consideration with H.R. 4173 actually received a vote on the House floor.

Representative Price

During House Financial Services Committee mark-ups from April 2009 through November 2009, Representative Price offered eleven amendments to the underlying bills of H.R. 4173.[44] Eight of these amendments failed on a committee vote.[45] Two of the three amendments that were agreed to by a committee vote were offered with other Members.[46]

Representative Price's Legislative Assistant tasked with his Financial Services Committee work was responsible for all of these amendments.[47] None of the amendments revolved around or were for the benefit of a single company or a group of companies.[48] None of the eleven amendments were initially requested by individuals or entities outside the House of Representatives.[49] Nor were any of these amendments drafted by individuals or entities outside the House of Representatives.[50] Rather, all eleven amendments were consistent with Representative Price's past positions on similar legislative issues, such as provisions to address

---

Predatory Lending Act), passed by the House on May 7, 2009; (2) H.R. 3269 (the Corporate and Financial Institutions Compensation Fairness Act of 2009), passed by the House on July 31, 2009; (3) H.R. 3795 (Over-the-Counter Derivatives Markets Act of 2009), passed by the House Financial Services Committee on October 14, 2009; (4) H.R. 3126 (the Consumer Financial Protection Agency Act of 2009), passed by the House Financial Services Committee on October 22, 2009; (5) H.R. 3818 (Private Fund Investment Advisers Registration Act of 2009), passed by the House Financial Services Committee on October 27, 2009; (6) H.R. 3890 (Accountability and Transparency in Rating Agencies Act), passed by the House Financial Services Committee on October 28, 2009; (7) H.R. 3817 (the Investor Protection Act of 2009), passed by the House Financial Services Committee on November 4, 2009; (8) H.R. 2609 (the Federal Insurance Office Act of 2009), passed by the House Financial Services Committee on December 2, 2009; and (9) H.R. 3996 (the Financial Stability Improvements Act of 2009), passed by the House Financial Services Committee on December 2, 2009.

[44] Interview of Legislative Assistant to Rep. Price by Committee Staff, Nov. 12, 2010 (hereinafter "Int. of Legislative Assistant to Rep. Price by Committee Staff"); *see also* http://democrats.financialservices.house.gov/Hearings/Markups.aspx (last visited Jan. 25, 2011). OCE's Findings erroneously stated that Rep. Price offered eight amendments. *See* OCE Findings ¶ 2, relating to Rep. Price (Appendix D).

[45] *Id.*

[46] *Id.*

[47] Int. of Legislative Assistant to Rep. Price by Committee Staff.

[48] *Id.*

[49] *Id.*

[50] *Id.*

his concern that proposed regulations could excessively regulate industries not connected to providing traditional financial services.[51]

In December 2009, Representative Price offered six amendments before the House Rules Committee for consideration with H.R. 4173.[52] All six of these amendments included previous amendments that Representative Price offered but failed in committee, such as striking all sections of H.R. 4173 that restricted the use of arbitration.[53] However, none of the six amendments were made in order by the House Rules Committee, and thus, none received a vote on the House floor.[54]

Representative Campbell

Representative Campbell offered eight amendments to the underlying bills of H.R. 4173 from April 2009 through November 2009.[55] Five of these amendments offered were agreed to on a committee vote.[56] Three of the five were offered with other Members, and two amendments were co-sponsored by Members of both parties.[57]

Representative Campbell's Legislative Assistant for his Financial Services Committee work was responsible for all of these amendments.[58] None of the amendments revolved around or were for the benefit of a single company or a group of companies.[59] With one minor exception, none of the eight amendments were initially requested by individuals or entities

---

[51] *Id.*

[52] *See* COE.WSB.0022-0023 (containing the Summary of Amendments Submitted to the Rules Committee for H.R. 4173, listed in alphabetic order, Dec. 8, 2009). The documents designated with "COE.WSB" constitute some of the documents collected by the Committee during the course of its independent investigation in these matters, and can be found at Appendix A; Int. of Legislative Assistant to Rep. Price by Committee Staff.

[53] Int. of Legislative Assistant to Rep. Price by Committee Staff.

[54] *Id.*

[55] Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff; *see also* http://financialservices.house.gov/Hearings/Markups.aspx (last visited Nov. 10, 2010). OCE's Findings erroneously stated that Rep. Campbell offered six amendments. *See* OCE Findings ¶ 2, relating to Rep. Campbell (Appendix B).

[56] Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff; *see also* http://democrats.financialservices.house.gov/Hearings/Markups.aspx (last visited Jan. 25, 2011).

[57] *Id.*

[58] Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff.

[59] *Id.*

outside the House of Representatives.[60] Nor were any of these amendments drafted by individuals or entities outside the House of Representatives.[61] Rather, all eight amendments were consistent with Representative Campbell's past positions on similar legislative issues, such as provisions to provide the Securities and Exchange Commission with nationwide service of subpoenas.[62]

In December 2009, Representative Campbell offered only two amendments to the House Rules Committee for consideration with H.R. 4173, one of which addressed his concern that proposed regulations could excessively regulate industries, like automobile dealers, that are not connected to providing traditional financial services.[63] However, Representative Campbell withdrew both of these amendments before they were ruled on by the House Rules Committee.[64] Thus, none received a vote on the House floor with H.R. 4173.

Representative Crowley

Representative Crowley did not offer any amendments to underlying bills of H.R. 4173 because he was not a Member of the House Financial Services Committee. In December 2009, Representative Crowley offered one amendment to the House Rules Committee for consideration with H.R. 4173 for which he was the sole sponsor, concerning a temporary increase in the lending authority of the Small Business Administration.[65] This amendment was not initially requested by individuals or entities outside the House of Representatives.[66] Nor was it drafted by individuals or entities outside the House of Representatives.[67] Moreover, this amendment was

---

[60] *Id.* With respect to one amendment that passed the House Financial Services Committee with widespread bipartisan support, Representative Campbell's Legislative Assistant stated that the amendment addressed, in part, some unintended consequences of legislation, which he was unaware of, but informed of by individuals from outside the House of Representatives. *Id.*

[61] *Id.* With respect to four, non-controversial amendments that passed the House Financial Services Committee with significant bipartisan support, Representative Campbell's Legislative Assistant stated that he consulted with individuals outside the House of Representatives, especially those with divergent views for and against the particular amendments, in order to forge a consensus position and one that was widely supported on the merits. Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff.

[62] *Id.*

[63] Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff; COE.WSB.0003-0004. OCE's Findings erroneously stated that Rep. Campbell offered three amendments. *See* OCE Findings ¶ 2, relating to Rep. Campbell (Appendix B).

[64] Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff; COE.WSB.0003-0004.

[65] *See* COE.WSB.0005; Int. of Counselor to Rep. Crowley by Committee Staff.

[66] Int. of Counselor to Rep. Crowley by Committee Staff.

[67] *Id.*

ultimately not ruled in order by the House Rules Committee.[68] Representative Crowley also co-sponsored a bipartisan amendment, with three other Republican and three other Democratic Members, which concerned providing authority for the Controller of the Currency to assess state laws under provisions of the proposed Consumer Financial Protection Act.[69] However, this amendment was withdrawn.[70] Thus, neither of the two amendments that Representative Crowley sponsored or co-sponsored received a vote on the House floor with H.R. 4173.

3. Wall of Separation between Fundraising Activities and Legislative Activities

As discussed in more detail in the following sections, each Member maintained strict separation between fundraising activities and legislative activities by hiring a professional fundraising consultant.[71] Thus, there was no pattern or instance of mixing fundraising activities and official actions relating to H.R. 4173. As such, any connection by timing or other circumstance between fundraising events and official acts related to H.R. 4173 would be happenstance.

In short, a "reasonable, thoughtful" person would not conclude based on the above key facts and surrounding circumstances that there were any appearances of impermissible connections between fundraising activities and official actions related to H.R. 4173 by any of the three Members.

B. The Overall Record Demonstrated That There Were No Appearances of Impropriety between Campaign Activity and Special Access to Any Member in His Official Capacity

In its three Reports and Findings, OCE also asserted that there is a "substantial reason to believe" that each Member "solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors." [72] In reaching this

---

[68] *Id.*

[69] *See* COE.WSB.0002; Int. of Counselor to Rep. Crowley by Committee Staff.

[70] *Id.*

[71] *See* Interview of Michael Gula, fundraising consultant to Rep. Campbell, by Committee Staff, Oct. 28, 2010 (hereinafter "Int. of Michael Gula by Committee Staff"); Interview of Ashlee Reid Morehouse, fundraising consultant to Rep. Price, by Committee Staff, Nov. 10, 2010 (hereinafter "Int. of Ashlee Reid Morehouse by Committee Staff"); Interview of Sara Conrad, fundraising consultant to Rep. Crowley, by Committee Staff, Dec. 14, 2010 (hereinafter "Int. of Sara Conrad by Committee Staff"). Int. of Chief of Staff to Rep. Campbell by Committee Staff; Int. of Chief of Staff to Rep. Price by Committee Staff; Interview of Chief of Staff to Rep. Crowley by Committee Staff, Dec. 14, 2010 (hereinafter "Int. of Chief of Staff to Rep. Crowley by Committee Staff").

[72] *See* OCE Findings ¶ 1, relating to Rep. Campbell (Appendix B); OCE Findings ¶ 1, relating to Rep. Crowley (Appendix C); OCE Findings ¶ 1, relating to Rep. Price (Appendix D).

conclusion, OCE relied chiefly on the Committee's disposition of a complaint filed against former Representative Tom DeLay in 2004 (hereinafter DeLay matter).[73] However, as fully shown below, there are material and substantial distinctions between the circumstances underpinning the Committee's ruling in the DeLay matter and each of the three matters here.

Aside from the DeLay matter, an independent review of each Member's fundraising activities, as a whole, shows that a "reasonable, thoughtful" person, who is well-informed of all relevant facts and standards, would not conclude that there were any appearances of impropriety between fundraising activities and special access to or special treatment by any of the three Members in his official capacity. An overview of the Committee's ruling in the DeLay matter is included below to provide a proper understanding for part of the rationale for Committee staff's conclusions in this Report.

1. The Committee's Ruling in the DeLay Matter

In the DeLay matter, the Committee addressed allegations that Representative DeLay violated criminal laws and House rules by soliciting and receiving a $25,000 contribution from Westar Energy, Inc. (Westar) in 2002, in return for Westar's desire for legislative relief from a then-pending energy bill that would benefit Westar only.[74] Based upon information obtained during its inquiry, the Committee concluded that these allegations were not substantiated. It found that neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and that Representative DeLay took no action on behalf of Westar that constituted an impermissible special favor.[75]

---

[73] The Committee's ruling in the matter involving former Rep. DeLay consisted of a five-page letter to Rep. DeLay (hereinafter DeLay Letter), dated Oct. 6, 2004, and an attached 40-page memorandum (hereinafter DeLay Memo) with supporting documents from the Chairman and Ranking Member to other Members of the Committee that set forth recommendations for disposition of the matter. The DeLay Letter and DeLay Memo were publicly released pursuant to Committee Rule 7(g) on October 6, 2004. To ensure that the citations to these materials can be accurately followed in this Report, the DeLay Letter and DeLay Memo can be found at Appendix I.

[74] DeLay Memo at 1, 5 (stating the complaint specifically alleged violations of: (1) provisions of federal criminal law on bribery and illegal gratuities, in 18 U.S.C. § 201, and House Rule 23, clause 3, by receiving campaign contributions in return for legislative assistance; and (2) paragraph 5 of the Code of Ethics for Government Service regarding Westar's efforts to have a particular exemption that would benefit only Westar inserted into the then-pending energy legislation).

[75] DeLay Memo at 1, 8. In the DeLay matter, Westar sought a "grandfather" provision in then-pending energy legislation because it was concerned that the proposed legislation would jeopardize its restructuring plans by eliminating an exemption that Westar enjoyed under then-current energy laws. In light of this concern, Westar's lobbyists met primarily with Representative Joe Barton, who was then-chairman of the relevant energy subcommittee, and his staff on Westar's legislative relief request from June 2001 through September 2002. Representative Barton's interaction with Westar, the Committee found, occurred well before the contributions from Westar to Representative DeLay, which were the subject of the complaint. *Id*. at 9-10, 19-20.

However, the Committee found that information obtained during its inquiry showed that Representative DeLay's participation in, and facilitation of, a June 2002 fundraiser created the appearance that company-donors at the fundraiser were being provided with special access to Representative DeLay in his official capacity regarding then-pending energy legislation.[76]

More specifically, the Committee's inquiry found that, in May 2002, Westar made a $25,000 campaign donation to a political action committee affiliated with Representative DeLay to participate in an exclusive, two-day energy industry fundraiser at The Homestead resort in June 2002.[77] This fundraiser was organized by Representative DeLay's former staffer for energy issues, who had recently departed his congressional staff to become a lobbyist at the end of March 2002.[78] It was limited to executives of five energy companies.[79] Representative DeLay was present for the two-day event along with key legislative staff from his leadership office,[80] who included his office counsel, his policy advisor on energy issues, and other aides.[81]

Testimony and documents from the Committee's inquiry showed that several events during the two-day fundraiser provided the attendees with direct and extended contact with Representative DeLay and his aides on important legislative issues regarding the energy legislation.[82] For example, on June 2, 2002, a reception and dinner was held at which Representative DeLay was present.[83] Sometime during the reception and dinner, Representative DeLay gave a briefing on energy issues and purportedly asked the attendees to advise him of any interest they had in federal energy legislation.[84] At that time, Westar advised Representative DeLay that it needed a grandfather provision in the pending energy legislation as a safe harbor if its exemption under then-current law was eliminated.[85] The next day, on June 3, 2002, a golf outing and lunch event was held.[86] Westar executives shared a golf cart with an aide to

---

[76] DeLay Letter at 1; DeLay Memo at 1-2.

[77] DeLay Memo at 13-14.

[78] *Id.* at 3, 13.

[79] *Id.* at 15.

[80] Representative DeLay was the Majority Whip at the time of the June 2002 fundraiser.

[81] DeLay Memo at 15.

[82] *Id.*

[83] *Id.*

[84] *Id.*

[85] *Id.* at 15-16.

[86] *Id.* at 16.

Representative DeLay and later provided him with bound briefing materials on their legislative relief proposal.[87] At lunch after the golf outing, Representative DeLay was present and Westar executives reiterated their concerns to him.[88] Approximately one week after the June 2002 fundraiser ended, Representative DeLay was appointed as one of the conferees to the House-Senate conference on the major energy legislation, which began approximately three weeks later.[89]

As a general matter, the Committee noted, "fundraisers directed to a particular industry or to others sharing a particular federal interest are permissible, and at such events Members are free to talk about their record and positions on issues of interest to the attendees."[90] Nonetheless, the Committee found there were a number of aspects regarding this *particular* fundraiser that resulted in appearances of impropriety between fundraising activities and special access to Representative DeLay in his official capacity.[91]

First, the Committee noted the timing of the fundraiser, which "took place just as the House-Senate conference on major energy legislation, H.R. 4, was about to get underway."[92] However, it was not simply the mere temporal proximity between these two acts that caused concern for the Committee in the DeLay matter. Rather, the Committee was concerned by the timing given the clear mixing of fundraising activities with legislative issues of vital importance to the attendees by the event organizers, one of whom had recently left his congressional staff position working for Representative DeLay on energy issues. Indeed, the Committee noted that email communications between the organizers of the fundraiser, which Representative DeLay provided, expressly listed the legislative interests of each of the expected five attendees and their goals for the House-Senate conference.[93]

---

[87] *Id.*

[88] *Id.*

[89] *Id.* at 15. The conferees first met on June 27, 2002, and on subsequent dates in 2002, including July 25, and September 12, 19, 25, and 26. *See* S. Rep. No. 109-78, at 11 (2005) (setting forth conference schedule to H.R. 4 in legislative history to Energy Policy Act of 2005).

[90] DeLay Letter at 1; DeLay Memo at 15.

[91] DeLay Letter at 1-2; DeLay Memo at 15-16 (emphasis added).

[92] *Id.* As stated above, the House-Senate conference began approximately three weeks after the June 2002 fundraiser. *See* S. Rep. No. 109-78, at 11 (2005). A House-Senate conference, which marks the last legislative juncture to resolve differences in legislation already passed by both Houses of Congress, would appear to be subject to far less uncertainty in scheduling than an expected close vote on major legislation by the House in the first instance, as was the case in these matters.

[93] DeLay Letter at 2; DeLay Memo at 15.

The Committee was also concerned about the relationship of the timing of the fundraiser and the House-Senate conference as it related to Representative DeLay's position in the House.[94] It noted that Representative DeLay was in a position to "significantly influence" the House-Senate conference given two key facts. Representative DeLay was a Member of the House leadership as then-Majority Whip.[95] Representative DeLay was also appointed one of the conferees approximately one-and-a-half weeks after the fundraiser.[96] Thus, the timing of the fundraiser provided a select group of attendees the exclusive opportunity to substantively discuss their significant legislative concerns with a Member of House leadership who could significantly influence the House-Senate conference – the last major juncture where legislative changes can be made – in return for a large campaign contribution.

In view of the above concerns, the Committee noted that other aspects of the fundraiser concerning its nature and duration "that would have been unobjectionable otherwise had the effect, in these specific circumstances, of furthering the appearance that the contributors were receiving impermissible special treatment or access."[97] One of these "other aspects" was the fact that the fundraiser was limited to executives from five energy companies.[98] Another was the fact that the fundraiser was at a resort during a two-day period.[99] In addition, there were a series of events during the two-day event at which Representative DeLay and his key staff from his leadership office were present that facilitated direct and extended access to them on legislative matters of vital importance to the attendees.[100]

The Committee's ruling in the DeLay matter was also based, in part, on the fact that the Committee had made cautionary, yet unheeded, comments to Representative DeLay for similar conduct on prior occasions.[101] Specifically, the Committee had previously advised Representative DeLay that "it is particularly important that a Member not make statements that create the impression that the Member would consider an individual's requests for access or for

---

[94] *Id.*

[95] *Id.*

[96] *Id.*

[97] *Id.*

[98] *Id.*

[99] *Id.*

[100] DeLay Letter at 2; DeLay Memo at 15-16.

[101] The Committee referenced a complaint against Rep. DeLay in 1997, which charged that he gave preferential treatment in a legislative matter to those who made contributions to Republican candidates. DeLay Memo at 23. It also referenced a confidential Committee letter to Representative DeLay in May 1999. DeLay Letter at 5, n.2.

official action based on . . . campaign contributions."[102] Nonetheless, the Committee observed that Representative DeLay's actions in the DeLay matter raised "the very same concern" as expressed earlier.[103] Thus, Committee action was required to ensure future compliance by Representative DeLay.[104]

In light of the foregoing considerations, the Committee concluded that, at a minimum, Representative DeLay's actions created the appearance that donors were being provided with special access to him with regard to the pending energy legislation.[105] However, the Committee's conclusion was not based on a bright-line test using a set of fixed factors.[106] Rather, as noted throughout the Committee's ruling, the determination of whether one's actions created appearances of impropriety turns on the specific factual circumstances at issue, and thus is highly variable.[107] Indeed, the Committee noted that certain aspects of the June 2002 fundraiser, which would have otherwise been unobjectionable in other circumstances, such as the presence of legislative staff and limited attendees, were objectionable in the DeLay matter due to the specific circumstances there.[108]

Additionally, as discussed above in Section II, the Committee has endorsed the ruling of the Senate Ethics Committee that once-a-month meetings to discuss legislative matters with Members in exchange for large campaign contributions create impermissible appearances that, because of a campaign contribution, a contributor will receive or is entitled to either special treatment or special access to a Member.[109] This conclusion is based largely on the *frequency of such access* and the resulting appearance of undue influence on legislative matters in exchange

---

[102] DeLay Memo at 23.

[103] *Id.*

[104] DeLay Letter at 5; DeLay Memo at 23.

[105] DeLay Memo at 22.

[106] *See, e.g.*, OCE Findings ¶ 22, relating to Rep. Campbell (Appendix B) (stating that, in determining whether a matter warrants further review, OCE compared conduct at issue to the "factors" in the DeLay matter, which it believed were: (1) the position of influence on certain legislation, (2) the timing of the fundraiser in connection to certain legislative activity under consideration by the House, (3) the nature of the fundraising event, (4) the presence of key staff members at the event, and (5) the limited number of attendees).

[107] *See* DeLay Memo at 15, 22 (noting that "specific circumstances" of June 2002 fundraiser, which included the nature of the event, its timing, and Representative DeLay's position as detailed in the Memo, were contrary to standards).

[108] *See* DeLay Memo at 15 (noting presence of key legislative staff and limited attendees was problematic because it occurred during a series of events over two days at a resort, all of which facilitated direct contact with Representative DeLay and his legislative staff).

[109] *See House Ethics Manual* at 147-148.

for campaign contributions, which is not noted in the DeLay matter. Accordingly, the Committee's considerations in the DeLay matter are best viewed as a general guideline of some potential factors to be mindful of when assessing whether a Member's actions may potentially create the appearance of improper conduct in fundraising activities. Each matter, however, must ultimately be judged on a case-by-case basis under the specific circumstances presented.

As stated above, OCE's Reports and Findings in the three matters here were essentially based upon its attempted application of factors from the DeLay matter that it believed controlled in determining appearances of impropriety with respect to fundraising activities. While there is no test involving a set of fixed factors that controls this issue, OCE's conclusion nonetheless is based upon a mechanical application of these factors without full consideration of the relevant facts and surrounding circumstances.[110] As discussed next, there are material and substantial distinctions between the circumstances underpinning the Committee's ruling in the DeLay matter and each of the three matters here. Moreover, an independent review of each Member's fundraising activities, as a whole, showed that a "reasonable, thoughtful" person, who is well-informed of all relevant facts and standards, would not conclude that there were any appearances of impropriety between fundraising activities and special access to or special treatment by any of the three Members in his official capacity.

2. The Members Had the Same Influence as Other Members

As discussed above, one factor considered in the DeLay matter was that the time of the June 2002 energy company fundraiser, Representative DeLay was in a strong position to influence the pending energy legislation. Not only was he soon to be appointed as one of the conferees to the energy legislation at issue, he served as the Majority Whip, the third-ranking position in House leadership.[111] The Majority Whip has substantial influence in the management and consideration of legislation in the House. Unlike in the DeLay matter, however, none of the three Members occupied such a senior leadership position. Their input during the legislative process was typical of that with regard to any Member regarding major legislation.[112]

---

[110] Appearances of impropriety must be examined based on all surrounding circumstances not a limited set of factors. *See In re Sherwin-Williams Co.*, 607 F.3d at 478 (noting that someone focusing on only one aspect of the story, might perceive appearances of impropriety is irrelevant.)

[111] *See* DeLay Memo at 15.

[112] *See* Rep. Campbell Response to OCE's Report and Findings, at 6 (Appendix E) (stating that Representative Campbell had no more influence concerning H.R. 4173 than any other Member who, as part of committee assignments, author and introduce amendments in committee and sometimes on the House floor); Rep. Crowley Response to OCE's Report and Findings, at 4 (Appendix F) (stating that Representative Crowley was not a Member of House Financial Services Committee from which underlying bills to H.R. 4173 were reported; his position in NDC provides no formal authority or ability to report legislation; and his position as Chief Deputy Whip did not provide the kind of substantial authority over legislation that would be comparable to that held by Rep. DeLay in the DeLay Matter); Rep. Price Response to OCE's Report and Findings, at 2, 7, 9 (Appendix G) (stating that

3. Each Member Had Strict Separation between Fundraising Activities and Legislative Activities

Each Member's fundraising activities did not convey the appearance of being timed to coincide with any legislative activities related to H.R. 4173. On the contrary, each Member maintained strict separation between fundraising activities and legislative activities by using a professional fundraising consultant to manage all of their campaign fundraising events in Washington, D.C.[113] These consultants managed all aspects of fundraising events for the respective Member, which included deciding when and where to hold events; the type of event; whom to invite, including drafting invitations and sending them out to the invitee list; and all other event details.[114] All fundraising events, including those at issue here, were typically scheduled many months in advance, without any knowledge of when legislative activities regarding H.R. 4173 would occur.[115] In addition, none of the Members' legislative staff had any role in planning any aspect for such events, other than the schedulers or chiefs of staff coordinating administrative scheduling issues regarding the Members' availability.[116] Conversely, the fundraising consultants had no role or interaction with any of the legislative staff on any legislative activities whatsoever.[117] Further, due to this strict separation, each Member typically did not even know about fundraising events until the day before or day of the event.[118]

Representative Price was a Member of the then-Minority party, which does not have control over legislation; his position as chairman of the Republican Study Committee is simply a caucus not a legislative committee; and his vote against H.R. 4173 was never in question).

[113] *See* Int. of Michael Gula by Committee Staff; Int. of Ashlee Reid Morehouse by Committee Staff; Int. of Sara Conrad by Committee Staff; Int. of Chief of Staff to Rep. Campbell by Committee Staff; Int. of Chief of Staff to Rep. Price by Committee Staff; Int. of Chief of Staff to Rep. Crowley by Committee Staff.

[114] *Id.*

[115] *See* Int. of Michael Gula by Committee Staff; Int. of Ashlee Reid Morehouse by Committee Staff; Int. of Sara Conrad by Committee Staff.

[116] *See* Int. of Michael Gula by Committee Staff; Int. of Ashlee Reid Morehouse by Committee Staff; Int. of Sara Conrad by Committee Staff; Int. of Chief of Staff to Rep. Campbell by Committee Staff; Int. of Chief of Staff to Rep. Price by Committee; Int. of Chief of Staff to Rep. Crowley Committee Staff.

[117] *See* Int. of Michael Gula by Committee Staff; Int. of Ashlee Reid Morehouse by Committee Staff; Int. of Sara Conrad by Committee Staff. Rather, the only legislative connections to plan such events were whether Congress was in session and whether the Member and any special guest were available. *Id.*

[118] *See* Exhibit 1, Bates No. 10-4283_0003, ¶ 9 (containing OCE Staff's interview memorandum of Representative Campbell), which is appended to OCE's Findings relating to Rep. Campbell (Appendix B). *See* Exhibit 5, Bates No. 10-6002-0031, lines 10-15; Bates No. 10-6002-0043 to 0044, lines 5-12 (containing transcript of Interview of Rep. Joseph Crowley by OCE Staff), which is appended to OCE's Findings relating to Rep Crowley (Appendix C). *See* Exhibit 7, Bates No. 10-8839_039, ¶ 11 (containing transcript of Interview of Rep. Price by OCE Staff), which is appended to OCE's Findings relating to Rep Price (Appendix D).

The overall factual record therefore reflected that the timing of the fundraising events at issue did not convey the appearance of special access to the Members in their official capacity regarding H.R. 4173. Moreover, it stands in stark contrast to the express communications between fundraising organizers regarding upcoming and important substantive legislative issues in the context of fundraising activities, which caused concern for the Committee in the DeLay matter.

Nevertheless, OCE's Reports and Findings implied that all fundraising events at issue, but one, had the appearance of being held in close temporal proximity with the House vote on H.R. 4173 on December 11, 2009.[119] Specifically, OCE asserted that "Members would have known in November 2009 that [H.R. 4173] would be out of committee and on the House floor for a final vote in December 2009."[120] OCE's assertion rested solely on one general statement taken from OCE staff notes from an interview with then-Chairman of the House Financial Services Committee, Barney Frank, in which he allegedly stated that "by November, Members knew that [H.R. 4173] would be up for a vote in December. Members would know exactly the date of the vote a week in advance."[121] This assertion rests on a weak basis for several reasons.

First, as discussed below, all underlying bills to H.R. 4173 were *not* out of the House Financial Services Committee by the end of November 2009, due to unexpected delays.[122] As such, it is doubtful that Members would have known by the end of November 2009 when H.R. 4173 would be out of committee and scheduled for a vote on the House floor. Indeed, at the end of November 2009, legislative staff recalled that they expected the House to be in session through Christmas 2009 to vote on H.R. 4173.[123] Until the final piece of legislation is marked up, it is "absolutely uncertain" when a bill will be brought to the House floor for a vote.[124] In addition, the record is clear, as discussed above, that each Member's fundraising consultant determined when the fundraising events at issue were held, typically months in advance, and did

---

[119] With regard to all three matters, only one fundraiser event at issue in OCE's referrals, an event for Representative Campbell on October 21, 2009, occurred before December 1, 2009.

[120] *See, e.g.*, OCE Findings ¶ 27, relating to Rep. Campbell (Appendix B).

[121] *See, e.g.*, Exhibit 3, Bates Nos. 10-4283_0010 ¶ 3 (containing OCE staff's interview memorandum of Rep. Frank), which is appended to OCE's Findings, relating to Rep. Campbell (Appendix B).

[122] Specifically, two bills, H.R. 2609 (the Federal Insurance Office Act of 2009) and H.R. 3996 (the Financial Stability Improvements Act of 2009), were not passed by the House Financial Services Committee until December 2, 2009, following a two-week unexpected delay.

[123] Int. of Chief of Staff to Rep. Campbell by Committee Staff; Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff.

[124] Int. of Counselor to Rep. Crowley by Committee Staff.

so without any knowledge of upcoming legislative activities and without the Member's involvement.

Second, as a general matter, it is well known that the Speaker and the Majority Leader generally determine what bills will be brought to the House floor for a vote. These decisions by House leadership regarding scheduling are part of an ongoing process and are often not known with certainty until one to two days before a vote, when the general rules for debate on legislation are introduced for a vote.[125] Additionally, any major piece of legislation often relies on various compromises, which can fall apart at any moment and prevent a bill from proceeding on the predicted schedule. The actual historical record regarding the House vote on H.R. 4173 embodied these common uncertainties in scheduling.

For example, as late as November 18, 2009, it was reported in major newspapers that Chairman Frank stated the vote on H.R. 4173 would be delayed until *at least* the second week of December 2009.[126] It was further reported that Chairman Frank "had planned to hold a floor debate in the House the first week of December, but he said House leaders indicated that probably wouldn't happen."[127] Chairman Frank's statement is consistent with OCE's reliance on a very general statement from Chairman Frank that a vote would occur in December. However, if the vote on H.R. 4173 had proceeded as Chairman Frank had intended, the vote would have occurred before virtually all of the fundraising events that are the subject of these three matters.

In addition, one day later, on November 19, 2009, it was also widely reported that a controlling group of Democratic members of the Financial Services Committee "unexpectedly blocked" a committee vote scheduled for that day on H.R. 3996, one of the key pieces of H.R. 4173, regarding systematic risk.[128] As a consequence, Chairman Frank "told a shocked committee room" that a committee vote on the bill would be delayed by two weeks, at least until December 1, 2009.[129] Thus, it is doubtful that Members would have known by the end of November 2009 when the underlying bills to H.R. 4173 would be out of committee. Once again,

---

[125] Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff; Int. of Chief of Staff to Rep. Crowley by Committee Staff.

[126] Brady Dennis, Frank Expects Delay in House Vote on Reform, *Washington Post*, Nov. 18, 2009. (italics added).

[127] *Id*.

[128] *See* Brady Dennis, Zachary A. Goldfarb, and Neil Irwin, Angry Congress Lashes Out at Obama, *Washington Post*, Nov. 20, 2009 (stating that a group of Congressional Black Caucus Members threatened to vote against the bill, which could have defeated the bill in committee, because they were not satisfied with the Administration's efforts to help African-American communities suffering from the economic catastrophe).

[129] *Id.; see also* Damian Paletta, Black Caucus Stalls Financial Overhaul, *Wall Street Journal*, Nov. 20, 2009 (stating that a group of Congressional Black Caucus Members forced the House Financial Services Committee to shelve a vote on bill until after Thanksgiving).

had this unexpected event not occurred, the vote on H.R. 4173 would have likely occurred well in advance of the fundraising events at issue, which were planned months earlier.

Further, on Friday, December 4, 2009, it was still uncertain at that time if and when the vote on H.R. 4173 would occur the following week. For example, the House floor schedule for the week of December 7, 2009, issued by the Majority Leader on December 4, 2009, did not list H.R. 4173 as a definitive numbered item for Monday, December 7, 2009, or the balance of the week.[130] Rather, it was listed as the very last entry, with the notation in a parenthesis "subject to a Rule."[131] Based upon this information on December 4, 2009, which was one week before the vote on H.R. 4173 actually occurred, one would not have known when H.R. 4173 would be scheduled for a floor vote, and likely would not have expected to know the date of floor action on the bill until one to two days beforehand.[132] Indeed, it was not until Tuesday, December 8, 2009, that the Republican Cloakroom first reported consideration of H.R. 4173 would begin that week – on the next morning, December 9, 2009.[133] But, the debate on H.R. 4173 still did not begin as scheduled because a group of centrist and conservative Democratic Members forced another unexpected last-minute delay and threatened to vote against the rule governing general debate to allow the bill to proceed forward if certain amendments were not allowed for consideration with H.R. 4173.[134] This threat, it was reported, was "significant" because Chairman Frank needed "as many Democratic votes as possible to ensure passage of [H.R. 4173]," given the Republican Party's united opposition against it.[135] In light of this further unexpected delay, Chairman Frank stated that he "hope[d] to hold a final vote on [H.R. 4173] by week's end."[136]

Given the foregoing uncertainty regarding the timing for a vote on H.R. 4173 and the long lead time to plan fundraising events, any correlation between the timing of the fundraising events at issue here and the vote would be a mere confluence of events.[137] The DeLay matter,

---

[130] *See* COE.WSB.0027-0028 (Weekly Leader for the week of December 7, 2009, dated December 4, 2009). In fact, it was not until the Weekly Leader for Wednesday, December 9, 2009, issued on the evening of Tuesday, December, 9, 2009, that H.R. 4173 first appeared as a definitive item on the House floor schedule. *See* COE.WSB.0034.

[131] *Id.*

[132] Committee staff's understanding based on conversations with the Democratic Cloakroom on Dec. 8, 2010.

[133] *See* COE.WSB.0036-0037.

[134] *See* Brady Dennis, Centrist, conservative Democrats Delay Financial Reform Debate, *Washington Post*, Dec. 10, 2009.

[135] *Id.*

[136] *Id.*

[137] The same conclusion applies to Rep. Campbell's fundraising event on October 21, 2009, especially given the following facts. The undisputed facts showed that this fundraiser was scheduled at least by August 2009. Int. of

however, does not stand for the proposition that random correlation between events gives rise to the appearance of special access. Indeed, in situations with much less uncertainty regarding official acts, OCE did not conclude that there was a substantial reason to believe fundraising events raised any appearances of impropriety, where, as here, Members were able to "creditably articulate[] a process that separates his legislative activities and his campaign fundraising activities."[138] Further, even if there were potential appearance issues regarding the timing of the fundraising events at issue, the nature and duration of these events were dramatically different from the DeLay matter and exhibited no characteristics of special access.

4. The Nature and Duration of the Fundraising Events Showed That They Were Standard and Proper Events

An independent review of all relevant facts and surrounding circumstances demonstrated that the nature and duration of each Member's fundraising events exhibited no appearances of special access or treatment for campaign donors. As discussed below, each Member's fundraising consultant generally invited thousands of people to each event. These invitations were not limited to specific individuals or to a particular industry. Each event lasted only one or two hours at a location close to Capitol Hill. To the extent that a Member's staff attended such events, it was for the limited purpose of staffing the Member or socializing without any substantive legislative discussions. As such, the general characteristics of each Member's fundraising events exhibited no appearances of impropriety and were no different than any routine fundraising event by other House Members. Moreover, as discussed below, none of the full circumstances regarding the nature and duration of these events bore any resemblance to the DeLay matter.

Michael Gula by Committee Staff. This timeframe was based upon when Representative Campbell's fundraising consultant was available and was not connected in anyway whatsoever with any legislative activities related to H.R. 4173. *Id.* Moreover, the main bill that was marked up during October 20-22, 2009, H.R. 3126, pertaining to the proposed Consumer Financial Protection Act, was supposed to be marked up in July, but then-Chairman Frank unexpectedly announced that it would be delayed until September 2009, after the summer recess. *See* Brady Dennis, Vote on Consumer Agency Delayed, *Washington Post*, July 23, 2009. Thus, it is happenstance that this fundraising event fell close in time to a committee mark-up, which was supposed to occur first in July and then in September 2009.

[138] *See, e.g.*, House Comm. on Standards of Official Conduct, *In the Matter of Allegations Relating to the Lobbying Activities of Paul Magliocchetti and Associates Group, Inc.*, H.R. Rep. No. 111-423, at 21, ¶ 41 (2010) (evaluating whether campaign donations from fundraising events were inappropriately connected to defense appropriation requests, which typically had the same deadline each year). Given the strict separation here between fundraising activities and official activities as detailed above, it is unclear why this factor alone did not warrant a recommendation by OCE for dismissal in all three matters.

Representative Price's Events

In its Report and Findings for Representative Price, OCE focused on just one fundraising event – an event on December 10, 2009, with special guest Representative Spencer Bachus.[139] This event was billed as a "Financial Services Luncheon" in the invitation, which was a standard title used for events with Representative Bachus.[140] As noted above, the Committee has stated that fundraising events directed to a particular industry are permissible. Nonetheless, such was not the case for this event, despite what its billing may have suggested. Representative Price's fundraising consultant stated that she sent the invitation to this event to at least 2,500 individuals and the National Republican Campaign Committee's full list of thousands of individuals, neither of which was restricted to individuals who were associated with the financial services industry.[141] OCE's Findings, however, solely focused on the actual number of attendees, particularly those who were registered to lobby on H.R. 4173, as opposed to the thousands of people who were invited to this event.[142] A small number of actual attendees is without proper context if the number of invitees is not fully stated. Indeed, in the DeLay matter, the Committee was concerned that only five energy companies were *invited* to the June 2002 fundraiser.[143] Moreover, also unstated in OCE's Findings is the fact that many of the attendees represented entities that had a significant constituent presence in Representative Price's congressional district.[144]

In its Findings, OCE suggested that lobbyists affiliated with the financial services industry hosted and were otherwise integrally involved with the organization of this event.[145] However, it did so without the benefit of full testimony on this topic.[146] Beginning in early October 2009, Representative Price's fundraising consultant repeatedly tried to schedule this event on a number of other dates; initially on October 28, 2009, and on four subsequent dates

[139] OCE Findings ¶¶ 2, 28-29, relating to Rep. Price (Appendix D).

[140] Representative Price's fundraising consultant explained that she used this same title for all prior events where Representative Bachus had appeared as a special guest, which he had done on several occasions for her past clients since 2006. Int. of Ashlee Reid Morehouse by Committee Staff.

[141] Int. of Ashlee Reid Morehouse by Committee Staff. OCE erroneously implied that Representative Price's fundraising consultant only sent invitations to this event to individuals associated with financial services industry organizations *See* OCE Findings ¶ 36, relating to Rep. Price (Appendix D).

[142] *See* OCE Findings ¶¶ 48-49, relating to Rep. Price (Appendix D).

[143] *See* DeLay Memo at 13-15.

[144] *Id.*

[145] *See* OCE Findings ¶¶ 35, 38 relating to Rep. Price (Appendix D).

[146] *See* Exhibit 5, Bates Nos. 10-8839_29 to 10-8839_32 (containing OCE Staff's interview memorandum of Ashlee Reid Morehouse), which are appended to OCE's Findings relating to Rep. Price (Appendix D).

before December 10, 2009.[147] However, this event had to be rescheduled five times due to various scheduling conflicts until Representative Price's fundraising consultant was able to finalize December 10 as the date for the event, one month before it actually occurred.[148] Representative Price's fundraising consultant further explained that two personal acquaintances of several years told her that they wanted to circulate this event to their colleagues once a date was finalized.[149] However, they had no role in selecting the date or otherwise organizing it, as OCE implied.[150] It is unremarkable that individuals associated with financial services organizations would be interested in attending or informing their colleagues about an event where the main speaker was the Ranking Member of the House Financial Services Committee.[151] [152]

The December 10 event only lasted approximately 45 minutes at the Capitol Hill Club.[153] Representative Price made some brief general comments and then introduced Representative Bachus, who, in turn, made his own general comments, followed by general discussion about upcoming holidays.[154] Representative Price's Legislative Assistant on Financial Services Committee work did not attend this event.[155] Representative Price's Chief of Staff attended this event solely to staff Representative Price.[156] He did not engage in any discussions with the attendees relating to H.R. 4173.[157]

With respect to one-on-one meetings cited in OCE's findings, documents and testimony provided to OCE showed that Representative Price's fundraising consultant sent an open

---

[147] Int. of Ashlee Reid Morehouse by Committee Staff.

[148] *Id*.

[149] *Id*.

[150] *See* OCE Findings ¶¶ 38-39, relating to Rep. Price (Appendix D).

[151] It is also unremarkable, as shown in OCE's report, that Representative Price's fundraising consultant sought to have as many attendees as possible for the last event of the year, especially longtime donors who had not yet contributed, and asked a personal acquaintance and Representative Bachus' fundraising consultant to contact such longtime contributors that they knew. *See* OCE Findings ¶¶ 38-39, relating to Rep. Price (Appendix D); Int. of Ashlee Reid Morehouse by Committee Staff.

[152] *Id.*

[153] Int. of Ashlee Reid Morehouse by Committee Staff.

[154] *Id*.

[155] Int. of Legislative Assistant to Rep. Price by Committee Staff.

[156] Int. of Chief of Staff to Rep. Price by Committee Staff.

[157] *Id.*

invitation to her entire 5,000-person contact list on September 3, 2009, to see if anyone was interested in meeting and getting to know Representative Price.[158] Although not mentioned in OCE's report, this invitation expressly stated that the open invitation was not a fundraiser.[159] The one-on-one meeting with a representative from the Investment Company Institute (ICI), which OCE focused on in its report, was set up in response to this open invitation.[160] Although not mentioned in OCE's report, documents provided to OCE showed that the ICI representative accepted the invitation on September 9, 2009, but due to continuing scheduling conflicts it was not held until December 1, 2009.[161] The December 1 meeting only lasted twenty minutes in an open setting in the downstairs grille of the Capitol Hill Club.[162] Consistent with the stated purpose of the September 2009 email invitation, the discussions centered on getting to know Representative Price without any substantive discussions relating to H.R. 4173.[163]

Representative Campbell's Events

In its Report and Findings for Representative Campbell, OCE focused on three fundraising events: a dinner held on October 21, 2009; a luncheon with special guest, fellow Republican Member from California, Representative Devin Nunes, held on December 9, 2009; and a wine tasting event with special guest, then-Republican Whip, Representative Eric Cantor, held on December 9, 2009.[164]

---

[158] *See* COE.WSB.0038-0039 (containing e-mails from A. Reid to undisclosed recipients, dated Sept. 3, 2009, and reply from D. Sackett to A. Reid, dated Sept. 9, 2009); and Exhibit 5, Bates Nos. 10-8839_30, ¶ 30 (containing OCE Staff's interview memorandum of Ashlee Reid Morehouse), which is appended to OCE's Findings relating to Rep. Price (Appendix D).

[159] *See* COE.WSB.0038 (stating "[i]n an effort to build and/or grow your relationship with Congressman Price, we would like to set up a 1-1 meeting, which will not be fundraisers." (emphasis added). Consistent with her email, Representative Price's fundraising consultant confirmed that there was never any expectation of a contribution. Int. of Ashlee Reid Morehouse by Committee Staff. Nor was one made for this meeting. *Id*. Rather, both Representative Price's fundraising consultant and chief of staff stated that the scheduler made an error when a print-out copy of this meeting showed the abbreviation for fundraiser (FR) next to it. OCE relied on this erroneous document after asking Representative Price's chief of staff what FR meant. *See* OCE Findings ¶¶ 41-43, relating to Rep. Price (Appendix D).

[160] Int. of Ashlee Reid Morehouse by Committee Staff.

[161] *See* COE.WSB.0038; Int. of Ashlee Reid Morehouse by Committee Staff; OCE Findings ¶ 44, relating to Rep. Price (Appendix D).

[162] Int. of Chief of Staff to Rep. Price by Committee Staff; Int. of Ashlee Reid Morehouse by Committee Staff.

[163] *Id.*

[164] OCE Findings ¶¶ 2, 25-26, relating to Rep. Campbell (Appendix B).

The event held on October 21, 2009, was billed as a "Financial Services Dinner" in the invitation.[165] Representative Campbell's fundraising consultant stated that this was a standard title that he had used for Representative Campbell in the past and for all his clients, even for Members who are not on the Financial Services Committee, because people like to go to events where they know other people.[166] Indeed, the invitation to the October 21 event was identical to one held seven months earlier in March 2009.[167] Once again, however, fundraising events directed to a particular industry are permissible. Accordingly, it would be unremarkable for Representative Campbell to have an event attended only by individuals associated with the financial services industry. Indeed, such an event by Representative Campbell would be particularly responsive to his congressional district, given that the financial services industry is the largest overall industry in his district.[168]

Nonetheless, the October 21 event was not so limited. Representative Campbell's fundraising consultant stated that he invited at least 2,000 people to this event, which was not restricted to individuals who were associated with the financial services industry.[169] He also did the same for the two events held on December 9, 2009.[170] OCE's Findings, however, focused solely on the actual number of attendees, particularly those who were registered to lobby on H.R. 4173, as opposed to the thousands of people who were invited to this event.[171] While the turnout for both these events was low in total number, Representative Campbell's fundraising consultant explained that any event would still be held, regardless of the number of attendees, because it is a very difficult fundraising environment when a party is in the minority in the House.[172]

---

[165] OCE Findings ¶ 29, relating to Rep. Campbell (Appendix B);

[166] Int. of Michael Gula by Committee Staff.

[167] *Compare* COE.WSB.0040 (containing standard fundraising invitation for a "Financial Services Industry" lunch for Representative Campbell, held on March 6, 2009) *with* OCE Findings ¶ 29 (containing replication of invitation for dinner held October 21, 2009).

[168] Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff.

[169] *See* Int. of Michael Gula by Committee Staff (stating he never limited invitations to such events to individuals associated with any particular industry or group). Indeed, the RSVP list for this event included the Physician Hospitals of America. *See* OCE Findings ¶ 30, relating to Rep. Campbell (Appendix B).

[170] Indeed, the RSVP list reflected the small and diverse groups at both events, like the National Association of Anesthesiologists at the December 9 lunch, and the Humane Society at the December 9 wine tasting. *See* OCE Findings ¶¶ 34, 37, relating to Rep. Campbell (Appendix B).

[171] *See* OCE Findings ¶¶ 45-47, relating to Rep. Campbell (Appendix B).

[172] Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff. In 2009, a good attendance showing for an event for his client-Members would be between 4 to 10 people. *Id.*

Representative Campbell's fundraising consultant planned the October event probably in July 2009, given the August recess.[173] He explained that he planned the first December 9 event with Representative Nunes by at least October 2009, because one cannot plan two Members' schedules together without such lead time.[174] He planned the second December 9 event with then-Republican Whip Cantor by July 2009, because one needs five to six months lead time when planning events with leadership; and "these are dates that they give to us . . . .We don't ever go to him and say can you do an event on 'X' date?"[175]

All the events were short in duration. At the two events on December 9, OCE reported that Representative Campbell made small talk with attendees until the special guests arrived, and then turned the event over to each of them.[176] At the October 21 event, Representative Campbell spoke at length about California politics.[177] Representative Price's Legislative Assistant for his Financial Services Committee work and Chief of Staff attended these three events.[178] But, they had no official role at any of the events.[179] Nor were they told to attend.[180] Neither of them

---

[173] Int. of Michael Gula by Committee Staff. OCE suggested, in part, that this event appeared to be inappropriately timed to coincide with a committee mark-up on the basis of an internal company email from an accounting firm in which one individual questioned the timing of the event on the eve before the mark-up. *See* OCE Findings ¶ 31, relating to Rep. Campbell (Appendix B). As discussed earlier, this mark-up was supposed to occur in July 2009, and was re-scheduled after this fundraising event had been scheduled. However, Representative Campbell's fundraising consultant was not aware of, nor did he follow these legislative events regarding H.R. 4173, when planning events for Representative Campbell. Int. of Michael Gula by Committee Staff.

[174] *Id.*

[175] *Id.*

[176] *See* Exhibit 1, Bates No. 10-4283_0004, ¶¶ 17-18 (containing OCE Staff's interview memorandum of Representative Campbell), which is appended to OCE's Findings relating to Rep. Campbell (Appendix B).

[177] Int. of Chief of Staff to Rep. Campbell by Committee Staff. While Representative Campbell had no specific recollection of this event, his chief of staff's statement is consistent with OCE's notes from its interview with Representative Campbell that, as a general matter, Representative Campbell keeps conversations limited to California politics, personal issues, or very general personal thoughts on whether a bill might be good or bad. *See* Exhibit 1, Bates No. 10-4283_0002 ¶¶ 13-14 (containing OCE Staff's interview memorandum of Representative Campbell), which is appended to OCE's Findings relating to Rep. Campbell (Appendix B).

[178] Int. of Chief of Staff to Rep. Campbell by Committee Staff; Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff.

[179] *Id.* They attended solely to socialize or help with administrative issues. *Id.*

[180] Int. of Chief of Staff to Rep. Campbell by Committee Staff; Int. of Senior Legislative Assistant to Rep. Campbell Committee Staff; *see also* Exhibit 1, Bates No. 10-4283_0003 ¶ 8 (containing OCE Staff's interview memorandum of Representative Campbell), which is appended to OCE's Findings relating to Rep. Campbell (Appendix B).

engaged in any specific discussions with the attendees regarding official business or specific legislation in bills for H.R. 4173.[181]

Like Representative Price, Representative Campbell's fundraising consultant also offers one-on-one meetings to provide individuals with an opportunity to get to know Representative Campbell, if they have never met him before.[182] The majority of these meetings are not fundraisers.[183] Rather, they are meetings that typically last 15 to 30 minutes over coffee in an open setting at the Capitol Hill Club.[184] They are not limited to certain times during the year or to individuals associated with particular industries.[185] With respect to the one-on-one meetings cited in OCE's report where a contribution was sought, Representative Campbell's fundraising consultant explained that those emails were standard, mass emails which, as reflected in their text, were sent to everyone in his database who had not yet contributed during the election cycle.[186]

Representative Crowley's Events

In its Report and Findings for Representative Crowley, OCE focused on three fundraising events: a breakfast/coffee event held on December 7, 2009; a holiday cocktail reception with special guest, Senator Mark Warner, held on December 10, 2009; and a dinner held on December 10, 2009.[187]

The event on December 7, 2009, was an event near Representative Crowley's district with individuals from New York Life and the Association of Advanced Life Underwriting (AALU).[188] It was scheduled in mid-November 2009.[189] As documents cited in OCE's report

[181] Int. of Chief of Staff to Rep. Campbell by Committee Staff; Int. of Senior Legislative Assistant to Rep. Campbell by Committee Staff.

[182] Int. of Michael Gula by Committee Staff; Int. of Chief of Staff to Rep. Campbell by Committee Staff.

[183] *Id.*

[184] *Id.*

[185] *Id.*

[186] Int. of Michael Gula by Committee Staff. In addition, OCE's suggestion that one-on-one meetings was offered during mark-up in November is inconsistent with the text of the e-mail, which only offered the meetings throughout December, well before it was known when specifically H.R. 4173 would receive a vote on the House floor . *See* OCE Findings ¶ 41, relating to Rep. Campbell (Appendix B). Moreover, there is no record of any of these meeting having occurred, much less evidence of one-on-one meetings that occurred because of a contribution where substantive legislative proposals on H.R. 4173 were discussed.

[187] OCE Findings ¶¶ 2, 33-34, 39-40, relating to Rep. Crowley (Appendix C).

[188] OCE Findings ¶ 33, relating to Rep. Crowley (Appendix C).

[189] *See* COE.WSB.0041-0044.

show, it was an informal coffee event at which the new president-elect of AALU and other attendees were able to introduce themselves to Representative Crowley and have a short question and answer session about their business.[190] No staff attended other than Representative Crowley's District Director.[191] As the Committee has observed, there is nothing improper about meeting with a particular industry and discussing one's record and position on issues with the attendees, especially issues that have a significant impact in one's district or state. There is no evidence or suggestion of anything else to the contrary other than OCE observing that these entities were registered to lobby on H.R. 4173.[192]

With respect to the two events on December 10, neither was limited to a particular industry or group.[193] The holiday cocktail reception was Representative Crowley's generic, end-of-the-year event before the end of the Federal Election Commission filing period for reporting campaign receipts.[194] It had a diverse group of attendees.[195] It was scheduled some months earlier and had to be coordinated with the schedule of Senator Warner, who was the special guest.[196] Representative Crowley's fundraising consultant stated that she invited thousands of people to the event.[197] She also did the same for the other event, the dinner held on December 10.[198] Once again, however, OCE's Findings solely focused on the actual number of attendees, particularly those who were registered to lobby on H.R. 4173, as opposed to the thousands of invitees to these events generally.[199] Representative Crowley's fundraising consultant also

---

[190] OCE Findings ¶ 33, relating to Rep. Crowley (Appendix C).

[191] *See* COE.WSB.0041.

[192] *See* OCE Findings ¶ 33, relating to Rep. Crowley (Appendix C).

[193] Int. of Sara Conrad by Committee Staff.

[194] *Id.*

[195] Indeed, the RSVP list for the event included a diverse group of attendees, which was not restricted to any specific industry. *See* OCE Findings ¶ 38, relating to Rep. Crowley (Appendix C).

[196] Int. of Sara Conrad by Committee Staff. Congressman Crowley also told OCE staff that December events are often scheduled earlier in the month before it gets too close to Hanukah and Christmas holidays. *See* Exhibit 5, Bates No. 10-6002-0041, lines 5-13 (containing transcript of Interview of Rep. Joseph Crowley by OCE Staff), which is appended to OCE's Findings relating to Rep. Crowley (Appendix C).

[197] Int. of Sara Conrad by Committee Staff.

[198] Int. of Sara Conrad by Committee Staff. Indeed, the RSVP list for the event included a diverse group of attendees, which was not restricted to any specific industry. *See* OCE Findings ¶¶ 38, 41, relating to Rep. Crowley (Appendix C).

[199] *See* OCE Findings ¶¶ 56-57, relating to Rep. Crowley (Appendix C).

explained that the dinner event was a make-up event for an event earlier in the year that Representative Crowley could not attend.[200]

With respect to the location of the holiday reception, OCE suggested that Representative Crowley's fundraising consultant sought out a lobbyist associated with the financial industry to host the event based on one document and without the benefit of any testimony from Representative Crowley's fundraising consultant on this document.[201] Further investigation showed that Representative Crowley's fundraising consultant had a standing offer to hold events at that location for any of her clients at any time. [202]

Both events on December 10 were standard events in duration. Representative Crowley's tax counselor and Chief of Staff attended both of these events.[203] But, they had no official role and they were not told to attend.[204] Neither of them engaged in any discussions with the attendees relating to H.R. 4173.[205]

As for one-on-one meetings cited in OCE's report, there is no clear record that any of these events ever occurred.[206] Even if they did, however, Representative Crowley's legislative staff did not have any discussions or do any work with these individuals relating to H.R. 4173.[207]

---

[200] Int. of Sara Conrad by Committee Staff; OCE Findings ¶ 38, relating to Rep. Crowley (Appendix C).

[201] *See* OCE Findings ¶¶ 35-37, relating to Rep. Crowley (Appendix C).

[202] *See* Int. of Sara Conrad by Committee Staff.

[203] Int. of Counselor to Rep. Crowley by Committee Staff; Int. of Chief of Staff to Rep. Crowley by Committee Staff.

[204] *Id.*

[205] Additionally, Representative Crowley's chief of staff did not do any substantive legislative work relating to H.R. 4173. Int. of Chief of Staff to Rep. Crowley by Committee Staff. All such work was handled by Representative Crowley's tax counselor. *Id*. As such, OCE's reference to solicitations by Representative Crowley's chief of staff is of no moment. Representative Crowley's chief of staff stated that she has made solicitations very infrequently – twice in 3 ½ years – and did not do so specifically for any event on December 10. *Id*. Moreover, with respect to an e-mail cited by OCE from an individual at Morgan Stanley on H.R. 4173 to Representative Crowley's chief of staff, which was sent close in time to a solicitation from Representative Crowley's fundraising consultant, *see* OCE Findings ¶¶ 46-47, relating to Rep. Crowley (Appendix C), neither Representative Crowley's chief of staff nor his tax counselor had any additional interaction or substantive discussions with this individual regarding H.R. 4173. Int. of Counselor to Rep. Crowley by Committee Staff; Int. of Chief of Staff to Rep. Crowley by Committee Staff. Further, Representative Crowley opposed this amendment on the merits prior to and independent of this communication. Int. of Counselor to Rep. Crowley by Committee Staff.

[206] *See* OCE Findings ¶¶ 48-49, relating to Rep. Crowley (Appendix C).

[207] Int. of Counselor to Rep. Crowley by Committee Staff; Int. of Chief of Staff to Rep. Crowley by Committee Staff.

In short, an independent review, as detailed above, of the relevant facts and surrounding circumstances showed that the nature and duration of each Member's fundraising events at issue raised no appearances of impropriety. Further, this review also showed that there was no evidence of any kind of meaningful interaction between any of the three Members or their staff and attendees at any events at issue relating to H.R. 4173, much less that resembling the appearance of special access from substantive multi-day interactions on key legislative issues of the kind seen in the DeLay matter.[208]

In light of the foregoing, the Committee staff recommend that the Committee close its investigation and dismiss or take no further action regarding each of the three matters, which OCE referred to the Committee for further review. In addition, Committee staff recommend that the Committee close its investigation and dismiss or take no further action regarding each of the four matters, which OCE referred to the Committee for dismissal.

###

[208] *See* DeLay Letter at 2, DeLay Memo at 15 (noting that presence of Member and legislative staff at fundraising event and small number of attendees at event that "would have been otherwise unobjectionable" were so due to specific circumstances surrounding the event there).

Appendix A

Dec 07, 2009
8:37PM

Summary of Amendments Submitted to the Rules Committee for
H.R. 4173 - Wall Street Reform and Consumer Protection Act of 2009
(summaries derived from information provided by sponsors)
Listed in Alphabetical Order
Dec 08, 2009 6:53PM

Baca (CA)	#76	Would place comprehensive consumer protections and increased disclosure regulations over the pay day lending industry. It also increases access to emergency credit for consumers in all fifty states. The amendment is based on H.R. 1846, the Consumer Lending Education And Reform Act.
Baca (CA)	#77	Would authorize a seven person advisory group, made up of consumer advocates, industry representatives, and state regulators, to conduct a study on behalf of the CFPA concerning the consumer protections and abuses that exist in the short-term lending industry. The CFPA will then be required to go through notice and comment rulemaking procedures using the results of this study as a guide.
Bachmann (MN)	#192	Would prohibit employees and former employees of organizations that have been indicted of Federal or State election law violations from serving on the Consumer Financial Protection Oversight Board.
Bachus (AL), Biggert (IL), Capito (WV), Hensarling (TX), Garrett (NJ), Neugebauer (TX)	#87	**Substitute Revised** Would provide an alternative bill that establishes a new chapter of the bankruptcy code to resolve certain non-bank financial institutions; creates a consumer protection council comprised of existing Federal regulators to revise and promulgate model regulations to enhance consumer protection and improve disclosure; strengthens anti -fraud provisions; regulates over-the-counter derivatives markets; addresses executive compensation; removes statutory reliance on credit ratings; reforms the Government Sponsored Enterprises (Fannie Mae and Freddie Mac); and creates a Federal Insurance Office.
Bartlett (MD)	#25	Would provide for State loan originator supervisory authority to review and grant exceptions on a case by case basis to the mortgage originators lifetime ban.

Bean (IL)	#128	**Withdrawn** Would amend Section 1255, Requirement for Countercyclical Capital Requirement, by striking "may decrease" and inserting "decreases" on page 204, line 14.
Bean (IL), Castle (DE), Crowley (NY), Royce (CA), Herseth Sandlin (SD), Lance (NJ), Adler (NJ)	#141	**Withdrawn** Would provide that the Comptroller of the Currency may assess the individual state laws and/or regulations under the CFPA and if they provide a high protective standard, and may make a determination that such standard be the uniform national standard. If a majority of states file petitions, CFPA is forced to consider raising the federal standard. If an institution is not chartered federally as a national bank or Federal savings associations (non-bank subs and affiliates are state chartered), then it cannot receive federal preemption. The amendment does not seek to limit any of the new powers the State AGs receive under this bill (Section 4402) or limit the State AG visitorial sections beyond matching Cuomo. Makes changes to sections dealing with the relationship between national banks / Federal savings associations and state laws to match the true pre-2004 standard.
Biggert (IL), Posey (FL), Royce (CA)	#108	Would temporarily suspend ACORN's housing counseling certification until the HUD Inspector General completes an audit of any HUD assistance to ACORN.
Biggert (IL)	#190	Would preserve designated clearing organizations' ability to have discretion in complying with Core Principles.
Biggert (IL), Biggert (IL), Gutierrez (IL), Price, Tom (GA)	#234	Would preserve designated clearing organizations' ability to self-certify new contracts, products, and rules.
Bishop, Sanford (GA)	#52	**Withdrawn.** Would enhance the ability of nonbank institutions to comply with the regulatory efforts of the Consumer Financial Products Agency, bring needed fairness to the regulatory processes desired by Congress, and better focus regulatory efforts on nonbank products and practices.
Boren (OK), Capito (WV), McMahon (NY), Miller, Gary (CA)	#78	Would direct the appropriate agency to define a category of low risk mortgages that would be exempt from the risk retention provisions found within the bill. The current language in the bill allows the newly formed agency to define such a mortgage; this amendment would require it.
Boyd (FL)	#160	**Withdrawn** Exemption for any retailers and other non-financial firms subject to the Consumer Financial Protection Agency Act.
Brown, Corrine (FL)	#106	Would require those entities that received money from TARP and are holding personal guarantees in regard to auto dealers to release those dealers from the personal guarantees.
Brown-Waite (FL)	#203	Would limit limits the definition of "financial activity" under the Consumer Financial Protection Agency to include only the specifically enumerated items and strikes "any other activity that the Director defines".
Brown-Waite (FL)	#223	Would require that the Secretary of the Treasury consult with the leadership in the House and Senate, as well as the Chair and Ranking Members of the House Financial Services, Ways and Means, Senate Banking, and Senate Finance

		Committees before acting upon a systemic risk determination under Sec. 1603.
Brown-Waite (FL)	#225	Would change the definition of "covered persons" under the Consumer Financial Protection agency to include only those involved directly "in a financial activity, in connection with the provision of a consumer financial product or service".
Burgess (TX)	#4	Would strike the creation of a Systemic Dissolution Fund.
Burgess (TX)	#5	Would strike the word "orderliness" from the list of items the Financial Services Oversight Council must advise Congress on how to improve financial regulatory developments.
Burgess (TX)	#6	Would clarify that within the duties the Financial Services Oversight Council it must review and submit comments to the SEC and any body "governed by this Act" with respect to an existing or proposed accounting principle, standard, or procedure.
Burgess (TX)	#7	Would index to inflation any mitigatory action imposed by the Financial Services Oversight Council involving the sale, divestiture or transfer of more than $10 billion in total assets by a financial holding company subject to stricter standards.
Burgess (TX)	#8	Would remove from the GAO study of the SEC's "revolving door" the requirement to determine if employees of the SEC who are later employed by financial institutions "have engaged in information sharing".
Burgess (TX)	#9	Would add new language to the prosecution brought forth by the SEC of persons who aid and abet violations to be explicit in making sure that the person was a reasonable person when they knowingly and/or recklessly acted.
Burgess (TX)	#10	Would remove the ability of the Treasury Secretary to extend the Troubled Asset Relief Program (TARP).
Burgess (TX)	#11	Would require the Federal Reserve to define by rule or regulation the term 'significantly undercapitalized' at a threshold the Fed determines to be prudent for the effective monitoring, management and oversight of the financial system.
Burgess (TX)	#12	Would require that members of the Financial Services Oversight Council testify before Congress if they dissent from the reports that the Council submits.
Burgess (TX)	#13	Would mandate that any technical and professional advisory committee(s) authorized for appointment by the Financial Services Oversight Council will be governed by the Federal Advisory Committee Act of 1972 (p.l. 92-463).
Burgess (TX)	#14	Would set an outer time limit of two years to the amount of time the GAO can use to audit the Federal Reserve.
Campbell (CA)	#67	**Withdrawn** Would amend section 4205 relating to the exclusion for auto dealers from the Consumer Financial Protection Agency. The amendment narrows the scope of dealer activities exempted and removes self-financing dealers from the exclusion.

Campbell (CA)	#175	**Withdrawn** Would strike section 7222 (relating to SEC AUTHORITY TO ISSUE RULES ON PROXY ACCESS).
Capito (WV)	#139	Would strike the resolution authority and replace it with an enhanced bankruptcy. This new class of bankruptcy would provide for an orderly winding down of failing firms without taxpayer exposure.
Capuano (MA)	#21	**Withdrawn** Would lower the liability standard for credit rating agencies from "knowingly or recklessly" to "gross negligence".
Castor (FL)	#207	**Revised** Would specify that state catastrophe insurance programs are financial companies with respect to enhanced dissolution authority.
Clay (MO), Cleaver (MO)	#45	**Revised** Would direct the Federal banking agencies of the Truth in Lending act, in consultation with the Secretary of Housing and Urban Development, the Federal Trade Commission, and the Consumer Financial Protection Agency, to jointly prescribe regulations to prohibit any lender from making any federally related mortgage loan under which a home inspection is conducted in connection with settlement of the mortgage loan unless the inspection is conducted by a home inspector who is licensed, certified, approved, or regulated by the home State of the inspector of the State in which the real property is located.
Cleaver (MO)	#121	**Withdrawn** Would clarify Section 164 "Transfer of Certain Personnel" to cover the Federal Home Loan Bank Board's and successor agencies employees. The language in the above sections ensures that covered employees' periods of service with the covered agencies are credited as periods of service with a federal agency and such employees are provided equitable treatment.
Cleaver (MO)	#122	Would return the FDIC Board to a 3-member structure. The 3 FDIC Board members would be independently appointed by the President and confirmed by the Senate. Upon the establishment of the Financial Services Oversight Council (FSOC), and the abolition of the Office of Thrift Supervision, there would be a diminished need for a 5-member FDIC Board with members from other agencies.
Cohen (TN), Frank (MA)	#46	Would strike language that would permit FINRA to regulate investment advisers that are associated with broker dealers.
Conyers (MI), Grayson (FL)	#31	**2nd Revised, Withdrawn** Would add to CFPA enforcement by allowing citizens who have been injured by a CFPA covered entity to pursue private right of action in federal court within three years of occurrence of the violation. It would provide immunity for covered entities who cure damage to the consumer within 60 days of discovery or who make unintentional errors.
Conyers (MI)	#199	Would make a number of technical clarifications to the amendments to the Federal Trade Commission's rulemaking procedure for unfair or deceptive acts or practices, to more closely conform with the Administrative Procedure Act.

Conyers (MI), Turner (OH), Lofgren (CA), Marshall (GA), Waters (CA), Cohen (TN), Miller, Brad (NC), Delahunt (MA), Nadler (NY)/Fudge (OH)	#201	**Revised** Would allow bankruptcy courts to extend repayment periods, reduce excessive interest rates and fees, and adjust the principal balance of the mortgage to a home's fair market value as necessary to prevent foreclosure and revised to allow the VA, FHA, and RHS to take steps to facilitate mortgage modifications. The amendment is substantively identical to title I, subtitle A and sections 121-123 of subtitle B of H.R. 1106 9Helping Families Save Their Homes Act of 2009), which passed the House on March 5, 2009.
Costa (CA)	#71	**Withdrawn.** Would establish an office within the Consumer Financial Protection Agency (CFPA) to advise the director on the impact of agency polices and regulations on small, community financial institutions and help ensue that the policies and regulations of the CFPA do not unduly burden community financial institutions.
Crowley (NY)	#126	Would increase the authorized amounts of loans guaranteed by the Small Business Administration's 7a loan program by $20 billion in each FY2010 and FY2011 with these new funds provided through the TARP program. Additionally, the amendment extends the authorization until the end of FY2011 for Section 501 (fee reductions on 7a and 504 loans), and Section 502 (extends the 90% guarantee on SBA loans) of the American Recovery and Reinvestment Act as they pertain to the Small Business Administration, and allows the SBA to use the TARP funds to continue operating the programs authorized under Sections 501 and 502.
Culberson (TX)	#107	Would prohibit (1) the President from transferring or releasing an individual currently detained in Guantanamo Bay into the U.S.; (2) the Attorney General from prosecuting in a U.S. civilian court any individual held at Guantanamo Bay and any enemy combatant; (3) the Department of Justice from charging and prosecuting any member of the Intelligence Community or the U.S. military who interrogated terrorists overseas; and (4) the Department of Justice from prosecuting any member of the US military who did not read Miranda Rights to enemy combatants caught overseas.
Cummings (MD)	#60	Would amend Section 104(a) of the Helping Families Save Their Homes Act (PL 111-22) to require the Comptroller of Currency, in coordination with the Director of Thrift Supervision, to issue its mortgage metrics data by state.
Cummings (MD)	#61	Would amend Section 104(a) of the Helping Families Save Their Homes Act (PL 111-22) to require the Comptroller of Currency, in coordination with the Director of Thrift Supervision, to issue its mortgage metrics data by state.
Cummings (MD)	#62	Would require the Chief Executive and Chairman of the Board of any company receiving over $30 billion in funds from the Troubled Asset Relief Program, the Federal Reserve's Section 13(3) authority, the Federal Deposit Insurance Corporation or other government assistance to file personal financial disclosures in the same manner as a presidential cabinet appointee (per the Ethics in Government Act of 1978).

Dahlkemper (PA)	#85	Would require both venture capital funds as well as advisers to register with and report to the Commission regarding matters the Commission deems appropriate or necessary in the public interest for the protection of investors.
Dent (PA)	#184	**Revised** Would state a sense of Congress that mortgage lenders should provide loan applicants with a simplified summary of their loan contracts, including an easy-to-read list of the basic loan terms, payment information, the existence of prepayment penalties or balloon payments, and escrow information.
Driehaus (OH)	#90	**Withdrawn** Would clarify that any losses on loan guarantees for solvent institutions are paid solely by loan guarantee program participants.
Edwards, Donna (MD)	#240	**Withdrawn** Would add the head of the CFPA to the Financial Services Oversight Council and clarifies that prudential standards promulgated under the Financial Stability Improvement Act of 2009 do not supersede state or federal consumer protection standards.
Edwards, Donna (MD)	#241	**Withdrawn** Would clarify that the CFPA can charge higher assessments for banks that have poor consumer protection records or pose excessive risk to consumers.
Filner (CA)	#57	**Withdrawn** Would strike the provision exempting auto dealers from the Consumer Financial Protection Agency.
Foster (IL)	#68	Would clarify the conditions under which contingent capital will be triggered.
Foster (IL), Minnick (ID)	#112	**Withdrawn** Would strike the Miller-Moore amendment adopted in Committee that would have required up to a 20% haircut for secured creditors of a company placed into receivership under the new special resolution authority.
Frank (MA), Kanjorski (PA)	#65	Would aim to stem the unintended consequences resulting from the definitional change of NRSRO from "Nationally Recognized Statistical Rating Organization to "Nationally Registered Statistical Rating Organization." Section 6005 creates inconsistencies in the securities laws as it amends the definition only in the 1933 and 1934 Acts and it has potential impact on state rules and regulations requiring a change of state level statute.
Frank (MA)	#66	Would create authority for the prudential regulators, the CFTC and the SEC, to set margin in swap and security-based swap transactions involving end users.
Frank (MA)	#83	Would add the head of the CFPA to the Financial Services Oversight Council and clarifies that prudential standards promulgated under the Financial Stability Improvement Act of 2009 do not supersede state or federal consumer protection standards.
Frank (MA)	#104	Would strike Section 7419 of the bill concerning custodial requirements for investment advisers.
Frank (MA)	#118	**2nd Revised.** The manager's amendment to The Wall Street Reform and Consumer Protection Act of 2009 (H.R. 4173)

provides for clarifications to Title I (the Financial Stability Improvement Act), Title IV (the Consumer Financial Protection Agency Act), Title V (Capital Markets), Title VI (Federal Insurance Office), and the Mortgage Reform and Anti-Predatory Lending Act (to be added as Title VII). Also included are provisions to provide mortgage assistance to unemployed homeowners and assistance for the purchase and repair of foreclosed properties with an emphasis on increasing the supply of affordable rental housing. It includes a provision to make the amendment PAYGO compliant. Further, the amendment: 1) Would add the head of the CFPA to the Financial Services Oversight Council and clarifies that prudential standards promulgated under the Financial Stability Improvement Act of 2009 do not supersede state or federal consumer protection standards. 2) Would add a representative of the State securities commissioners (or other office performing like functions) as a non-voting representative on the Financial Services Oversight Council. 3) Would improve various oversight provisions in the bill, including adding GAO authority to conduct oversight of the CFPA, among other improvements. 4) Would clarify that the systemic risk regulator created and empowered under the Act is the Financial Services Oversight Council, rather than the Board of Governors of the Federal Reserve System. Emergency voting provisions remain unchanged, the Board retains its equal vote as a of the Member of the Council, and may act at the direction of the Council. 5) Would clarify that financial companies cannot be compelled by the systemic risk regulator to waive any privilege (such as attorney-client privilege) when providing data at the request of the systemic risk regulator. The bill currently provides only that in responding to the request the company shall not be deemed to have waived any such privilege. 6) Would clarify §1105 of H.R. 4173 such that the limited scope of the judicial review provision in §1105(h) is unambiguous. It would limit judicial review to the new regulatory powers defined by §1105, which establishes new regulatory prerogatives through mitigation of systemic risk. 7) Would clarify the conditions under which contingent capital will be triggered. 8) Would require HAMP-participating servicers to disclose "net present value" (NPV) analysis mortgage-related or homeowner-related inputs to the homeowner upon denial of loan modification, requires the Department of Treasury to create a homeowner-accessible website with a calculator for NPV analysis of a mortgage, and requires the Department of Treasury to make public its methodology and model used for calculating NPV. 9) Would modify changes of control in applicable financial institutions. 10) Would extend the ability of the Federal Reserve to prevent the merger, acquisition, or consolidation of a non- bank financial holding company under the Bank Holding Company Act. 11) Would eliminate the current disparity between banks and thrifts by allowing for nationwide de novo interstate branching for all federally insured depository institutions. 12) Would create a mutual commercial bank charter. 13) Would reduce the size of the haircut that FDIC may impose on secured creditors of a firm placed into receivership that results in losses to the taxpayer or the Fund to 10 percent. It further focuses the haircut to secured loans with a term of 30 days or less, and exempts from the haircut loans secured by Treasury bonds, agency or GSE backed debt, as well as debt derived from real property.

The amendment clarifies no haircut may be imposed unless all shareholders and other junior creditors are wiped out. The revised amendment makes additional technical changes, all of which are consistent with the policy aim of the original amendment, as stated above. 14) Would direct the Department of the Treasury to conduct a study to analyze how the resolution authority granted in the bill is funded. 15) Would require the CFPA Director to establish a website for consumer complaints in conjunction with a complaint monitoring system and toll-free number. 16) Would establish the Office of Financial Protection for Older Adults to strengthen the protection of seniors against financial exploitation. Facilitates the education of seniors on protecting themselves from fraud and abuse, monitors the designations within the senior financial advisor community to alert regulators of misleading certifications, and improves coordination between current elder protection agencies.17) Would clarify that the CFPA can charge higher assessments for banks that have poor consumer protection records or pose excessive risk to consumers. 18) Would use funds from the CFPA Victims Relief Fund to pay for financial literacy programs administered by the Treasury Department's Financial Education and Counseling Grant Program. 19) Would establish an office within the Consumer Financial Protection Agency (CFPA) to advise the director on the impact of agency polices and regulations on small, community financial institutions and help ensue that the policies and regulations of the CFPA do not unduly burden community financial institutions. 20) Would clarify the rulemaking supervisory and enforcement authority of the CFPA. 21) Would limit the CFPA's authority regarding charitable contributions through tax-exempt organizations recognized by the IRS. 22) Would consider as "unfair" for a credit bureau to make available for purchase by lenders any type of credit score for a consumer that is not also available for purchase by that same consumer. 23) Would define person-to-person lending platforms for purposes of an exception to the securities law, make the Consumer Financial Protection Agency the primary regulator of person to person lending, and specify that until the CFPA has adopted disclosure requirements person to person lending platforms would be required to continue to provide disclosures under the Securities Acts of 1933 and 1934. 24) Would require that the Director of the CFPA: (1) conduct a review of Federal laws and regulations relating to the protection of individuals that utilize exchange facilitators (2) submit to Congress recommendations on the steps necessary to ensure appropriate protection of such persons and (3) establish and carry out a program, utilizing the authority of the CFPA, to protect individuals that utilize exchange facilitators. 25) Would direct the CFPA to promulgate a rule, within 180 days, requiring banks to prominently place at their branch locations information regarding the fees and charges associated with the bank's overdraft protection program. 26) Would retain the existing Consumer Advisory Council at the Federal Reserve and would add additional statutory requirements to the Council that it make an annual set of recommendations to the Consumer Financial Protection Agency, that it make these recommendations public, and that it meet with the CFPA Director annually to discuss them. Would require the Consumer Advisory Council to meet with the Fed Board of Governors annually and the Chair of the

Fed to include the Council's recommendations for consumer protection regulations for the CFPA in his mandated appearances before Congress. 27) Would require private educational lenders to obtain institutional certification prior to making a loan to students. It would require the Consumer Financial Protection Agency and the Department of Education to conduct a study on private education loans and lenders and report to Congress on the compliance of institutions and private educational lenders with these provisions. 28) Would clarify that private funds, investment advisors and others cannot be compelled by the systemic risk regulator to waive and shall not be deemed to have waived any privilege (such as attorney client privilege), by adding to Title V the same language to that effect that was included in Title 1. 29) Would mandate the registration of all credit rating agencies as "Nationally Recognized Statistical Rating Organization." 30) Would lower the liability standard for credit rating agencies from "knowingly or recklessly" to "gross negligence". 31) Would provide that a purchaser of a security given a rating by a nationally recognized statistical rating organization shall have the right to recover for damages only if the credit rating was grossly negligent based on the facts and circumstances available at the time the rating was issued and was a substantial factor in the investor's economic loss. 32) Would strike Section 7419 of the bill concerning custodial requirements for investment advisers. 33) Would require the Comptroller General to include in the study the feasibility of providing an optional additional level of insurance for Securities Investor Protection Corporation protection. 34) Would double the funding for the Senior Investment Protection grant program established in the bill, and increase the maximum amount for grants under the program. 35) Would include geographic disparities in access and cost of insurance products in a study on modernization and improvement of insurance regulation in the United States. 36) Would amend Section 104(a) of the Helping Families Save Their Homes Act (PL 111-22) to require the Comptroller of Currency, in coordination with the Director of Thrift Supervision, to issue its mortgage metrics data by state. 38) Would serve as a substitute for Section 1109 of the bill. Would cap the FDIC's guarantee authority at $500 billion under a debt guarantee program, limit the financial institutions that may participate, empower the FDIC to push a defaulting borrower into bankruptcy or receivership (whichever is applicable), repeal the FDIC's existing systemic risk authority but restore it if the new authority sunsets, reorder in bankruptcy the FDIC's claim on the assets of a borrower that has issued debt guaranteed under this section, authorize the FDIC to demand the pledge of collateral in return for any guarantee, ensure that the guarantee fees collected on a guarantee program shall be actuarially sufficient to cover losses, clarify that any back-up special assessment to cover losses on the program would be imposed solely on participants in the program, permit the FDIC to require warrants for assistance provided under this section or Section 1604 (Resolution Authority) an d limit the application of executive compensation rules under Resolution Authority to times when the FDIC has borrowed from the Treasury under Section 1609(o). 39) Would amend Section 1255, Requirement for Countercyclical Capital Requirement, by striking "may decrease" and inserting "decreases" on page 204, line 14. 40) Would enhance the ability of nonbank

institutions to comply with the regulatory efforts of the Consumer Financial Products Agency, bring needed fairness to the regulatory processes desired by Congress, and better focus regulatory efforts on nonbank products and practices. 41) Would provide an exemption for any retailers and other non-financial firms subject to the Consumer Financial Protection Agency Act. 42) Would make a number of technical clarifications to the amendments to the Federal Trade Commission's rulemaking procedure for unfair or deceptive acts or practices, to more closely conform with the Administrative Procedure Act. 43) Would clarify that any losses on loan guarantees for solvent institutions are paid solely by loan guarantee program participants. 44) Would add the head of the CFPA to the Financial Services Oversight Council and clarifies that prudential standards promulgated under the Financial Stability Improvement Act of 2009 do not supersede state or federal consumer protection standards. 45) Would clarify the authority of the Public Company Accounting Oversight Board to inspect the auditors of broker dealers and requires rule making thereon. 46) Would apply the current 10% deposit cap on interstate acquisitions to thrift acquisitions. 47) Would make technical changes to clarify that the Federal Trade Commission (FTC) retains enforcement authority with regard to the enumerated statutes transferred to the new Consumer Financial Protection Agency (CFPA), to provide for CFPA consultation with FTC in certain areas in which FTC has expertise, and to clarify other provisions. 48) Would establish a definitive deadline for concluding disapproval proceedings. Whereas the current standard is that disapproval proceedings must be concluded within 180 days after publication of the notice of a proposed rule change in the Federal Register, the proposed revisions would instead specify 200 days after a proper filing. Accordingly, the SEC would not be able to hold a filing from publication indefinitely to avoid triggering disapproval proceedings. 49) Would clarify that the extension of credit and collection of debt as defined in the merchants' exclusion of Title V is not a financial product or service. 50) Would clarify the definition of financial data processing in Title V, and establishes that a person is not engaged in "financial activity" if they are providing "interactive computer service" as defined by the Communications Act of 1934. 51) Would clarify that federal financial regulatory agencies have broad authority to impose and enforce stricter standards with respect to firms they regulate to mitigate systemic risk.

Frank (MA)	#119	Would make warrants voluntary, rather than mandatory, in connection with FDIC loan guarantees and stabilization actions and limits the scope of loan guarantees to depository institutions and their holding companies.
Fudge (OH)/Frank (MA)	#163	Would mandate the registration of all credit rating agencies as "Nationally Recognized Statistical Rating Organization."
Garrett (NJ)	#215	**Revised** Would allow rating agency firms to deregister as Nationally Recognized Statistical Rating Organizations (NRSRO), provided such NRSRO certifies that it received less than $250 million during its last full fiscal year in

		compensation for providing credit ratings on securities and money market instruments issued in the U.S.
Garrett (NJ)	#216	Would require a congressional vote of approval before any proposed Federal Reserve 13(3) actions could be authorized.
Garrett (NJ)	#217	Would raise the Federal Housing Administration (FHA) down payment requirement from 3.5% to 5% and would lower the percentage of the loan insured by the FHA from 100% to 90%.
Garrett (NJ)	#218	Would explicitly state that the Director of the Consumer Financial Protection Agency does not have the authority to set pricing, rates or fees.
Garrett (NJ)	#235	Would scale back the increased SEC budget authorization and tie increases to meeting several goals.
Garrett (NJ)	#236	Would strike new Federal Reserve authorities and responsibilities in the bill.
Garrett (NJ)	#237	Would require that all current and future Fed 13(3) programs be moved on-budget.
Gingrey (GA)	#109	Would establish a Public-Private IRA Investment Fund. An individual would be able to make an annual contribution of up to $10,000.
Gingrey (GA)	#110	Would insert additional requirements for rulemaking under that Administrative Procedures Act (APA) as it relates to FTC rulemaking only. This includes a release of a report detailing the need and economic effects of the rule.
Grayson (FL)	#74	Would mandate that the CFPA ban or restrict products that cause people to lose their homes or go bankrupt.
Grayson (FL)	#75	Would automatically reduce by 5% the compensation proposed to named executive officers if shareholders vote to not approve the compensation for those executives in two consecutive shareholder votes.
Gutierrez (IL)	#137	**Withdrawn** Would use funds from the CFPA Victims Relief Fund to pay for financial literacy programs administered by the Treasury Department's Financial Education and Counseling Grant Program.
Gutierrez (IL)	#138	Would enhance consumer protections to abusive payday loans and establishes a fair and effective repayment structure.
Harman (CA)	#238	**Revised** Would allow depositors in any institution for which the FDIC was appointed as receiver or conservator on July 11, 2008 (IndyMAC) to be compensated for uninsured deposits up to the new FDIC insurance limit of $250,000. The insurance would be offset with CFPA funds.
Harman (CA)	#239	Would allow depositors of any institution for which the FDIC was appointed receiver or conservator on July 11, 2008 (IndyMAC) to be compensated for uninsured deposits up to the new FDIC insurance limit of $250,000. The insurance would be offset with TARP funds.

Hastings, Alcee (FL)	#81	**Withdrawn** Would include geographic disparities in access and cost of insurance products in a study on modernization and improvement of insurance regulation in the United States.
Hensarling (TX)	#130	Would limit the prohibition on certain forms of compensation and increased compensation reporting requirements to TARP recipients only.
Hensarling (TX)	#131	Would eliminate the ability of the CFPA to assess fees on covered persons if a biennial study finds those fees have increased consumer costs.
Hensarling (TX)	#142	Would prohibit funds from the Systemic Dissolution Fund from being passed through to a creditor, counterparty, or shareholder with assets over $10 billion.
Hensarling (TX)	#157	Would limit the CFPA's powers to that of existing regulation should it be found in its annual report to Congress that its enhanced powers have contributed to a decrease in the availability of credit or an increase in the cost of credit to a substantial number of consumers.
Hensarling (TX)	#179	Would prohibit bailout funds from being passed through to a creditor, counterparty, or shareholder.
Hensarling (TX)	#185	Would delay enactment of the bill until all TARP funds have been repaid and applied to deficit reduction.
Hensarling (TX)	#186	Would require that for all new mortgages made after the date of enactment, only borrowers who receive qualified mortgages would be eligible to participate in Hope for Homeowners or TARP-funded any other mortgage assistance program.
Hensarling (TX)	#187	Would require that all financial companies that meet three specific too big to fail criteria be placed into receivership. Those criteria include: government ownership of at least 1 million company shares, having received at least $50 billion in taxpayer funds, and having at least $1 trillion of outstanding mortgage backed securities.
Hensarling (TX)	#213	Would prohibit the Director and the CFPA Agency from exercising any rule making, supervisory, enforcement, or other authority to ban any type of financial product or service.
Hensarling (TX)	#220	Would strike the compensation provisions in Title II and Title IV. Specifically, would strike Sec. 2004 and replace it with a GAO study on compensation structures and excessive risk taking, and strike the "Duties Relating to Compensation Practices" from Title IV.
Herseth Sandlin (SD)	#162	Would direct the SEC to take into account the relative risk profile of different classes of funds when it is developing the new registration regime for private funds.
Hill (IN)	#79	Would prohibit minimum monthly payment increases that change the terms of a credit card agreement if the cardholder has paid their bill on time for the last year.

Hinchey (NY), Inslee (WA), Conyers (MI), DeFazio (OR), Tierney (MA)	#44	Would reinstate the Glass Steagall Act and would prevent a financial institution from engaging in both commercial and investment banking. The amendment would also prevent an individual from being employed by both a commercial and investment bank simultaneously.
Hinchey (NY)	#72	Would allow states to be able to exercise parens patriae authority on behalf of their consumers in order to enforce derivatives laws if federal regulators do not or cannot. This amendment would also allow individuals who suffer damages from derivatives illegalities, including fraud and manipulation, to be able pursue remedies through the courts.
Hinojosa (TX)	#136	Would increase the CFPA covered insured depository institution asset size from $10,000,000,00 or less to $15,000,000,000 or less.
Holt (NJ)	#173	**Withdrawn** Would clarify that financial companies cannot be compelled by the systemic risk regulator to waive any privilege (such as attorney-client privilege) when providing data at the request of the systemic risk regulator. The bill currently provides only that in responding to the request the company shall not be deemed to have waived any such privilege.
Holt (NJ)	#180	**Withdrawn** Would strengthen the Financial Services Oversight Council by allowing all Voting Members of the Council to detail staff (which remain on the payrolls of the detailing agency) to the Council without requiring Treasury approval; the bill currently provides only that Treasury is required to detail staff and that "other departments and agencies" may do so with Treasury approval.
Holt (NJ)	#181	**Withdrawn** Would clarify that the systemic risk regulator created and empowered under the Act is the Financial Services Oversight Council, rather than the Board of Governors of the Federal Reserve System. Emergency voting provisions remain unchanged, the Board retains its equal vote as a of the Member of the Council, and may act at the direction of the Council.
Holt (NJ)	#182	**Withdrawn** Would clarify that private funds, investment advisors and others cannot be compelled by the systemic risk regulator to waive and shall not be deemed to have waived any privilege (such as attorney client privilege), by adding to Title V the same language to that effect that was included in Title 1.
Inglis (SC)	#70	Would amend the Emergency Economic Stabilization Act of 2008 to terminate TARP extension authority beyond December 31, 2009. Would require that all currently unobligated funds and all future funds returned to TARP be used to lower the national debt.
Inslee (WA), DeFazio (OR)	#125	Would strengthen language requiring oversight of the 50 largest financial institutions in the United States, restoring the authority of the Federal Reserve Board to take action if a financial holding company poses a risk to the stability or economy of the United States, broadening the oversight window of such companies, and requiring follow-up

		evaluation if the FSOC decides that prudential regulations are not warranted at the time of review.
Inslee (WA)	#127	Would require that no financial company may have liabilities, excluding depository liabilities, that exceed two (2) percent of the gross domestic product (averaged over the past two years) in any quarter.
Inslee (WA), DeFazio (OR), Hinchey (NY)	#169	Would require that no financial company may have liabilities that exceed four (4) percent of the gross domestic product (averaged over the past two years) in any quarter.
Inslee (WA), DeFazio (OR), Hinchey (NY)	#170	Would require that no financial company may have liabilities that exceed two (2) percent of the gross domestic product (averaged over the past two years) in any quarter.
Inslee (WA), DeFazio (OR), Hinchey (NY)	#171	Would require that no financial company may have liabilities that exceed three (3) percent of the gross domestic product (averaged over the past two years) in any quarter.
Waters (CA)	#172	Would require attorneys engaged in foreclosure prevention services to be subject to registration, reporting, and examination requirements by the Consumer Financial Protection Agency except where the activities constitute or are incidental to the provision of legal services.
Israel (NY)	#1	**Withdrawn** Would require the CFPA Director to establish a website for consumer complaints in conjunction with a complaint monitoring system and toll-free number.
Israel (NY)	#2	**Withdrawn** Would direct the CFPA to promulgate a rule, within 180 days, requiring banks to prominently place at their branch locations information regarding the fees and charges associated with the bank's overdraft protection program.
Israel (NY)	#3	**Withdrawn** Would double the funding for the Senior Investment Protection grant program established in the bill, and increase the maximum amount for grants under the program.
Jenkins (KS), Paulsen (MN)	#18	Would add a new section which bans government funds from being used for a bailout or for any other purpose, other than a Federal agency's administrative costs.
Johnson, Hank (GA)	#206	**Withdrawn** Would clarify §1105 of H.R. 4173 such that the limited scope of the judicial review provision in §1105(h) is unambiguous. It would limit judicial review to the new regulatory powers defined by §1105, which establishes new regulatory prerogatives through mitigation of systemic risk.
Kanjorski (PA), Moore, Dennis (KS)	#50	**Withdrawn** Would add a representative of the State securities commissioners (or other office performing like functions) as a non-voting representative on the Financial Services Oversight Council.
Kanjorski (PA), Frank (MA), Sarbanes (MD), Cohen (TN)	#51	Would strike the provisions exempting public companies with less than $75 million in market capitalization from the requirements of the Sarbanes-Oxley Act related to the external audit of internal controls.

Kanjorski (PA), Garrett (NJ)	#210	**Withdrawn** Would clarify the authority of the Public Company Accounting Oversight Board to inspect the auditors of broker dealers and requires rule making thereon.
Kanjorski (PA)	#233	**Withdrawn** Would extend the ability of the Federal Reserve to prevent the merger, acquisition, or consolidation of a non-bank financial holding company under the Bank Holding Company Act.
Kilroy (OH)	#101	Would make a majority of NRSRO boards independent and strengthen definition of independent.
Kilroy (OH)	#102	Would amend the unfairness test.
Kilroy (OH)	#103	Would make explicit that financing for the Systemic Dissolution Fund would come exclusively from assessments on industry, without recourse to the American taxpayer.
Kilroy (OH)	#105	**Withdrawn** Would create a mutual commercial bank charter.
King, Steve (IA)	#193	Would allow the Commission to use non-cash assets when determining capital requirements for non-bank swap dealers and major swap participants.
Kingston (GA)	#63	Would ensure that the director of the CFPA and/or the board of the CFPA cannot usurp the regulatory authority of the Office of the Comptroller of the Currency, Federal Reserve, FDIC, or National Credit Union Administration for banks with assets of $10 billion or less and credit unions with assets of $10 billion or less.
Kingston (GA)	#64	Would exempt all depository institutions and credit unions from all rules promulgated by the Consumer Financial Protection Agency.
Kosmas (FL)	#34	**Withdrawn** Would add the Director of the Federal Insurance Office of the Department of Treasury, established in Title VI of this Act, as a non-voting Member to the Financial Services Oversight Council. The amendment is intended to enhance data and knowledge available to members of the Council.
Kucinich (OH)	#212	Would (1) impose a 60% excise tax on bonuses paid out to employees at financial institutions that received TARP funds; and (2) impose a 70% tax on corporate profits reported by financial institutions that received TARP funds. The taxes would apply so long as the financial institution has not repaid its assistance.
Lance (NJ)	#117	Would exempt any Credit Rating Agency that does rate asset backed securities from the new liability provisions contained in the Credit Ratings Agencies section of the bill.
Lance (NJ)/McCarthy (CA)/Paulsen (MN)	#196	Would prohibit the secretary from extending the TARP program, prohibit any unused authorization under TARP from being used for any further purpose that would increase the national debt, and direct any repaid funds be used only for reducing the national debt.

Lance (NJ)/McCarthy (CA)	#197	**Revised** Would prevent any unspent authorization under the TARP program from being used for any purpose that would increase the national debt.
Langevin (RI)	#149	Would direct the Securities and Exchange Commission to prescribe not later than 9 months after the date of enactment of this bill rules and regulations requiring companies that register with the SEC to disclose information annually concerning their environmental, social and governance practices.
Larson, John (CT)	#54	Would require the Inspectors General of the Consumer Financial Protection Agency, the Commodity Futures Trading Commission, National Credit Union Administration, Securities and Exchange Commission, Pension Benefit Guaranty Corporation, and the Federal Reserve be presidentially appointed to enhance accountability and oversight.
Latta (OH)	#29	Would allow for increased expensing for small business up to $500,000. This amendment will allow for inflation adjustments as well as containing an increase in qualifying investment at which the phase-out period begins under paragraph 2 of section 179(b) of the Internal Revenue Code of 1986.
Latta (OH)	#30	Would offer a 20 percent tax cut for a qualified small business for the taxable years 2009 and 2010. The term "qualified small business" is one who employees 500 or fewer people during those taxable years.
Lee, Christopher (NY)	#55	Would prevent the Consumer Financial Protection Agency from requiring any person to make disclosures available in any language other than English.
Lee, Christopher (NY), Hensarling (TX)	#56	Would limit the authority of the Consumer Financial Protection Agency to prescribe regulations when the national unemployment rate is above 8%.
Lucas (OK)	#69	Would strike language in the bill that would remove the limited exemption from registration with the Securities and Exchange Commission (SEC) that exists under current law for Commodity Trading Advisers (CTAs). It also adds a new paragraph that would direct the Commodity Futures Trading Commission (CFTC) and the SEC to enter into a Memorandum of Understanding establishing how registration information gathered by the CFTC from CTAs would have to be shared with the SEC.
Lucas (OK)	#147	Would change the definition of Major Swap Participant to more closely reflect the House Committee on Agriculture passed language.
Luján (NM)	#164	**Withdrawn** Would apply the current 10% deposit cap on interstate acquisitions to thrift acquisitions.
Lynch (MA)	#132	**Withdrawn** Would clarify the rulemaking supervisory and enforcement authority of the CFPA.
Lynch (MA)	#133	Would clarify the rulemaking supervisory and enforcement authority of the CFPA.

Lynch (MA)	#134	Would prohibit public entities (local government entities, State, or public pension fund) from entering into a security-based swap.
Lynch (MA)	#135	**2nd Revised** Would provide rules toward the equitable governance of clearing houses and swap exchange facilities.
Maffei (NY), Polis (CO)	#183	**Withdrawn** Would direct the Department of the Treasury to conduct a study to analyze how the resolution authority granted in the bill is funded.
Maloney (NY)	#93	**Withdrawn** Would retain the existing Consumer Advisory Council at the Federal Reserve and would add additional statutory requirements to the Council that it make an annual set of recommendations to the Consumer Financial Protection Agency, that it make these recommendations public, and that it meet with the CFPA Director annually to discuss them. Would require the Consumer Advisory Council to meet with the Fed Board of Governors annually and the Chair of the Fed to include the Council's recommendations for consumer protection regulations for the CFPA in his mandated appearances before Congress.
Manzullo (IL)	#53	Would strike the provisions granting authority to the CFPA to impose assessments, fees and penalties, requires the Director to come to Congress with a proposed budget and a legislative proposal covering how fees would be assessed and collected, and sunsets the Agency's authority in five years unless Congress acts to strike the sunset provision.
Marshall (GA)	#27	**Revised** Would provide that no private right of action may brought forward based on any provision of the Consumer Financial Protection Agency title.
Marshall (GA)	#28	Would provide that credit unions with assets of $10 billion or less wouldn't be subject to an inspection by the proposed Consumer Financial Protection Agency.
Matheson (UT)	#158	**Withdrawn** Would modify changes of control in applicable financial institutions.
Matheson (UT)	#221	Would provide for a GAO study of credit card banks, industrial loan banks, and certain other companies under the Bank Holding Company Act of 1956.
Matsui (CA), Castor (FL)	#226	Would allow borrowers who were granted any temporary loan modification or refinance on a trial basis, in the Trial Period Plan within the Making Home Affordable Program, and have successfully made three on-time monthly payments be automatically placed in a permanent loan modification, and not be required to re-apply for any permanent loan modification.
Matsui (CA)	#227	Would make technical changes to clarify that the Federal Trade Commission (FTC) retains enforcement authority with regard to the enumerated statutes transferred to the new Consumer Financial Protection Agency (CFPA), to provide for CFPA consultation with FTC in certain areas in which FTC has expertise, and to clarify other provisions.

Matsui (CA)	#228	**Withdrawn** Would clarify that the Federal Trade Commission would retain its existing authority under the Telemarketing and Consumer Fraud and Abuse Prevention Act and would provide additional enforcement authority to the Consumer Financial Protection Agency.
Matsui (CA), Castor (FL)	#229	Would reallocate any voluntarily returned TARP funds to the President's Making Home Affordable program to help more homeowners living in areas disproportionately affected by foreclosures qualify for a refinance or loan modification.
Matsui (CA)	#230	Would require the Department of Treasury to establish an appeals process for borrowers who are denied a loan modification request, under the Making Home Affordable Program, and are seeking to appeal their denials on a sufficient basis.
Matsui (CA), Sutton (OH), Castor (FL)	#231	**Revised** Would require any mortgage servicer or lender participating in the Making Home Affordable Program, to report to the Department of Treasury on a monthly basis. The Department shall make such a report available on their website within two weeks of receiving such information for public viewing. The report to Treasury shall include, but not limited to the following, with respect to the Making Home Affordable Plan: A) the number of loan modification requests received; B) number of loan modification requests being processed; C) the number of loan modification requests that have been approved; D) the number of loan modification requests that have been denied. The amendment gives the Secretary of Treasury authority to publicly release any other relevant data the Secretary deems necessary.
Matsui (CA), Castor (FL)	#232	Would allow borrowers in high-foreclosure areas to qualify for a loan modification, under Home Affordable Refinance Program, if their loan-to-value ratio is 150% or less. The Department of Housing & Urban Development and/or the Department of the Treasury would determine if all borrowers or those residing in the most severely affected foreclosure areas would qualify under such a program.
McCarthy, Kevin (CA)	#166	Would require any TARP repayments go to pay down the national debt, with a corresponding decrease in the TARP authorization level with each repayment.
McCarthy, Kevin (CA)	#167	Would restrict the CFPA from having authority over Veterans' benefits programs or the provisions of the Servicemembers Civil Relief Act.
McCarthy, Kevin (CA)	#168	Would strike section 6012 (relating to "Effect of Rule 436 (G)"). The amendment would strike increased liability language that would be a barrier to entry, inhibiting increased competition in the rating agency market.
McHenry (NC)	#98	Would clarify that nothing under Title 4 shall be construed to create a private right of action.
McMahon (NY)	#202	Would clarify that the definition of deferred shipment agreements used to settle energy, and other commodity transactions, as transactions that contain a contractual delivery obligation.

McMahon (NY)	#204	Amendment to Peterson amendment #115. Would clarify the definitions of foreign exchange swaps and foreign exchange forwards to include the currency options and currency forwards necessary to settle, offset or execute foreign exchange transactions.
McMahon (NY)	#205	Amendment to Peterson amendment #115. Would maintain the current power of federal regulators to exempt entities from the definition section of the derivatives title.
McMahon (NY)	#208	Would clarify the definitions of foreign exchange swaps and foreign exchange forwards to include the currency options and currency forwards necessary to settle, offset or execute foreign exchange transactions.
McMahon (NY)	#224	Would clarify that the definition of deferred shipment agreements used to settle energy, and other commodity transactions, as transactions that that contain a contractual delivery obligation.
Meeks, Gregory (NY)	#198	**Withdrawn** Would establish a definitive deadline for concluding disapproval proceedings. Whereas the current standard is that disapproval proceedings must be concluded within 180 days after publication of the notice of a proposed rule change in the Federal Register, the proposed revisions would instead specify 200 days after a proper filing. Accordingly, the SEC would not be able to hold a filing from publication indefinitely to avoid triggering disapproval proceedings.
Michaud (ME)	#91	**Withdrawn.** Would prevent any future trade agreement that conflicts with, undermines, or limits the effectiveness of the bill from being subject to expedited consideration or special procedures regarding amendment and debate unless it meets certain requirements.
Michaud (ME)	#92	Would require that the Director of the CFPA: (1) conduct a review of Federal laws and regulations relating to the protection of individuals that utilize exchange facilitators (2) submit to Congress recommendations on the steps necessary to ensure appropriate protection of such persons and (3) establish and carry out a program, utilizing the authority of the CFPA, to protect individuals that utilize exchange facilitators.
Miller, Brad (NC)	#82	**Withdrawn** Would eliminate the current disparity between banks and thrifts by allowing for nationwide de novo interstate branching for all federally insured depository institutions.
Miller, Gary (CA)	#113	**Revised** Would require the states, through their state banking commissioners, to establish a registration process for Appraisal Management Companies doing business in the state.
Miller, Gary (CA)	#116	Would permit the use of yield spread premiums thereby preserving consumers' ability to pay closing costs in their mortgage.

Miller, Brad (NC)	#148	Would revise the bill to also provide for Presidential Appointment and Senate confirmation of two additional officers: the General Counsel and the Inspector General.
Miller, Brad (NC)	#152	Would provide that any designated financial holding company that is subject to heightened prudential regulation shall have the same access to the Federal Reserve Discount Window as if it were a Federal Reserve member bank.
Miller, Brad (NC), Moore, Dennis (KS)	#194	**Withdrawn** Would reduce the size of the haircut that FDIC may impose on secured creditors of a firm placed into receivership that results in losses to the taxpayer or the Fund to 10 percent. It further focuses the haircut to secured loans with a term of 30 days or less, and exempts from the haircut loans secured by Treasury bonds, agency or GSE backed debt, as well as debt derived from real property. The amendment clarifies no haircut may be imposed unless all shareholders and other junior creditors are wiped out. The revised amendment makes additional technical changes, all of which are consistent with the policy aim of the original amendment, as stated above.
Minnick (ID)	#33	Would define unfair, deceptive, or abusive acts or practices that would be determined by the CFPA.
Minnick (ID), Schock (IL), Shuler (NC), Castle (DE), Childers (MS), Campbell (CA), Markey, Betsy (CO), Reichert (WA), Teague (NM), Bright (AL), Griffith (AL), Boren(OK)	#88	**Revised** Would create a Consumer Financial Protection Council (CFPC) of regulators with rule-writing authority in safety and soundness of institutions and consumer protections regarding all financial products. The CFPC is comprised of 12 members including the Secretary of Treasury, Secretary of Housing and Urban Development, the Chairman of the Federal Reserve, the chairman of the CFTC and SEC, among other federal and state regulators.
Moore, Dennis (KS), Garrett (NJ)	#80	Would specify only the tax policies, licensing and other regulatory requirements of the home state of the policyholder govern a surplus lines transaction, as well as allows sophisticated commercial entities direct access to the surplus lines market. The amendment also prohibits states from voiding established, contractual arbitration agreements between reinsurers and primary companies.
Moore, Dennis (KS)	#123	**Withdrawn** Would improve various oversight provisions in the bill, including adding GAO authority to conduct oversight of the CFPA, among other improvements.
Murphy, Scott (NY)	#19	Would repeal a prohibition on the payment of interest on business checking accounts.
Murphy, Scott (NY), McMahon (NY), Kratovil (MD)	#129	**2nd Revised** Would replace the current definition of Major Swap Participant with the definition that was reported out of the House Agriculture Committee.
Murphy, Patrick (PA), Arcuri (NY)	#191	**Withdrawn** Would establish the Office of Financial Protection for Older Adults to strengthen the protection of seniors against financial exploitation. Facilitates the education of seniors on protecting themselves from fraud and abuse, monitors the designations within the senior financial advisor community to alert regulators of misleading

		certifications, and improves coordination between current elder protection agencies.
Neugebauer (TX)	#140	Would limit the authority of the CFPA Director to implementation and enforcement of the 13 specific consumer statutes already in law and listed in H.R. 4173 and to specific authorities transferred to the CFPA by the legislation.
Neugebauer (TX)	#143	Would strike sec 1109 of the bill that would provide new authority for the FDIC to guarantee obligations of solvent financial institutions.
Neugebauer (TX)	#144	Would allow municipal financial advisors already registered and regulated by state securities commissioners or similar state regulators to continue to be registered at the state level rather than registering with the Securities and Exchange Commission and becoming subject to dual regulation.
Neugebauer (TX)	#154	Would strike language in the bill that would allow the FDIC impose reductions of up to 20 percent on secured creditors of an institution in resolution.
Paulsen (MN), Tiahrt (KS)	#41	Would remove the authority of the Treasury of the Secretary from continuing the TARP program past December 31, 2009.
Paulsen (MN)	#42	Would require each member of the new systemic risk council to give their approval in a report to Congress before any assessments or collection of funds is made.
Paulsen (MN)	#43	Would exclude consumer reporting agencies from the jurisdiction of the Consumer Protection Agency.
Paulsen (MN)	#156	Would ensure assessments are made based on risk and that the assessments shall not be made before the FDIC and the board determine that the marketplace has stabilized.
Paulsen (MN)	#159	**Revised** Would clarify that the non-voting members of the systemic risk council shall not be excluded from participating in any of the Council's proceedings, meetings, discussions, and deliberations.
Perlmutter (CO)	#174	**Withdrawn** Would ensure issuers of stored value products are subject to CFPA regulation, but authorized agents, service providers and retailers of stored value products do not fall under the jurisdiction of CFPA.
Perlmutter (CO)	#176	**Withdrawn** Would exclude the activities of non-bank credit card companies and data processors that have direct contact with consumers from the CFPA's jurisdiction.
Perlmutter (CO)	#177	Would strengthen the exemption for smaller banks and credit unions allowing their consumer protection oversight to remain with their current regulator.
Perlmutter (CO)	#178	**Withdrawn** Would limit the CFPA's authority regarding charitable contributions through tax-exempt organizations recognized by the IRS.
Peters (MI)	#22	**Revised** Would authorize the FDIC to make assessments for the Systemic Dissolution Fund used to repay any shortfalls in

		Troubled Asset Relief Program (TARP) to ensure that such shortfalls do not add to the deficit or national debt.
Peters (MI)	#23	**Withdrawn.** Would clarify that the extension of credit and collection of debt as defined in the merchants' exclusion of Title V is not a financial product or service.
Peters (MI)	#24	**Withdrawn.** Would clarify the definition of financial data processing in Title V, and establishes that a person is not engaged in "financial activity" if they are providing "interactive computer service" as defined by the Communications Act of 1934.
Peterson (MN)	#114	Would provide that the CFTC would define the terms "Commercial Risk", "operating risk", and "balance sheet risk" for purposes of the Commodity Exchange Act
Peterson (MN), Frank (MA)	#115	**Revised** The amendment provides for position limits for physical commodities, clearing of over-the counter transactions, increased transparency, reporting, and recordkeeping, and transparency of offshore trading. It also addresses jurisdictional issues in the context of swaps by providing for CFTC jurisdiction over swaps and SEC jurisdiction over swaps that are primarily based on securities (or narrow based security indexes). These two agencies are required to consult with each other and with banking regulators before regulating.
Polis (CO)	#120	Would require the Comptroller General to include in the study the feasibility of providing an optional additional level of insurance for Securities Investor Protection Corporation protection.
Polis (CO)/Murphy (PA)/Bishop (NY)	#155	**Revised** Would require private educational lenders to obtain institutional certification prior to making a loan to students. It would require the Consumer Financial Protection Agency and the Department of Education to conduct a study on private education loans and lenders and report to Congress on the compliance of institutions and private educational lenders with these provisions.
Polis (CO)	#188	Would raise the exemption threshold for fund advisors from $150 million to $300 million
Polis (CO)	#189	Would allow the SEC to exempt Community Banks with assets of $10 billion or less from designation as a "major swap participant."
Price, Tom (GA)	#35	Would strike all sections in the bill which restrict the use of arbitration.
Price, Tom (GA)	#36	Would prohibit any executive compensation and bonus package from being clawed back if it was passed by a shareholder vote. The exception would be in the case of fraud.
Price, Tom (GA)	#37	Would exclude qualified health care professionals from CFPA regulations.
Price, Tom (GA)	#38	Would require CFPA to only promulgate rules for 1-page disclosures.

Price, Tom (GA)	#39	Would exclude Employee Retirement Income Security Act (ERISA)-based employee pension plans from CFPA.
Price, Tom (GA)	#40	Would exclude student loan providers from CFPA regulations.
Quigley (IL)	#145	Would clarify that federal financial regulatory agencies have broad authority to impose and enforce stricter standards with respect to firms they regulate to mitigate systemic risk.
Quigley (IL)	#146	Would requires HAMP-participating servicers to disclose "net present value" (NPV) analysis mortgage-related or homeowner-related inputs to the homeowner upon denial of loan modification, requires the Department of Treasury to create a homeowner-accessible website with a calculator for NPV analysis of a mortgage, and requires the Department of Treasury to make public its methodology and model used for calculating NPV.
Roskam (IL)	#94	**2nd Revised** Would strike authority to borrow from Treasury.
Royce (CA), Garrett (NJ)	#124	Would require the Consumer Financial Protection Agency to obtain written approval from the relevant federal banking agencies prior to issuing a regulation.
Ryan, Paul (WI)	#89	Would repeal Humphrey Hawkins Fed mandates and make price stability the Fed's sole mandate.
Schakowsky (IL), Titus (NV)	#209	Would provide the Director of the Consumer Financial Protection Agency with authority to issue regulations for reverse mortgage transactions within one year of enactment. It would clarify the Director's authority to consider additional consumer protections under both consumer protection statutes and HUD regulations.
Sessions (TX)	#84	**Revised** Strikes Section 7222, SEC authority to issue rules on proxy access.
Sessions (TX)	#86	Would clarify that none of the registration requirements or other requirements on investment advisers of private funds shall be construed as creating a private right of action.
Sessions (TX)	#96	Would strike provisions which create a new private right of action against credit rating agencies; the amendment contains enforcement of credit rating agencies to the SEC (current practice).
Sessions (TX)	#97	Would create SEC disclosure requirements for any group wanting to influence the shareholder's vote on executive compensation.
Sessions (TX)	#150	**Revised** Would make the bill ineffective if it is determined to cause the loss of over 1 million jobs; the Comptroller General of the United States has 30 days to determine the net job loss.
Sessions (TX)	#151	Would clarify that this bill creates no new private right of action, nor would its passage make a compensation committee's decisions (including any action deemed non-

		compliant from this non-binding vote) subject to any existing private right of action.
Shadegg (AZ)	#26	Would require the term "security-based swap" to be applied to transactions that are labeled as Shariah Compliant transactions.
Sherman (CA)	#73	Would provide that a purchaser of a security given a rating by a nationally recognized statistical rating organization shall have the right to recover for damages only if the credit rating was grossly negligent based on the facts and circumstances available at the time the rating was issued and was a substantial factor in the investor's economic loss.
Sherman (CA)	#195	**Revised, Withdrawn** Would provide that the FDIC can file an involuntary bankruptcy case against defaulting entities participating in the FDIC Temporary Liquidity Guarantee Program, and it prioritizes the FDIC's claim against a bankrupt company that had outstanding obligations guaranteed by the Temporary Liquidity Guarantee Program.
Sherman (CA)	#200	**Withdrawn** Would specify that the assessment threshold level is $50 billion.
Sherman (CA)	#214	**Revised, Withdrawn** Would serve as a substitute for Section 1109 of the bill. Would cap the FDIC's guarantee authority at $500 billion under a debt guarantee program, limit the financial institutions that may participate, empower the FDIC to push a defaulting borrower into bankruptcy or receivership (whichever is applicable), repeal the FDIC's existing systemic risk authority but restore it if the new authority sunsets, reorder in bankruptcy the FDIC's claim on the assets of a borrower that has issued debt guaranteed under this section, authorize the FDIC to demand the pledge of collateral in return for any guarantee, ensure that the guarantee fees collected on a guarantee program shall be actuarially sufficient to cover losses, clarify that any back-up special assessment to cover losses on the program would be imposed solely on participants in the program, permit the FDIC to require warrants for assistance provided under this section or Section 1604 (Resolution Authority) an d limit the application of executive compensation rules under Resolution Authority to times when the FDIC has borrowed from the Treasury under Section 1609(o).
Souder (IN)	#20	Would exempt all credit unions from the scope of the Consumer Finance Protection Act established in Title IV.
Speier (CA)	#58	Would define person-to-person lending platforms for purposes of an exception to the securities law, make the Consumer Financial Protection Agency the primary regulator of person to person lending, and specify that until the CFPA has adopted disclosure requirements person to person lending platforms would be required to continue to provide disclosures under the Securities Acts of 1933 and 1934
Speier (CA)	#59	Would allow the Consumer Financial Protection Agency to adjust the $25,000 ceiling for application of the Truth in Lending Act amount for inflation, and allow it to revise the amount every five years.

Stearns (FL)	#95	Would strike the "catchall" language contained in Title IV of the bill - Consumer Financial Protection Agency - dealing with the definition of a "financial activity." The amendment eliminates the language that allows the Director of the CFPA to extend the definition of a financial activity to "any other activity that the Director defines, by regulation, as a financial activity."
Stupak (MI)	#47	**Revised** Would require transparency in swaps contracts by requiring all non-cleared swaps be executed on a registered swap execution facility.
Stupak (MI), DeLauro (CT), Larson, John (CT), Van Hollen, Chris (MD)	#48	Would allow the Commodity Futures Trading Commission and the Securities and Exchange Commission the authority to ban abusive swaps, amends any proposed commercial risk definition to disregard balance sheet risk, and maintains any illegal swap entered into after enactment of this Act will not be valid.
Stupak (MI)	#49	Would grant the Commodity Futures Trading Commission the option to regulate foreign exchange swaps and forwards in consultation with the Secretary of Treasury.
Tierney (MA)	#153	Would require certain mortgage lenders to make loan modifications before initiating a foreclosure proceeding and authorize modification of certain mortgages in Chapter 13 consumer bankruptcy proceedings.
Tsongas (MA)	#15	**Withdrawn** Would direct the Consumer Financial Protection Agency to study the variations in the credit scores sold to lenders and to consumers, and to evaluate if these variations place consumers at a disadvantage.
Tsongas (MA)	#16	**Withdrawn** Would consider as "unfair" for a credit bureau to make available for purchase by lenders any type of credit score for a consumer that is not also available for purchase by that same consumer.
Tsongas (MA)	#17	**Withdrawn** Would direct the Consumer Financial Protection Agency to study the impact of Federal policies (including asset limits in benefit programs) on banking behavior among traditionally underserved consumers, including un-banked and under-banked consumers.
Turner (OH), Miller, Brad (NC)	#111	Would create a National Home Mortgage and Loan Performance Registry to maintain an inventory of the supply and performance of home mortgage loans in the United States to show market trends and dynamics in the mortgage lending industry and provide detailed information on national mortgage foreclosure rates.
Walz (MN)	#32	**Withdrawn** Would alter the required annual CFPA report to Congress to include a description and analysis of major problems facing consumers of financial products and services, and recommendations for legislative or administrative actions to address them.
Waters (CA)	#211	Would prohibit attorneys from demanding or collecting a fee for foreclosure prevention services until services are fully performed as contracted and prohibits such service from resulting in an increase in the monthly mortgage payment.

Watt (NC), Frank (MA)	#165	Would clarify the standard for federal preemption of state laws and provides for transparency of federal government preemption decisions.
Watt (NC)	#219	Would revise the exclusion for auto dealers under the Consumer Financial Protection Agency Act by clarifying what auto dealer activities are excepted.
Wittman (VA)	#222	Would amend various banking laws to clarify the applicability of exceptions to allow banks to announce, advertise, publicize, and/or deal in any lottery that benefits nonprofit tax-exempt organizations.

House Committee on Rules
H-312 The Capitol
Washington, DC 20515
202-225-9091

OFFICE OF HOUSE MAJORITY LEADER STENY H. HOYER

The Weekly Leader

majorityleader.house.gov · (202) 225-3130

FRIDAY, DECEMBER 4, 2009

First Vote of the Week...	Last Vote Predicted...
Tuesday (as early as 10:00 a.m.)	**Friday p.m.**

Legislative Program - 51600 | Floor Information - 57400 | Whip Information - 63210

MONDAY, DECEMBER 7, 2009

On Monday, the House will meet at 10:30 a.m. for Morning Hour debate and 12:00 p.m. for legislative business. No votes are expected in the House on Monday.

Suspensions (13 Bills)

1. **H.Con.Res. 199** - Recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States (Rep. Sablan - Armed Services)
2. **H.Con.Res. 206** - Commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation (Rep. Broun - Armed Services)
3. **H.Res. 940** - Recognizing and honoring the National Guard on the occasion of its 373rd anniversary (Rep. Latta - Armed Services)
4. **H.Res. 845** - Recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month (Rep. Neugebauer - Armed Services)
5. **H.R. 1672** - Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009 (Rep. Larsen - Natural Resources)
6. **H.R. 2062** - Migratory Bird Treaty Act Penalty and Enforcement Act of 2009 (Rep. DeFazio - Natural Resources)
7. **H.R. 3940** - To authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam (Rep. Bordallo - Natural Resources)
8. **H.R. 3603** - To rename the Ocmulgee National Monument (Rep. Marshall - Natural Resources)
9. **H.R. 86** - To eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands (Rep. Campbell - Natural Resources)
10. **H.R. 118** - To authorize the addition of 100 acres to Morristown National Historical Park (Rep. Frelinghuysen - Natural Resources)
11. **H.R. 3388** - Petersburg National Battlefield Boundary Modification Act (Rep. Forbes - Natural Resources)
12. **H.R. 3804** - National Park Service Authorities and Corrections Act of 2009 (Rep. Tonko - Natural Resources)

13. **H.R. 1454** - Multinational Species Conservation Funds Semipostal Stamp Act of 2009 (Rep. Brown (SC) - Natural Resources)

TUESDAY, DECEMBER 8, 2009 AND THE BALANCE OF THE WEEK
On Tuesday, the House will meet at 9:00 a.m. for Morning Hour debate and 10:00 a.m. for legislative business. Members are advised votes could occur as early as 10:00 a.m. on Tuesday. On Wednesday and Thursday, the House will meet at 10:00 a.m. for legislative business. On Friday, the House will meet at 9:00 a.m. for legislative business.

Suspensions (16 Bills)

1. **H.R. 2278** - To direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East (Rep. Bilirakis - Foreign Affairs)
2. **H.R. 2134** - Western Hemisphere Drug Policy Commission Act of 2009 (Rep. Engel - Foreign Affairs)
3. **H.Res. 915** - Encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press (Rep. Donnelly - Foreign Affairs)
4. **H.Con.Res. 213** - Expressing the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides (Rep. Mack - Foreign Affairs)
5. **H.R. 3951** - To designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building" (Rep. Cao - Oversight and Government Reform)
6. **H.R. 4017** - To designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office" (Rep. McGovern - Oversight and Government Reform)
7. **H.R. 2711** - FBI Families of Fallen Heroes Act (Rep. Rogers (MI) - Oversight and Government Reform)
8. **H.Res. 907** - Recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York (Rep. Serrano – Transportation and Infrastructure)
9. **H.R. 4165** - To extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits (Rep. Larsen – Transportation and Infrastructure)
10. **H.R. 1854** - To amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California (Rep. Lewis (CA) – Transportation and Infrastructure)
11. **H.Res. 35** - Expressing the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research (Rep. Gene Green - Energy and Commerce)
12. **H.Res. 55** - Expressing support for the designation of a National Prader -Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder (Rep. Royce - Energy and Commerce)
13. **H.R. 1319** - Informed P2P User Act (Rep. Bono Mack - Energy and Commerce)
14. **H.R. 2221** - Data Accountability and Trust Act (Rep. Rush - Energy and Commerce)
15. **H.R. __** - To extend the Andean Trade Preference Act and the Generalized System of Preferences (Rep. Rangel - Ways and Means)
16. **H.R. __** - Federal Aviation Administration Extension Act (Rep. Rangel – Ways and Means)

H.R. __ - Tax Extenders of 2009 (Rep. Rangel – Ways and Means) (Subject to a Rule)

H.R. 4173 – Wall Street Reform and Consumer Protection Act of 2009 (Rep. Frank – Financial Services) (Subject to a Rule)

*** Conference Reports may be brought up at any time.**
*** Motions to go to Conference should they become available.**
*** Possible Motions to Instruct Conferees.**

THE OFFICE OF
MAJORITY LEADER STENY HOYER

Search

ABOUT NEWSROOM ISSUES FLOOR RESOURCES HOUSE CALENDAR E-MAIL & RSS

FOR IMMEDIATE RELEASE:
December 6, 2009

CONTACT:
Katie Grant
Stephanie Lundberg
(202) 225 - 3130

THE DAILY LEADER: MONDAY, DECEMBER 7, 2009

SHARE: EMAIL (/PRINTMAIL/7541) PRINT (/PRINT/7541) FACEBOOK (HTTP://WWW.FACEBOOK.COM/SHARER.PHP?U=HTTP%3A%2F%2FWWW.MAJORITYLEADER.GOV%2FCONTENT%2FDAILY-LEADER-MONDAY-DECEMBER-7-2009&T=THE+DAILY+LEADER%3A++MONDAY%2C+DECEMBER+7%2C+2009) TWITTER (HTTP://TWITTER.COM/HOME?STATUS=CURRENTLY READING HTTP://WWW.MAJORITYLEADER.GOV/CONTENT/DAILY-LEADER-MONDAY-DECEMBER-7-2009)

download printable copy (http://majorityleader.house.gov/document.cfm?documentID=2908)

OFFICE OF HOUSE MAJORITY LEADER STENY H. HOYER
The Daily Leader

majorityleader.house.gov (http://majorityleader.house.gov/) • (202) 225-3130

FLOOR SCHEDULE FOR MONDAY, DECEMBER 7, 2009

House Meets At...	First Vote Predicted...	Last Vote Predicted...
10:30 a.m.: Morning Hour **12:00 p.m.: Legislative Business**	**No Votes are Expected**	**No Votes are Expected**

"One Minutes"

Suspensions (13 Bills)

1. **H.Con.Res. 199** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HConRes199:) - Recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States (Rep. Sablan - Armed Services)
2. **H.Con.Res. 206** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HConRes206:) - Commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation (Rep. Broun - Armed Services)
3. **H.Res. 940** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes940:) - Recognizing and honoring the National Guard on the occasion of its 373rd anniversary (Rep. Latta - Armed Services)
4. **H.Res. 845** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes845:) - Recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month (Rep. Neugebauer - Armed Services)
5. **H.R. 1672** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR1672:) - Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009 (Rep. Larsen - Natural Resources)

COE.WSB.0029

6. **H.R. 2062** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR2062:) - Migratory Bird Treaty Act Penalty and Enforcement Act of 2009 (Rep. DeFazio - Natural Resources)
7. **H.R. 3940** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3940:) - To authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam (Rep. Bordallo - Natural Resources)
8. **H.R. 3603** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3603:) - To rename the Ocmulgee National Monument (Rep. Marshall - Natural Resources)
9. **H.R. 86** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR86:) - To eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands (Rep. Campbell - Natural Resources)
10. **H.R. 118** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR118:) - To authorize the addition of 100 acres to Morristown National Historical Park (Rep. Frelinghuysen - Natural Resources)
11. **H.R. 3388** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3388:) - Petersburg National Battlefield Boundary Modification Act (Rep. Forbes - Natural Resources)
12. **H.R. 3804** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3804:) - National Park Service Authorities and Corrections Act of 2009 (Rep. Tonko - Natural Resources)
13. **H.R. 1454** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR1454:) - Multinational Species Conservation Funds Semipostal Stamp Act of 2009 (Rep. Brown (SC) - Natural Resources)

*** Conference Reports may be brought up at any time.**
*** Motions to go to Conference should they become available.**
*** Possible Motions to Instruct Conferees.**

The Daily Quote

"Last week Senator Judd Gregg, Republican of New Hampshire, circulated a memo to his colleagues advising them on how to use the Senate's arcane procedural rules to insist on a full, complete and fully informed debate. What it really reads like is a manual for obstructing action."

- New York Times, 12/6/09

FLOOR RESOURCES

THE DAILY LEADER
TUESDAY, DECEMBER 7, 2010

THE WEEKLY LEADER
FRIDAY, DECEMBER 3, 2010

THE NIGHTLY LEADER
THURSDAY, DECEMBER 2, 2010

CURRENTLY ON THE HOUSE FLOOR »

EMAIL UPDATES

Enter email address

THE OFFICE OF
MAJORITY LEADER STENY HOYER

Search

ABOUT NEWSROOM ISSUES FLOOR RESOURCES HOUSE CALENDAR E-MAIL & RSS

FOR IMMEDIATE RELEASE:
December 7, 2009

CONTACT:
Katie Grant
Stephanie Lundberg
(202) 225 - 3130

THE DAILY LEADER: TUESDAY, DECEMBER 8, 2009

SHARE: EMAIL (//PRINTMAIL/7547) PRINT (//PRINT/7547) FACEBOOK (HTTP://WWW.FACEBOOK.COM/SHARER.PHP?U=HTTP%3A%2F%2FWWW.MAJORITYLEADER.GOV%2FCONTENT%2FDAILY-LEADER-TUESDAY-DECEMBER-8-2009&T=THE+DAILY+LEADER%3A+TUESDAY%2C+DECEMBER+8%2C+2009) TWITTER (HTTP://TWITTER.COM/HOME?STATUS=CURRENTLY READING HTTP://WWW.MAJORITYLEADER.GOV/CONTENT/DAILY-LEADER-TUESDAY-DECEMBER-8-2009)

download printable copy (http://majorityleader.house.gov/document.cfm?documentID=2991)

OFFICE OF HOUSE MAJORITY LEADER STENY H. HOYER

The Daily Leader

majorityleader.house.gov (http://majorityleader.house.gov/) (202) 225-3130

FLOOR SCHEDULE FOR TUESDAY, DECEMBER 8, 2009

House Meets At...	First Vote Predicted...	Last Vote Predicted...
9:00 a.m.: Morning Hour **10:00 a.m.: Legislative Business**	**11:00 a.m. – 12:00 p.m.**	**5:00 – 6:00 p.m.**

"One Minutes"

Motion to Go to Conference on H.R. 3288 (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3288:) - Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010 (Rep. Olver – Appropriations) **Motion to Instruct Conferees.**

Suspensions (18 Bills)

1. **H.R. 2278** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR2278:) - To direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East (Rep. Bilirakis - Foreign Affairs)
2. **H.R. 2134** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR2134:) - Western Hemisphere Drug Policy Commission Act of 2009 (Rep. Engel - Foreign Affairs)
3. **H.Res. 915** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes915:) - Encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press (Rep. Donnelly - Foreign Affairs)
4. **H.Con.Res. 213** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HConRes213:) - Expressing the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides (Rep. Mack - Foreign Affairs)
5. **H.Con.Res. __** - Expressing sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009 (Rep. Berman - Foreign Affairs)

6. **H.R. 3951** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3951:) - To designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building" (Rep. Cao - Oversight and Government Reform)
7. **H.R. 4017** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR4017:) - To designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office" (Rep. McGovern - Oversight and Government Reform)
8. **H.R. 2711** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR2711:) - FBI Families of Fallen Heroes Act (Rep. Rogers (MI) - Oversight and Government Reform)
9. **H.Res. 907** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes907:) - Recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York (Rep. Serrano – Transportation and Infrastructure)
10. **H.R. 4165** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR4165:) - To extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits (Rep. Larsen – Transportation and Infrastructure)
11. **H.R. 1854** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR1854:) - To amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California (Rep. Lewis (CA) – Transportation and Infrastructure)
12. **H.R. 3224** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3224:) - To authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland (Rep. Becerra - House Administration)
13. **H.Res. 35** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes35:) - Expressing the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research (Rep. Gene Green - Energy and Commerce)
14. **H.Res. 55** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes55:) - Expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder (Rep. Royce - Energy and Commerce)
15. **H.R. 2221** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR2221:) - Data Accountability and Trust Act (Rep. Rush - Energy and Commerce)
16. **H.R. 1319** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR1319:) - Informed P2P User Act (Rep. Bono Mack - Energy and Commerce)
17. **H.R. __** - Federal Aviation Administration Extension Act (Rep. Rangel – Ways and Means)
18. **H.R. __** - To amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators (Rep. Tanner - Ways and Means)

Postponed Suspension Votes (6 Bills):

1. **H.Con.Res. 199** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HConRes199:) - Recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States (Rep. Sablan - Armed Services)
2. **H.Con.Res. 206** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HConRes206:) - Commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation (Rep. Broun - Armed Services)
3. **H.Res. 940** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes940:) - Recognizing and honoring the National Guard on the occasion of its 373rd anniversary (Rep. Latta - Armed Services)
4. **H.Res. 845** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes845:) - Recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy

savings and developing energy-saving innovations during Energy Awareness Month (Rep. Neugebauer - Armed Services)

5. **H.R. 3603** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3603:) - To rename the Ocmulgee National Monument (Rep. Marshall - Natural Resources)
6. **H.R. 86** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR86:) - To eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands (Rep. Campbell - Natural Resources)

*** Conference Reports may be brought up at any time.**
*** Motions to go to Conference should they become available.**
*** Possible Motions to Instruct Conferees.**

The Daily Quote

"The core issues of [the health care reform] debate have been settled. The Congressional Budget Office has swept away the major arguments that opponents of reform have been trying to make. The bill before the Senate would cut the deficit, not increase it, and would stabilize or reduce health-care premiums for most people, not raise them. The proposal contains serious cost-control measures that can be built on over time. Passing health-care reform is thus not only morally necessary but also fiscally responsible."

- E.J. Dionne, Washington Post, 12/7/09

FLOOR RESOURCES

THE DAILY LEADER
TUESDAY, DECEMBER 7, 2010

THE WEEKLY LEADER
FRIDAY, DECEMBER 3, 2010

THE NIGHTLY LEADER
THURSDAY, DECEMBER 2, 2010

CURRENTLY ON THE HOUSE FLOOR »

EMAIL UPDATES

Enter email address

STAY CONNECTED

THE OFFICE OF
MAJORITY LEADER STENY HOYER

Search

ABOUT NEWSROOM ISSUES FLOOR RESOURCES HOUSE CALENDAR E-MAIL & RSS

FOR IMMEDIATE RELEASE:
December 8, 2009

CONTACT:
Katie Grant
Stephanie Lundberg
(202) 225 - 3130

THE DAILY LEADER: WEDNESDAY, DECEMBER 9, 2009

SHARE: EMAIL (/PRINTMAIL/7552) PRINT (/PRINT/7552) FACEBOOK (HTTP://WWW.FACEBOOK.COM/SHARER.PHP?U=HTTP%3A%2F%2FWWW.MAJORITYLEADER.GOV%2FCONTENT%2FDAILY-LEADER-WEDNESDAY-DECEMBER-9-2009&T=THE+DAILY+LEADER%3A++WEDNESDAY%2C+DECEMBER+9%2C+2009) TWITTER (HTTP://TWITTER.COM/HOME?STATUS=CURRENTLY READING HTTP://WWW.MAJORITYLEADER.GOV/CONTENT/DAILY-LEADER-WEDNESDAY-DECEMBER-9-2009)

download printable copy (http://majorityleader.house.gov/document.cfm?documentID=2996)

majorityleader.house.gov (http://majorityleader.house.gov/) • (202) 225-3130

FLOOR SCHEDULE FOR WEDNESDAY, DECEMBER 9, 2009

House Meets At...	First Vote Predicted...	Last Vote Predicted...
10:00 a.m.: Legislative Business	11:30 a.m. - 12:30 p.m.	5:00 - 6:00 p.m.

"One Minutes" (15 per side)

H.R. 4213 (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR4213:/) - Tax Extenders Act of 2009 (Rep. Rangel -- Ways and Means) (Subject to a Rule)

Begin Consideration of H.R. 4173 (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR4173:/) – Wall Street Reform and Consumer Protection Act of 2009 (Rep. Frank – Financial Services) (Subject to a Rule – 3 hours of general debate)

Postponed Suspension Votes (6 Bills):

1. **H.R. 3951** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3951:/) - To designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building" (Rep. Cao - Oversight and Government Reform)
2. **H.R. 4017** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR4017:/) - To designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office" (Rep. McGovern - Oversight and Government Reform)
3. **H.Res. 35** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes35:/) - Expressing the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research (Rep. Gene Green - Energy and Commerce)
4. **H.Res. 55** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HRes55:/) - Expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise

awareness of and promote research into this challenging disorder (Rep. Royce - Energy and Commerce)

5. **H.R. 3603** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR3603:/) - To rename the Ocmulgee National Monument (Rep. Marshall - Natural Resources)
6. **H.R. 86** (http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR86:/) - To eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands (Rep. Campbell - Natural Resources)

*** Conference Reports may be brought up at any time.**
*** Motions to go to Conference should they become available.**
*** Possible Motions to Instruct Conferees.**

The Daily Quote

"Less than a third of the $787 billion has been spent to date, and the lion's share of those funds has gone to pay for benefits for individuals or transfers to states to avert layoffs that would cut jobs for teachers or police, for example. But in the next two quarters, the diet will be much richer with the types of job -generating projects that lawmakers favor, and spending in this category should double according to numbers released Tuesday."

- Politico, 12/7/09

FLOOR RESOURCES

THE DAILY LEADER
TUESDAY, DECEMBER 7, 2010

THE WEEKLY LEADER
FRIDAY, DECEMBER 3, 2010

THE NIGHTLY LEADER
THURSDAY, DECEMBER 2, 2010

CURRENTLY ON THE HOUSE FLOOR »

EMAIL UPDATES

Enter email address

STAY CONNECTED

repcloakroom.house.gov

Republican Cloakroom
Contact:

Vote Series I

Washington, Dec 8 -

Tuesday, December 08, 2009

Latham Motion to instruct conferees on H.R. 3288 Transportation, Housing and Urban Development and Related Agencies Appropriations Act to:

1. Not agree to any matter not committed to conference;
2. Not agree to any matter out of scope; and
3. Not sign the conference agreement until it has been available in an electronic, searchable and downloadable form for 72 hours.

Y 212	N 193

H.Con.Res. 199 Recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States - ***Suspension***

Y 400	N 0

H.Con.Res. 206 Commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation - ***Suspension***

Y 404	N 0

H.Res. 940 Recognizing and honoring the National Guard on the occasion of its 373rd anniversary - ***Suspension***

Y 401	N 0

<u>Next:</u> Debate remaining suspensions (Could be 2 series of votes on the remaining suspensions)

Out 5:00 to 6:00 pm

<u>Wednesday:</u> 10:00 am

Tax Extenders
Begin consideration of H.R. 4173 - Wall Street Reform and Consumer Protection Act
Suspension votes

Out early evening

Thursday: **10:00 am**

Complete H.R. 4173 - Wall Street Reform and Consumer Protection Act

Possible consideration of the Conference Report on H.R. 3288 Transportation, Housing and Urban Development and Related Agencies Appropriations Act

Friday: **9:00 am**

Conference Report on H.R. 3288 Transportation, Housing and Urban Development and Related Agencies Appropriations Act (If not considered on Thursday)

From: Sackett, Dean [mailto:[redacted]@ici.org]
Sent: Wednesday, September 09, 2009 1:55 PM
To: Ashlee Reid
Subject: RE: New Client- Updated Contact Info- Tom Price Luncheon 9/15/09

Ashlee,

I would like to discuss meeting with Dr. Price and would appreciate your help. He has been very helpful to ICI.

Best,

Dean

Dean R. Sackett III
Chief Government Affairs Officer &
Co-Head, Government Affairs
The Investment Company Institute
1401 H Street, Suite 1200
Washington, DC 20005

202 326 [redacted]
[redacted]@ici.org
www.ici.org

From: Ashlee Reid [mailto:[redacted]@tomprice.com]
Sent: Thursday, September 03, 2009 3:50 PM
To: [redacted]@reidpolitical.com
Subject: New Client- Updated Contact Info- Tom Price Luncheon 9/15/09

Friends,

I hope this finds you well and enjoying the final days of recess! After a short break, I am pleased to send you my new professional contact information.

I am very excited to announce that I will be handling the DC fundraising and outreach for **Congressman Tom Price, M.D. (GA-6)**. Congressman Price is currently serves as **Chairman of the Republican Study Committee, House Committee on Education and Labor** (Workforce Protections Ranking Member), and **House Financial Services Committee**.

In an effort to build and/or grow your relationship with Congressman Price, we would like to set up a 1-1 meeting, which will not be fundraisers. Please let me know if you would like to sit down with him over the next month.

Additionally, we are planning several industry-specific events for the 4th quarter, if you are interested in serving as a host or co-host of an event, please let me know. For his re-elect (Price for Congress) I can be reached at [redacted]@tomprice.com and for his Leadership PAC (Voice for Freedom)
It you can reach me at [redacted]@reidpolitical.com

We will have a small fundraising luncheon with Congressman Price on Tuesday, September 15th at Noon at 230 2nd Street, SE. This will be an intimate opportunity to talk to the Congressman about the difference August recess has made in the rising Health Care debate. This luncheon has a limited number of seats, so please RSVP to me at your earliest convenience (see attached invitation).

It is my desire to be as helpful as possible to facilitate and grow your relationship with Congressman Price. Please never hesitate to call me to set up a coffee or small meeting.

If you need him for a speaking engagement or fly-in, please let me know and we would be happy to assist you in the scheduling.

I look forward to connecting with you soon!
Sending you my very best,
-ashlee

Ashlee Reid
Tom Price for Congress
Direct: 202.341.[redacted]

You are cordially invited to a

Financial Services Industry Lunch

In Honor of

Congressman John Campbell

(CA-48)

House Committee on Financial Services
House Committee on the Budget

Friday, March 6th

Noon

The Capitol Hill Club

300 First Street SE

Suggested Contribution:
Attend - $1,000 per PAC or $500 per Individual
Co-Host - $2,000 per PAC or $1,000 per Individual

Please RSVP to Jon Graham or Mike Gula at:
(202) 302-[redacted] or email [redacted]@gulagraham.com

Please Mail Your Check To:
Campbell for Congress
700 12th St NW, Ste 700
Washington, DC 20005

Paid for by Campbell for Congress

Contributions are not tax deductible as a charitable donation for federal income tax purposes. By law, the maximum amount an individua may contribute is $2,300 per election. Federal multi-candidate PACs may contribute $5,000 per election. Federal Election Law requires political committees to report the name, mailing address, occupation and name of employer for contributions where aggregate is in excess $200 in a calendar year. Contributions from corporations, foreign nationals, labor unions and federal government contractors are prohibite Partnership checks are welcome, but please provide a written statement as to who to attribute contributions to.

CAM041

Sara Conrad

From: Karla Kirk [redacted]@aalu.org]
Sent: Sunday, December 06, 2009 3:54 PM
To: Sara Conrad
Cc: Perlmutter, Nat
Subject: RE: Crowley tomorrow!
Attachments: For Crowley Staff.doc

Here ya go!

Karla Kirk
Assistant Vice President of Political Finance
AALU
(202) 772-[redacted] Office
(202) 997-[redacted] Cell

The Legislative Circle Progam- Building Relationships One Member at a Time

---

From: Sara Conrad [mailto:[redacted]@theconradgroup.org]
Sent: Sunday, December 06, 2009 1:46 PM
To: Karla Kirk
Cc: Perlmutter, Nat
Subject: Crowley tomorrow!
Importance: High

Hi Karla & Nat
Sorry to bother you on a Sunday – but can you send me the address for tomorrow's coffee in Queens and Congressman Crowley and a contact phone number for you all tomorrow
Also do you have a list of attendees? I will not be there but our chief of staff will be – Anne Marie Anzalone. If you need to get in touch with the me tomorrow please call my cell phone at (202) 262-[redacted]
Thanks
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-[redacted]
Cell: 202-262-[redacted]
[redacted]theconradgroup.org

From: Karla Kirk [mailto [redacted]@aalu.org]
Sent: Monday, November 16, 2009 2:46 PM
To: Sara Conrad
Subject: FW: FW: Crowley

Does a 10 or 10:30 coffee work?

Karla Kirk
Assistant Vice President of Political Finance
AALU
(202) 772-[redacted] Office
(202) 997-[redacted] Cell

The Legislative Circle Progam- Building Relationships One Member at a Time

---

From: Nathan M Perlmutter [mailto:[redacted]@fhfg.com]
Sent: Monday, November 16, 2009 2:41 PM
To: Karla Kirk
Cc: Andrea Perlmutter
Subject: Re: FW: Crowley

i was thinking 10- 10:30 coffee and

Nathan M. Perlmutter, CLU, ChFC
122 E. 42nd Street, Suite 2200
New York, NY 10168
Phone: (212) 687-[redacted]
Fax: (646) 638-[redacted]
E-Mail: [redacted]@fhfg.com
FHFG.com - Click here to visit our website.
Click here to see FHFG in the news.
Click here to learn about how The Living Balance Sheet sets us apart from all of the rest.

Nathan M Perlmutter,CLU,ChFC is a Registered Representative and Financial Advisor of Park Avenue Securities LLC (PAS) Securities products/services and advisory services are offered by PAS, 95-25 Queens Boulevard, 10th Floor, Rego Park, NY 11374, 1-718-268-9255, a Registered Investment Advisor and broker-dealer Forest Hills Financial Group Inc. is not an affiliate or subsidiary of PAS PAS is a member of FINRA, SIPC. Nathan M Perlmutter is a General Agent of The Guardian Life Insurance Company of America, New York, NY, 10004.

Karla Kirk [redacted]@aalu.org>

11/16/2009 02:34 PM

To "Perlmutter, Nat" [redacted]@fhfg.com>

cc

Subject FW: Crowley

Lunch or breakfast on the 7th?

Karla Kirk
Assistant Vice President of Political Finance
AALU
(202) 772-[redacted] Office
(202) 997-[redacted] Cell

The Legislative Circle Progam- Building Relationships One Member at a Time

From: Sara Conrad [mailto:[redacted]@theconradgroup.org]
Sent: Monday, November 16, 2009 1:46 PM
To: Karla Kirk
Subject: RE: Crowley

Do you know if he would prefer breakfast or lunch?

From: Karla Kirk [mailto:[redacted]@aalu.org]
Sent: Monday, November 16, 2009 11:46 AM
To: Sara Conrad
Subject: RE: Crowley

7th works lets book it!
Thanks K

Karla Kirk
Assistant Vice President of Political Finance
AALU
(202) 772-[redacted] Office
(202) 997-[redacted] Cell

The Legislative Circle Progam- Building Relationships One Member at a Time

---

From: Sara Conrad [mailto:[redacted]@theconradgroup.org]
Sent: Monday, November 16, 2009 11:42 AM
To: Karla Kirk
Subject: RE: Crowley

It has to be a Monday unfortunately b/c they have votes up until dec 22. Dec 1st they don't have votes until 6:30 or we could do dec 7th

From: Karla Kirk [mailto:[redacted]@aalu.org]
Sent: Monday, November 16, 2009 11:38 AM
To: Sara Conrad
Subject: RE: Crowley

Hey sara- it is with Nat- he was hoping the 8th or 9ths would work. Do they?
Thanks karla

Karla Kirk
Assistant Vice President of Political Finance
AALU
(202) 772-[redacted] Office
(202) 997-[redacted] Cell

The Legislative Circle Progam- Building Relationships One Member at a Time

---

From: Chris Franklin
Sent: Monday, November 16, 2009 11:37 AM
To: Karla Kirk
Subject: Crowley

Is the following information what you are looking for?

From: Sara Conrad [mailto:[redacted]@theconradgroup.org]
Sent: Sunday, November 15, 2009 9:14 PM
To: Chris Franklin; courtney Sigmon
Subject: RE: hello

Hi Chris
This event is with Nat Perlmutter correct – he wants to do the event in his office in queens? I saw Nat at an event in NY this past week.
How does December 1st sound – a breakfast or lunch at Nat's office? I can email Nat as well but let me know
Thanks
Sara

---------- This message, and any attachments to it, may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any use, dissemination, distribution, copying, or communication of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by return e-mail and delete the message and any attachments. Thank you.

Appendix B

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 10-4283

The Board of the Office of Congressional Ethics (hereafter the "Board"), by a vote of no less than four members, on August 27, 2010, adopted the following report and ordered it to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

SUBJECT: Representative John Campbell

NATURE OF THE ALLEGED VIOLATION: H.R. 4173, formally known as the Wall Street Reform and Consumer Protection Act of 2009 (hereafter the "Financial Reform Bill") was reported out of the Committee on Financial Services on the afternoon of December 2, 2009. The Financial Reform Bill was passed by the House on December 11, 2009. Previously, while the Committee on Financial Services marked up two pieces of legislation that would later be incorporated within the Financial Reform Bill, Representative Campbell held a "Financial Services Dinner." Further, in the nine day period between December 2nd and December 11th, Representative Campbell held two fundraising events for his campaign committee. At one fundraising event, two days before the final vote, all attendees were entities or individuals registered to lobby on the Financial Reform Bill. At another event on the same day, ten out of eleven attendees were entities or individuals registered to lobby on the Financial Reform Bill. In addition, Representative Campbell's professional fundraiser offered one-on-one meetings between Representative Campbell and entities registered to lobby on the Financial Reform Bill during the nine day period noted above.

If Representative Campbell solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors or the appearance that the contributions were linked to an official act, then he may have violated House Rules and Standards of Conduct.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Standards of Official Conduct further review the above allegations because there is a substantial reason to believe that Representative Campbell solicited or accepted contributions in a manner which gave the appearance that special treatment or access was provided to donors or that contributions were linked to an official act.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Leo Wise, Staff Director & Chief Counsel.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 10-4283

I. INTRODUCTION 4

A. Summary of Allegations 4

B. Jurisdictional Statement 4

C. Procedural History 5

D. Summary of Investigative Activity 5

II. REPRESENTATIVE CAMPBELL'S OCTOBER AND DECEMBER 2009 FUNDRAISING EVENTS 7

A. House Precedent, Rules, and Standards of Conduct 7

B. Position of Influence 9

C. Timing of Fundraising Events 9

D. Nature of Fundraising Events 10

E. Presence of Key Staff 20

F. Limited Number of Attendees 21

III. CONCLUSION 21

IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS 22

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 10-4283

On August 27, 2010, the Board of the Office of Congressional Ethics (the "Board") adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*). The Board notes that these findings do not constitute a determination that a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. There is a substantial reason to believe that Representative Campbell solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to campaign contributors or that the contributions were linked to an official act.

2. The Board notes that, among other facts, Representative Campbell held a fundraising event titled, "Financial Services Dinner" on October 21, 2009, one day before a markup began on the Financial Reform Bill where sixteen of seventeen attendees were entities or individuals registered to lobby on the Financial Reform Bill. In addition, Representative Campbell held a fundraiser on December 9, 2009, two days before the House voted on the Financial Reform Bill. All six attendees represented entities or individuals registered to lobby on the Financial Reform Bill. In the evening, Representative Campbell held a second fundraiser and ten of eleven attendees represented entities or individuals registered to lobby on the Financial Reform Bill. Representative Campbell authored six amendments in markup and offered three amendments to the Rules Committee for floor debate.

B. Jurisdictional Statement

3. The allegations that were the subject of this review concern Representative Campbell, a Member of the United States House of Representatives from the 48th District of California. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (hereafter "OCE") directs that, "[n]o review shall be undertaken…by the board of any alleged violation that occurred before the date of

adoption of this resolution."[1] The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

4. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on May 24, 2010. The preliminary review commenced on May 25, 2010.[2] The preliminary review was scheduled to end on June 23, 2010.

5. At least three members of the Board voted to initiate a second-phase review in this matter on June 21, 2010. The second-phase review commenced on June 24, 2010.[3] The second-phase review was scheduled to end on August 7, 2010.

6. The Board voted to extend the forty-five day second-phase review by an additional fourteen days, as provided by the Resolution, on July 29, 2010. Following the extension, the second-phase review was scheduled to end on August 21, 2010.[4]

7. The Board voted to refer the matter to the Committee on Standards of Official Conduct and adopted these findings on August 27, 2010.

8. This report and findings were transmitted to the Committee on Standards of Official Conduct on September 1, 2010.

D. Summary of Investigative Activity

9. The investigation required the collection of evidence from a number of sources.

10. The OCE requested and received documentary and, in some cases testimonial evidence, from the following sources:

    (1) Representative Campbell;

    (2) Representative Campbell's Chief of Staff;

    (3) Representative Campbell's Legislative Assistant;

---

[1] H. Res 895, 110th Cong. §1(e) (2008) (as amended).

[2] A preliminary review is "requested" in writing by members of the Board of the OCE. The request for a preliminary review is "received" by the OCE on a date certain. According to H. Res. 895 of the 110th Congress ("the Resolution'), the timeframe for conducting a preliminary review is thirty days from the date of receipt of the Board's request.

[3] According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

[4] *Id*. at § 1(c)(2)(A)(ii) (2008).

(4) Representative Campbell's Fundraiser; and

(5) Chairman of the Financial Services Committee.

11. The OCE requested and received documentary information from the following sources:

(1) ACE Group Holdings;

(2) American Society of Anesthesiologists;

(3) Ameriprise Financial;

(4) Commercial Real Estate Finance Council;

(5) Credit Suisse;

(6) Edison International;

(7) KPMG;

(8) National Association of Realtors;

(9) New York Life;

(10) Securities Industry and Financial Markets Association;

(11) Sempra Energy;

(12) TIAA-CREF;

(13) UBS;

(14) Capital One Financial;

(15) Credit Union National Association;

(16) Morgan Stanley;

(17) Chubb Corporation;

(18) MasterCard;

(19) General Electric;

(20) Citigroup;

(21) PriceWaterhouseCoopers;

(22) American Optometrists Association;

(23) Bank of America;

(24) Verizon;

(25) NAIOP (Commercial Real Estate Development Association); and

(26) Investment Company Institute.

II. REPRESENTATIVE CAMPBELL'S OCTOBER AND DECEMBER 2009 FUNDRAISING EVENTS

A. House Precedent, Rules, and Standards of Conduct

12. The House of Representatives intends that Members adhere to the standards of conduct stated in Rule 23 of the Rules of the House and other relevant Rules of the House in the House Ethics Manual, the Code of Ethics for Government Service, and various precedents of the House and the Committee on Standards of Official Conduct ("Standards Committee") in matters related to ethics. In establishing the OCE, the House charged the Board of the OCE with assisting it in the enforcement of these standards of conduct.

13. In this matter, as the citations below indicate, the Board reviewed the conduct at issue under the pertinent standards set out in the House Ethics Manual and the memorandum of the Chair and Ranking Member of the Standards Committee in the matter of Representative Tom DeLay ("Delay Report"). The cited sections in the House Ethics Manual and the DeLay Report, relates to the propriety of certain types of political fundraising activity conducted in proximity to pending business of the House and its committees. The Board respects the final authority of the Standards Committee in matters referred to it by the OCE for the Standards Committee to determine whether conduct apparently proscribed by this or other standards is deemed to be a violation. In this matter, as with all referrals to the Standards Committee for further review, the OCE Board reaches no conclusion that a violation has occurred but only determines if there is substantial reason to believe that a violation may have occurred.

14. The OCE Board sees its responsibility to assess the apparent applicability of standards of conduct to the facts and circumstances of the conduct adduced during its time-limited process and under its prescribed authority. It has done so in this matter. It would be inappropriate for the OCE Board to interpret the standard expressed in the DeLay Report differently than indicated by the precedents and writings of the Standards Committee.

15. *"It is probably not wrong for the campaign managers of a legislator…to request contributions from those for whom the legislator has done appreciable favors, but this should never be presented as a payment for the services rendered. Moreover, the possibility of such a contribution should never be suggested by the legislator or his staff at the time the favor is done. Furthermore, a decent interval of time should be allowed to lapse so that neither party will feel that there is a close connection between the two acts. The Standards Committee has long advised Members and staff that they should always exercise caution to avoid even the appearance that solicitations of campaign contributions are connected in any way with an action taken or to be taken in their official capacity."*[5]

16. *"[N]o solicitation of a campaign or political contribution may be linked to an action taken or to be taken by a Member or employee in his or her official capacity."*[6] *"In addition, a Member may not accept any contribution that is linked with any specific official action taken or to be taken by that Member."*[7]

17. *"[T]he scope of the House standards of conduct in this area is broader than that of the criminal bribery statute… the House standards of conduct generally preclude any link between the solicitation or receipt of a contribution and a specific official action."*[8]

18. *"Put another way, there are fundraising activities that do not violate any criminal statute but may well violate House standards of conduct."*[9]

19. *"[T]here are certain proffered campaign contributions that must be declined, and certain fundraising opportunities that must be forgone, solely because they create an appearance of improper conduct."*[10]

20. *"The broad House standards of conduct in this area … are extremely important ones."*[11]

21. These standards were expressly addressed in the DeLay Report. In that matter, a June 2002 energy fundraiser was held for Representative DeLay, coordinated by a former DeLay staffer working as a lobbyist and various energy industry lobbyists. Five energy companies and their executives attended the event.[12] Three months later in September

[5] House Ethics Manual at 147 (2008).
[6] *Id*.
[7] Memorandum of the Chairman and Ranking Minority Member, Recommendations for disposition of the complaint filed against Representative DeLay, found at http://ethics.house.gov/Investigations/Default.aspx?Section=18.
[8] *Id*.
[9] *Id*.
[10] *Id*.
[11] *Id*.
[12] *Id*. As early as late April 2002, executives from a company that would later attend the June 2002 fundraising event informed the Standards Committee that they were aware of a summer fundraiser for Representative DeLay

2002, during a House-Senate conference over a broad-sweeping energy bill, Representative DeLay took part in the conference as an appointed conferee.

22. The Standards Committee specifically noted the following factors in finding that Representative DeLay's fundraising activity did not conform to House standards: (1) Representative DeLay's position of influence on certain legislation; (2) the timing[13] of the fundraiser in connection to certain legislative activity under consideration by the House; (3) the nature of the fundraising event; (4) the presence of key staff members at the event; and (5) the limited number of attendees in direct contact with both Representative DeLay and his staff.[14] In determining whether a matter warrants further review, the OCE compared conduct at issue to these factors as detailed below.

B. <u>Position of Influence</u>

23. Representative Campbell is a Member of the House Financial Services Committee.[15]

24. During the markup of the Financial Reform Bill, he authored six amendments and following markup he offered three amendments to the Rules Committee for consideration on the House floor.[16]

C. <u>Timing of Fundraising Events</u>

25. Representative Campbell held one "Financial Services Dinner" in October 2009. He also held two fundraising events in December 2009.[17] His October 21, 2009 fundraising event was held one day before a markup of the Financial Reform Bill, which occurred on October 22, 2009. His two December 9, 2009 fundraising events were both held two

---

that could affect their business interests. Further, at the event, Representative DeLay, his legislative staffer focused on energy issues, and his staff counsel, engaged in direct contact with attendees, often discussing a broad range of energy policy issues. The Standards Committee, in finding that certain fundraising activity "did not conform to House standards," expressly found that "(1) neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and (2) Representative DeLay took no action with regard to Westar that would constitute an impermissible special favor." Thus, the Standards Committee's findings not only analyzed an appearance standard absent any finding of improper solicitation of campaign contributions, but it also did so regardless of the ultimate position Representative DeLay took on the energy bill.

[13] *Id*. The Standards Committee took a broad view of "timing" standards stating that "[i]n particular, there was the timing of the fundraiser, *i.e.*, it took place just as the House-Senate conference on major energy legislation, H.R. 4, <u>was about to get underway</u>." (emphasis added.)

[14] *Id*.

[15] Committee on Financial Services Membership, found at http://financialservices.house.gov/singlepages.aspx?NewsID=397.

[16] Committee on Financial Services Markups for the 111th Congress, found at http://financialservices.house.gov/Hearings/markups.aspx; Summary of Amendments Submitted to the Rules Committee for H.R. 4173 - Wall Street Reform and Consumer Protection Act of 2009, found at http://rules.house.gov/amendment_details.aspx?NewsID=4516.

[17] Memorandum of Interview of Representative Campbell, July 22, 2010 ("Representative Campbell MOI") (Exhibit 1 at 10-4283_0003-4).

days before the final vote on the Financial Reform Bill, which occurred on December 11, 2009.

26. Representative Campbell's professional fundraiser stated that the December 9th evening event with Representative Cantor must have been planned three months prior because "you can't get Representative Cantor to an event otherwise."[18] He also told the OCE that the December 9th noon event with Representative Nunez was "probably" scheduled in October and that invitations to the event would have gone out before Thanksgiving.[19]

27. The Board notes that the Chairman of the Financial Services Committee told the OCE that Members would have known in November 2009 that the Financial Reform Bill would be out of committee and on the House floor for a final vote in December 2009.[20]

D. <u>Nature of Fundraising Events</u>

28. Representative Campbell's professional fundraiser described his process for organizing a fundraiser as follows:

    a. He begins the fundraising process by sending an email to the Member's scheduler to confirm what dates are available for events.[21] He prefers to plan events two to three months prior and no later than one and a half months prior to the event.[22]

    b. Once he selects the dates for the events, Representative Campbell's fundraiser then reconfirms the client's availability with the scheduler.[23] He then picks venues and sends invitations.[24] He sends between 500 and 2500 invitations for every event.[25] The day before the event he sends the RSVP list to Representative Campbell's Chief of Staff.[26]

    c. When Representative Campbell's fundraiser sends invitations, they are always to approximately 500 to 2500 invitees.[27] All his clients have between 500 and 2500 names in their respective fundraising databases.[28]

---

[18] Memorandum of Interview of Representative Campbell's fundraiser, July 23, 2010 ("Representative Campbell's Fundraiser MOI") (Exhibit 2 at 10-4283_0007).
[19] *Id*.
[20] Memorandum of Interview of the Chairman of the Financial Services Committee, July 29, 2010 (Exhibit 3 at 10-4283_ 0007).
[21] Representative Campbell's Fundraiser MOI (Exhibit 3 at 10-4283_ 0006).
[22] *Id*.
[23] *Id*.
[24] *Id*.
[25] *Id*.
[26] *Id*.
[27] *Id*.
[28] *Id*.

d. Representative Campbell's fundraiser will send follow-up emails before the event, but there is never a time when they "want twenty specific people in a room."[29] He stated that the follow-up email goes to the same, full list of invitees and sometimes to an even bigger list.[30]

29. Representative Campbell held a "Financial Services Dinner" on October 21, 2009.[31]

You are cordially invited to a

Financial Services Dinner

Honoring

Congressman John Campbell

(CA-48)

House Committee on Financial Services
House Committee on the Budget

Wednesday, October 21st

6:00 p.m.

Finemondo

1319 F Street NW

Suggested Contribution:
Host: $2,000 per PAC/$1,000 per Individual
Attend: $1,000 per PAC/$500 per Individual

Please RSVP to:
Jon Graham or Mike Gula
at 202-302-[redacted] or mail
[redacted]@gulagraham.com

Please make checks payable to:
Campbell for Congress
700 12th Street NW – Suite 700
Washington, DC 20005

[29] *Id*. at 0006.
[30] *Id*.
[31] Representative Campbell MOI (Exhibit 1 at 10-4283_0003); Exhibit 4 at 10-4283_0012.

30. According to the attendance list provided by Representative Campbell, of the seventeen attendees at the October 21, 2009 fundraising event, sixteen were either registered to lobby on the Financial Reform Bill or were representatives of entities registered to lobby on the Financial Reform Bill.[32]

10-21 Dinner

ATTENDED	FIRST NAME	LAST NAME	PAC	AMOUNT	PAID	OUTSTANDING
	Ed	Hill	Bank of America	$ 2,000.00	$ 2,000.00	$ -
	Rick	Olson	Capital One	$ 1,000.00	$ 1,000.00	$ -
	Maura	Solomon	Citi	$ 2,000.00	$ 2,000.00	$ -
	John	Anderson	Credit Suisse	$ 2,000.00	$ 2,000.00	$ -
	Jennifer	Platt	ICSC	$ 1,000.00	$ 1,000.00	$ -
	Steve	Patterson	JPMorgan	$ 2,000.00	$ 2,000.00	$ -
	Len	Wolfson	Mortgage Bankers Assn	$ 1,000.00	$ 1,000.00	$ -
	Amy	Best Coughlin	PricewaterhouseCoopers	$ 2,000.00	$ 2,000.00	$ -
	Peter	Freeman	The Financial Services Roundtable	$ 1,000.00	$ 1,000.00	$ -
	Dan	Archer	Wells Fargo	$ 1,000.00	$ 1,000.00	$ -
	Paul	Kangas	PCI	$ 500.00	$ 500.00	$ -
	Scott	McLucas	KPMG	$ 2,500.00	$ 2,500.00	$ -
	Dr. Blake	Curd	Physician Hospitals of America	$ 1,000.00	$ 1,000.00	$ -
	Shahira	Knight	Fidelity Investments	$ 1,000.00	$ 1,000.00	$ -
	Mary Frances	Pearson	Ernst & Young	$ 2,000.00	$ 2,000.00	$ -
	Michael	Thompson		$ 500.00	$ 500.00	$ -
	Harmony	Allen		$ -	$ -	$ -
			TOTALS	$ 22,500.00	$ 22,500.00	$ -

[32] Exhibit 5 at 10-4283_0014. See also Lobbyist Disclosure Database, U.S. House of Representatives, available at http://lobbyingdisclosure.house.gov/index.html.

31. The Board notes the following internal KPMG email on October 16, 2009, regarding Representative Campbell's October 21, 2009 "Financial Services Dinner."[33] The KPMG employee asks, in response to Representative Campbell's October 21, 2009 event solicitation, "[i]s it wrong for me to reply and say that's not such a good night given that we have this crucial piece of legislation being marked up the next day."

To:[redacted]**@aicpa.org|**[redacted]**@aicpa.org];**

Subject: RE: Dinner for CPA John Campbell - Next Wednesday, October 21

Sent: Fri 10/16/2009 6:19:03 PM

From: McLucas, Scott

Is it wrong for me to reply and say that's not such a good night given that we have this crucial piece of legislation being marked up the next day….

Scott McLucas
Director, Federal Government Affairs
KPMG LLP
2001 M Street, NW
Washington, DC 20036

202-533-[redacted] (ph)
202-533-8516 (fax)
[redacted] (cell)

From: [redacted]@us.pwc.com [redacted]@us.pwc.com]
Sent: Friday, October 16, 2009 1:47 PM
To: McLucas, Scott; [redacted]@ey.com; [redacted]@deloitte.com; [redacted]@ey.com; [redacted]@aicpa.org; [redacted]@aicpa.org; [redacted]@aicpa.org; [redacted]@crowechizek.com; [redacted]@GT.com
Cc: [redacted]@gulagraham.com
Subject: Dinner for CPA John Campbell - Next Wednesday, October 21
Importance: High

Hi All-

I know there are many events to choose from this time of year, but wanted to bring the event below for one of our favorite CPA's John Campbell to your attention. It's a small, financial services dinner - would be great to have a strong presence from the profession there on Wednesday.

Please let me and Jon know if you can make it.

Amy

You are cordially invited to a

Financial Services Dinner

[33] Exhibit 6 at 10-4283_0016-18.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

32. Representative Campbell held a fundraising luncheon on December 9, 2009.[34]

33. Representative Campbell stated that the December 9, 2009 event with Congressman Nunes was a small, sit-down event.[35] There were approximately four attendees; however Representative Campbell did not remember who they were.[36]

You are cordially invited to a

Luncheon

Honoring

Congressman John Campbell

(CA-48)

House Committee on Financial Services
Subcommittee on Capital Markets, Insurance & Government Sponsored Enterprises
Subcommittee on Financial Institutions & Consumer Credit
House Committee on the Budget

With Special Guest

Congressman Devin Nunes

Wednesday, December 9th

Noon

The Capitol Hill Club

300 First Street SE

Suggested Contribution:
Attend: $1,000 per PAC or $500 per Individual
Co-Host: $2,000 per PAC or $1,000 per Individual

Please RSVP to:
Jon Graham or Mike Gula
at 202-302-[redacted] or e-mail
[redacted]@gulagraham.com

Please make checks payable to:
Campbell for Congress
700 12th Street NW – Suite 700
Washington, DC 20005

[34] Representative Campbell MOI (Exhibit 1 at 10-4283_0003); Exhibit 7 at 10-4283_0020.
[35] Representative Campbell MOI (Exhibit 1 at 10-4283_0004).
[36] *Id.*

34. According to the attendance list provided by Representative Campbell, of the six attendees present at the December 9, 2009 luncheon event, all were either registered to lobby on the Financial Reform Bill or were representatives of entities registered to lobby on the Financial Reform Bill.[37]

12-9 Nunes Lunch

ATTENDED	FIRST NAME	LAST NAME	PAC	AMOUNT	PAID	OUTSTANDING
	Denise	Ferguson	Ameriprise Financial	$ 1,000.00	$ 1,000.00	$ -
	Mike	Townsend	Charles Schwab	$ 1,000.00	$ 1,000.00	$ -
	Jerry	Giovaniello	Nat'l Assn of Realtors	$ 1,000.00	$ 1,000.00	$ -
	Tim	Ransdell	Sempra Energy	$ 1,000.00	$ 1,000.00	$ -
	Manny	Bonilla	American Society of Anesthesiologists	$ 1,000.00	$ 1,000.00	$ -
	Michelle	Holiday	Edison Int'l	$ 1,000.00	$ 1,000.00	$ -
			TOTALS	**$ 6,000.00**	**$ 6,000.00**	**$ -**

[37] Exhibit 8 at 10-4283_0022. See also Lobbyist Disclosure Database, U.S. House of Representatives, available at http://lobbyingdisclosure.house.gov/index.html.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

35. Representative Campbell held an evening fundraising event on December 9, 2009.[38]

36. Representative Campbell stated that the December 9, 2009 evening event with Representative Cantor was similar.[39] It was a stand-up event, but the format was the same.[40]

You are cordially invited to a

California Wine Tasting Reception

In honor of

Congressman John Campbell
(CA-48)
House Committee on Financial Services

With Special Guest

Republican Whip Eric Cantor

Wednesday, December 9th
5:00 p.m.

123 D St, SE

Suggested Contribution:
Co-Host: $2,000 per PAC or $1,000 per Individual
Attend: $1,000 per PAC or $500 per Individual

Please RSVP to:
Jon Graham or Mike Gula
at 202-302-[redacted] or e-mail
[redacted]@gulagraham.com

Please make checks payable to:
Campbell for Congress
700 12th Street NW – Suite 700
Washington, DC 20005

[38] Exhibit 9 at 10-4283_0024.
[39] Representative Campbell MOI (Exhibit 1 at 10-4283_0004).
[40] *Id.*

37. According to the attendance list provided by Representative Campbell, of the eleven attendees present at the December 9, 2009 dinner event, ten[41] were either registered to lobby on the Financial Reform Bill or were representatives of entities registered to lobby on the Financial Reform Bill.[42]

12-9 Cantor CA Wine Tasting

ATTENDED	FIRST NAME	LAST NAME	PAC	AMOUNT	PAID	OUTSTANDING
	Marc	Cadin	AALU	$ -	$ -	$ -
	Peter	Kravitz	AICPA	$ -	$ -	$ -
	Jamie	Clark	American Bankers Assn	$ -	$ -	$ -
	Justin	Ailes	American Land Title Assn	$ -	$ -	$ -
	Lawrence	Willcox	Capitol Tax Partners	$ 500.00	$ 500.00	$ -
	Sam	Lancaster	Comcast	$ 1,000.00	$ 1,000.00	$ -
	Brendan	Reilly	Commercial Mortgage Securities Association	$ 2,000.00	$ 2,000.00	$ -
	Charley	Landgraf	Dewey Leboeuf	$ 500.00	$ 500.00	$ -
	Eric	Cantor	ERIC PAC	$ 5,000.00	$ 5,000.00	$ -
	Mike	Markarian	Humane Society	$ 1,000.00	$ 1,000.00	$ -
	Aquiles	Suarez	NAIOP	$ 1,000.00	$ 1,000.00	$ -
No	Mary	Seidel	Reinsurance Assn of America	$ 1,000.00	$ 1,000.00	$ -
	Paul	Nagel				
			TOTALS	$ 12,000.00	$ 12,000.00	$ -

[41] The last name appearing on the list may have been a stand-in for the previous individual who did not attend.
[42] Exhibit 10 at 10-4283_0026. See also Lobbyist Disclosure Database, U.S. House of Representatives, available at http://lobbyingdisclosure.house.gov/index.html.

38. The Board notes that Representative Campbell's fundraiser sent "follow-up" emails to financial services entities. For example, Representative Campbell's fundraising group specifically solicited financial services entities for attendance at a December 9, 2009 fundraising event.[43] Both PriceWaterhouseCoopers and MasterCard were registered to lobby on the Financial Reform Bill.[44]

From: Jon Graham <[redacted]@gulagraham.com>
Sent: Wednesday, December 2, 2009 2:38 PM
To: [redacted]PwC@Americas-US
Subject: 2 Great Events for John Campbell

Mike - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes ***please note this event was originally scheduled for Dec 8th, it is NOW the 9th***

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

From: Jon Graham <[redacted]@gulagraham.com>
Sent: Wednesday, December 2, 2009 7:36 PM (GMT)
To: Tucker Foote <[redacted]@mastercard.com>
Subject: 2 Great Events for John Campbell

Tucker - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes ***please note this event was originally scheduled for Dec 8th, it is NOW the 9th***

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

[43] Exhibit 11 at 10-4283_0027, 32.
[44] See Lobbyist Disclosure Database, U.S. House of Representatives, available at http://lobbyingdisclosure.house.gov/index.html.

39. The Board notes further that Representative Campbell's fundraising group also specifically solicited representatives from UBS, Capital One Financial, Citigroup, Credit Union National Association, Morgan Stanley, Chubb Corporation, KPMG, General Electric, New York Life, Securities Industry and Financial Markets Association, American Optometrists Association, Credit Suisse, Bank of America, Verizon, NAIOP (Commercial Real Estate Development Association), and Investment Company Institute throughout the time period the House considered the Financial Reform Bill.[45] All entities were registered to lobby on the Financial Reform Bill.[46]

40. In addition, an employee from the firm retained by Representative Campbell offered an employee of Morgan Stanley a "one-on-one" meeting with Representative Campbell, through part of the period when the final Financial Reform Bill was under consideration by the House.[47] The Board notes that while the communication does not solicit a campaign contribution, the email was sent from Representative Campbell's fundraising group and not his legislative staff.

From: Katy Cannon
To: Wilsusen, Joshua (GOVTREL)
Sent: 12/3/2009 1:39:47 PM
Subject: Rep. Campbell 1-1 Meet and Greet?

Hi Josh- I thought you might be interested in a one on one meet and greet coffee with Congressman John Campbell. Have you gotten a chance to talk with him yet? He is a great member on Financial Services and really enjoys getting to sit down and get to know people. Please let me know if you are interested and I am happy to set something up. Below are a few times he is available.

Dec. 8 10:00, 10:30, 11:00, 11:30, 1:00, 1:30, 2:00, 2:30

Dec. 9 10:00, 10:30, 11:00, 11:30, 1:00, 1:30, 2:00, 2:30

Dec. 15 10:00, 10:30, 11:00, 11:30, 1:00, 1:30, 2:00, 2:30

Dec. 16 10:00, 10:30, 11:00, 11:30, 3:00, 3:30, 4:00, 4:30

Dec. 17 10:00, 10:30, 11:00, 11:30, 1:00, 1:30, 2:00, 2:30

Thanks!

Best,

Katy

Katy Cannon

202.577.[redacted]

<http://www.gulagraham.com> www.gulagraham.com

[45] Exhibit 11 at 10-4283_0027-87.
[46] See Lobbyist Disclosure Database, U.S. House of Representatives, available at http://lobbyingdisclosure.house.gov/index.html.
[47] Exhibit 12 at 10-4283_0089.

41. Earlier, during a markup of the Financial Reform Bill,[48] an employee from the firm retained by Representative Campbell offered an employee of NAIOP a "one-on-one" meeting with Representative Campbell.[49] Here the Board notes that a campaign contribution was specifically solicited.

From: Katy Cannon [[redacted]@gulagraham.com]
Sent: Wednesday, November 18, 2009 10:41 AM
To: Aquiles Suarez
Subject: Rep. John Campbell 1-1 coffee or lunch? Any interest?

Hi Aquiles-

I wanted to see if there is any way National Assn of Industrial and Office Properities (NAIOP) can help out Congressman John Campbell before the end of the quarter. We really appreciate your generous support last cycle. It was a big help. Congressman Campbell wanted me to see if you are available to do a 1-1 coffee or lunch with him. He prefers these to big events. Is there any way you can do $1K or even $500 to help him out? He has a councilwoman running against him and Obama carried his district last cycle. Thanks so much. Let me know if you are free any of the following times and I am happy to set something up.

Wed. 12/2 -After 10am
Thurs. 12/3 -10am-2pm

Tues.12/8 -After 10am
Wed. 12/9 -After 10am
Thurs. 12/10 -10am-2pm

Tues. 12/15 - After 10am
Wed. 12/16 - 10am-1pm, After 3pm
Thurs. 12/16 - After 10am

Thanks!

Best,
Katy

42. The Board notes that Representative Campbell's fundraising group also specifically solicited representatives from Bank of America, Chubb Corporation, MasterCard, and New York Life for "one-on-one" meetings with Representative Campbell throughout the time period the House considered the Financial Reform Bill.[50]

E. <u>Presence of Key Staff</u>

43. Representative Campbell's Chief of Staff was present at the October 21, 2009 fundraising event and both December 9, 2009 fundraising events.[51]

44. Representative Campbell's Legislative Assistant for financial services was present at the October 21, 2009 fundraising event and both December 9, 2009 fundraising events.[52] He told the OCE the following:

[48] Committee on Financial Services Markups for the 111th Congress, found at http://financialservices.house.gov/Hearings/hearingDetails.aspx?NewsID=799.
[49] Exhibit 12 at 10-4283_0091.
[50] *Id*. at 0089-97.
[51] Memorandum of Interview of Representative Campbell's Chief of Staff, July 20, 2010 (Exhibit 13 at 10-4283_0100).

a) Representative Campbell's Legislative Assistant has never been told to go to a fundraising event and has never been invited to one by Representative Campbell or the Chief of Staff.[53] When he sees a fundraising event on Representative Campbell's calendar that he wants to attend, he will ask if he can go to the event. The names of the expected attendees are also on the calendar.[54] If he sees names he recognizes, he will go to the event.[55]

b) The only other staff he sees at fundraising events is the Chief of Staff, who attends "quite a few," and the Legislative Director, who sometimes attends.[56] Representative Campbell's Legislative Assistant attends approximately seventy-five percent of Representative Campbell's events held in Washington, DC.[57]

c) He recalled speaking to several people and specifically speaking to a representative of the American Bankers Association at the December 9, 2009 evening event.[58]

F. <u>Limited Number of Attendees</u>

45. At the October 21, 2009 event, the attendance list provided to the OCE shows seventeen attendees.

46. At the December 9, 2009 luncheon event, the attendance list provided to the OCE shows six attendees.

47. At the December 9, 2009 evening event, the attendance list provided to the OCE shows eleven attendees.

III. CONCLUSION

48. In conclusion, based on evidence available to the OCE, Representative Campbell held a fundraising event titled, "Financial Services Dinner" on October 21, 2009, one day before a markup on the Financial Reform Bill where sixteen of seventeen attendees were entities or individuals registered to lobby on the Financial Reform Bill. In addition, Representative Campbell held a fundraiser on December 9, 2009, two days before the House voted on the Financial Reform Bill. All six attendees represented entities or individuals registered to lobby on the Financial Reform Bill. In the evening, Representative Campbell held a second fundraiser and ten of eleven attendees

[52] Memorandum of Interview of Representative Campbell's Legislative Assistant, July 23, 2010 (Exhibit 14 at 10-4283_0104).
[53] *Id*. at 0103.
[54] *Id*.
[55] *Id*.
[56] *Id*. at 0104.
[57] *Id*.
[58] *Id*.

represented entities or individuals registered to lobby on the Financial Reform Bill. His key financial services staff members were present at all the events. Further, Representative Campbell's fundraiser specifically solicited financial services entities for campaign contributions, offering one-on-one meetings with Representative Campbell during House consideration of the Financial Reform Bill. Representative Campbell, a member of the Committee on Financial Services, authored six amendments in markup and offered three amendments to the Rules Committee for floor debate.

49. For these reasons, the Board recommends that the Committee on Standards of Official Conduct further review the above allegations because there is a substantial reason to believe that Representative Campbell solicited or accepted contributions in a manner which gave the appearance that special treatment or access was provided to donors or that contributions were linked to an official act.

IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS

50. In every instance, the OCE asked the recipient of an OCE Request for Information to identify any information they withheld and the reason they were withholding it. However, absent the authority to subpoena the evidence in possession of the witness, it is impossible for the OCE to verify if information was withheld, but not documented.

51. The OCE included with its Request for Information, a "Request for Information Certification" document that asked those identified by the OCE to "certify that I have provided the Office of Congressional Ethics all information requested in the Request for Information, dated June 1, 2010, and if I have not provided a requested document or certain information, then I have identified the document or information that was not available or withheld and why it was not available or withheld. This certification is given subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act)."

52. Of the 26 third party entities discussed above, the following returned the certification:

    (1) NAIOP (Commercial Real Estate Development Association); and

    (2) National Association of Realtors.

53. The following third parties provided documents but did not return the certification.

    (1) Citigroup;

    (2) PriceWaterhouseCoopers;

    (3) Ameriprise Financial;

(4) Credit Suisse;

(5) New York Life;

(6) Securities Industry and Financial Markets Association;

(7) Chubb Corporation;

(8) Capital One Financial;

(9) MasterCard;

(10) Credit Union National Association;

(11) Morgan Stanley;

(12) TIAA-CREF;

(13) American Optometrists Association;

(14) Bank of America; and

(15) Verizon.

54. The following third parties informed the OCE that they would not be providing all of the information requested or did not provide all of the information requested:

(1) Investment Company Institute;

(2) Edison International;

(3) UBS;

(4) General Electric; and

(5) KPMG.

55. The following third parties provided no information to the OCE:

(1) ACE Group Holdings;

(2) Sempra Energy;

(3) American Society of Anesthesiologists; and

(4) Commercial Real Estate Finance Council.

EXHIBIT 1

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

In Re:	Representative John Campbell
Review #:	10-4283
Date:	July 22, 2010
Location:	Rayburn HOB
Time:	10:10 a.m. – 11:00 a.m. (approximate)
Participants:	Omar Ashmawy
	Paul Solis
	Michael Toner
	Brandis Zehr

Summary: Representative John Campbell represents the 48th District of California. The OCE requested an interview with Representative Campbell and he consented to an interview. Representative Campbell made the following statements in response to our questioning:

1. Representative Campbell was given an 18 U.S.C. § 1001 warning and signed the written acknowledgement of the warning, which will be placed in the case file in this review. The witness consented to an interview on July 22, 2010.

2. The witness told the OCE that his office operates like most offices in Congress. He has a Chief of Staff, a Legislative Director and Legislative Assistants who report to the Legislative Director. The only aspect of the office that is unique is that they have a legislative person in their district office.

3. His staff works independently. For instance, the staff member responsible for financial services issues, Wesley McClelland, can come to the Member directly. The witness' Chief of Staff and Legislative Director supervise Mr. McCelland's time, but he does not necessarily have to run matters by them before bringing them to Representative Campbell.

4. The Chief of Staff is involved in legislative issues, but does not "get into the weeds."

5. The Congressman's fundraising efforts are run by two people. A person in his district and Mike Graham, who plans his Washington, DC fundraisers. Mr. Graham plans all the events and the Congressman goes to them. The Member has almost no involvement in the planning of fundraising events. He has no role in picking dates for the fundraisers. He does not know when they are until he looks at his calendar. At most, he might look at his calendar a week ahead, but because it changes so frequently he typically only looks at it the day before.

6. The Congrsssman does not make fundraising calls. He made a few when he first got elected, but did not enjoy making them. He has not made any since. No member of his Congressional staff makes fundraising calls either.

7. The witness will meet with Mr. Graham two or three times a year at most. The only specific event that the witness has spoken to Mr. Graham about was an event in the district that they recently held.

8. The Congressman's staff is not required to go to fundraisers, nor are the prohibited from attending. They may attend, but it is of their own volition. The fundraisers are on the witness' calendar which is available to the whole office. The attendees are also on his calendar. Members of his staff may know an attendee from work or because they are a friend and sometimes ask if they can attend.

9. The witness did not know how far ahead the fundraisers are planned or when they are put on his calendar. He is "completely detached" from the process until the day before when he checks his calendar.

10. The witness did not know who puts the dates on his calendar. He assumed his Scheduler, but did not know if Mr. Graham sent the dates to his Scheduler or to his Chief of Staff.

11. The witness was shown a flyer for an October 21, 2009 fundraiser.

12. The witness saw the invitation for the first time yesterday when his attorney showed it to him. He did not recall the event in any detail. While fundraisers had been held at the restaurant before, they were luncheons. Based on the time on the invitation this was a dinner and the witness did not recall a dinner at the venue. He could not remember who attended or how large an event it was.

13. However, generally the witness was able to describe the type of conversation had at his fundraisers. He explained that 50% or more of the conversation is about politics and about specific elections occurring in his home state. Most of the conversation is political because it is not appropriate to discuss such things in his Congressional office so "this is where you can have them." Approximately 20-25% of the conversation is personal – questions about his wife, his kids, or his collection of cars. The remainder of the conversation is a "50,000 ft level what's going on in Congress." People will ask about the "big bills" and what the Member thought about them. The witness might say how "good they are or how bad they are," but that is the extent of the conversation.

14. While he did not remember the October 21, 2009 event, he presumed the conversation was along these lines. However, he did not have any personal memory of it.

15. The witness was shown the invitation for two December 9, 2009 events.

16. He had never seen the invitations until yesterday when his attorney showed them to him. He had a better memory of the events because to was rare to have guest Members of Congress at an event.

17. He recalled that the event with Congressman Nunes was a small, sit down event. There were approximately four attendees, however the witness did not remember who they were. The format of the event was somewhat different because Congressman Nunes was the guest. The witness made small talk with the attendees until Congressman Nunes arrived and then Rep. Nunes spoke to the group.

18. The event with Rep. Cantor was similar. It was a stand-up event, but the format was the same. The witness made small talk with the guests until Rep. Cantor arrived and then Rep. Cantor spoke.

I prepared this Memorandum of Interview on July 22, 2010 after interviewing Representative John Campbell on July 22, 2010 based on the notes staff prepared during the interview. I certify that this memorandum contains all pertinent matter discussed with Representative John Campbell on July 22, 2010.

Omar Ashmawy
Investigative Counsel

EXHIBIT 2

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

In Re:	Representative Campbell's Fundraiser
Review #:	10-4283
Date:	July 23, 2010
Location:	1155 F Street, NW, Washington, DC 20004
Time:	2:40 p.m. – 3:15 p.m. (approximate)
Participants:	Omar Ashmawy
	Paul Solis
	Michael Toner
	Brandis Zehr

Summary: The witness is the co-founder of The Gula Graham Group and the fundraiser for Representative Campbell who represents the 48th District of California. The OCE requested an interview with the witness and he consented to an interview. He made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and signed the written acknowledgement of the warning, which will be placed in the case file in this review. The witness consented to an interview on July 23, 2010.

2. The witness began speaking with Representative Campbell in 2008, but Representative Campbell did not become a client until 2009. His firm plans approximately 150 fundraisers per quarter.

3. The witness' process for fundraising for his clients is to initially send an email to the scheduler to see what dates are available for events. He prefers to plan events two to three months prior and no later than one and a half months prior to the event. Once he receives a client's available dates, he will compare them with the availability of his other clients. He does this to ensure that he does not plan too many events on the same day.

4. Once he selects the dates for the events, he then reconfirms the client's availability with the scheduler. He then picks venues and sends invitations. He sends between 500 and 2500 invitations for every event. The day before the event the witness sends the RSVP list to Representative Campbell's chief of Staff. He attends the event briefly and as soon as it appears the event is going well, he leaves.

5. When he sends invitations, it is always to approximately 500 to 2500 invitees. All his clients have between 500 and 2500 names in their respective databases.

6. Every client has a similar email and invitation sent on their behalf. The only thing that changes is the name.

7. The witness explained that it is hard to get attendees because the Republicans are in the minority. Even six to eight attendees is considered a good turnout in the current environment. The witness recently sent an invitation out for a client to almost 2000 individuals and only received 9 responses.

8. Representative Campbell does not make fundraising calls. None of the witness' clients make fundraising calls. It is a Gula Graham Group policy. As long as Representative Campbell has been a client of the witness, he has not made any fundraising calls.

9. The witness will send follow-up emails before the event, but there is never a time when "we want 20 specific people in a room." The follow-up email goes to the same, full list of invitees and sometimes to an even bigger list.

10. When asked about Representative Campbell's December 9, 2009 fundraisers, the witness stated that he would not have remembered it but for the investigation. He also explained that normally they would not have had two fundraisers on the same day, but, when there are not a lot of available dates, then it becomes necessary.

11. The event with Representative Cantor must have been planned three months prior because you can't get Representative Cantor to an event otherwise. The event with Representative Nunes was "probably" scheduled in October. Invitations to the event would have gone out before Thanksgiving.

12. Without looking at a list of attendees to an event, the witness would not remember who attended.

13. There was no industry focus to either fundraiser. Representative Campbell's fundraising is not as strong as some of the witness' other clients and so there was not a specific target. On some emails, they may put "Financial Services" event or "Energy" event, but even then the invitation doesn't only go out to that industry. The witness' firm does not ever restrict an event to a specific industry.

14. The witness was sure a staff member of Representative Campbell attended the December 9, 2009 events but did not remember who.

15. The witness' communication with Representative Campbell's staff is mainly with his Chief of Staff. The communication is principally to determine date availability and to send RSVP lists. The witness also has contact with the scheduler to get available dates for fundraisers. When he contacts the scheduler, the witness will also copy the Chief of Staff so that she is "in the loop."

16. The witness does not have access to Representative Campbell's calendar.

17. The witness recalled going to the fundraising event with Representative Cantor. The event was not as big as they had hoped – perhaps between eight to fifteen individuals. There was no industry focus to the event.

18. The witness' communication with Representative Campbell is limited to three to four times a year. They do not discuss logistics of specific events. Representative Campbell is "very hands off compared to other clients." Fundraising is "on the back burner" with Representative Campbell.

I prepared this Memorandum of Interview on July 29, 2010 after interviewing the witness on July 23, 2010 based on the notes staff prepared during the interview. I certify that this memorandum contains all pertinent matter discussed with the witness on July 23, 2010.

Omar Ashmawy
Investigative Counsel

EXHIBIT 3

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

In Re:	Chairman of the House Financial Services Committee
Review #s:	10-3055; 10-4283; 10-6002; 10-6028; 10-6421; 10-7308; 10-8839; 10-9353
Date:	July 29, 2010
Location:	Rayburn HOB
Time:	5:00 p.m. – 5:15 p.m. (approximate)
Participants:	Paul Solis
	Nate Wright

Summary: The witness is the Chairman of the House Financial Services Committee. We requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and signed the written acknowledgement of the warning, which will be placed in the case file in this review. The witness consented to an interview on July 29, 2010.

2. The witness told the OCE that nearly 90 percent of the work of the Financial Services Committee in 2009 was focused on the financial reform bill that was voted on in December. The committee held nearly twenty hearings and eight markups on various chapters of the financial reform bill.

3. The witness said that the schedule for when the bill would be voted on was constantly being talked about. The witness stated that certainly by November, Members knew that the bill would be up for a vote in December. Members would know exactly the date of the vote a week in advance. For a hearing, Members would generally receive notice a week in advance. For a markup, Members would generally receive notice a week or two in advance.

4. The witness stated that he canceled several fundraisers around key dates of the financial reform bill to avoid the perception of influence.

I prepared this Memorandum of Interview on August 2, 2010 after interviewing the witness on July 29, 2010 based on the notes staff prepared during the interview. I certify that this memorandum contains all pertinent matter discussed with the witness on July 29, 2010.

Nate Wright
Analyst

EXHIBIT 4

You are cordially invited to a

Financial Services Dinner

Honoring

Congressman John Campbell

(CA-48)

House Committee on Financial Services
House Committee on the Budget

Wednesday, October 21st

6:00 p.m.

Finemondo

1319 F Street NW

Suggested Contribution:
Host: $2,000 per PAC/$1,000 per Individual
Attend: $1,000 per PAC/$500 per Individual

Please RSVP to:
Jon Graham or Mike Gula
at 202-302-[redacted] or mail
[redacted]@gulagraham.com

Please make checks payable to:
Campbell for Congress
700 12th Street NW – Suite 700
Washington, DC 20005

Paid for by Campbell for Congress

Contributions are not tax deductible as a charitable donation for federal income tax purposes. By law, the maximum amount an individual may contribute is $2,400 per election. Federal multi-candidate PACs may contribute $5,000 per election. Federal Election Law requires political committees to report the name, mailing address, occupation and name of employer for contributions where aggregate is in excess of $200 in a calendar year. Contributions from corporations, foreign nationals, labor unions and federal government contractors are prohibited. Partnership checks are welcome, but please provide a written statement as to who to attribute contributions to.

CAM076

EXHIBIT 5

10-21 Dinner

ATTENDED	FIRST NAME	LAST NAME	PAC	AMOUNT	PAID	OUTSTANDING
	Ed	Hill	Bank of America	$ 2,000.00	$ 2,000.00	$ -
	Rick	Olson	Capital One	$ 1,000.00	$ 1,000.00	$ -
	Maura	Solomon	Citi	$ 2,000.00	$ 2,000.00	$ -
	John	Anderson	Credit Suisse	$ 2,000.00	$ 2,000.00	$ -
	Jennifer	Platt	ICSC	$ 1,000.00	$ 1,000.00	$ -
	Steve	Patterson	JPMorgan	$ 2,000.00	$ 2,000.00	$ -
	Len	Wolfson	Mortgage Bankers Assn	$ 1,000.00	$ 1,000.00	$ -
	Amy	Best Coughlin	PricewaterhouseCoopers	$ 2,000.00	$ 2,000.00	$ -
	Peter	Freeman	The Financial Services Roundtable	$ 1,000.00	$ 1,000.00	$ -
	Dan	Archer	Wells Fargo	$ 1,000.00	$ 1,000.00	$ -
	Paul	Kangas	PCI	$ 500.00	$ 500.00	$ -
	Scott	McLucas	KPMG	$ 2,500.00	$ 2,500.00	$ -
	Dr. Blake	Curd	Physician Hospitals of America	$ 1,000.00	$ 1,000.00	$ -
	Shahira	Knight	Fidelity Investments	$ 1,000.00	$ 1,000.00	$ -
	Mary Frances	Pearson	Ernst & Young	$ 2,000.00	$ 2,000.00	$ -
	Michael	Thompson		$ 500.00	$ 500.00	$ -
	Harmony	Allen		$ -	$ -	$ -
			TOTALS	**$ 22,500.00**	**$ 22,500.00**	**$ -**

EXHIBIT 6

To: [redacted]**@aicpa.org[**[redacted]**@aicpa.org];**

Subject: RE: Dinner for CPA John Campbell - Next Wednesday, October 21

Sent: Fri 10/16/2009 6:19:03 PM

From: McLucas, Scott

Is it wrong for me to reply and say that's not such a good night given that we have this crucial piece of legislation being marked up the next day....

Scott McLucas
Director, Federal Government Affairs
KPMG LLP
2001 M Street, NW
Washington, DC 20036

202-533-[redacted] (ph)
202-533-8516 (fax)
[redacted] (cell)

From: [redacted]@us.pwc.com [mailto:[redacted]@us.pwc.com]
Sent: Friday, October 16, 2009 1:47 PM
To: McLucas, Scott; [redacted]@ey.com; [redacted]@deloitte.com; [redacted]@ey.com; [redacted]@aicpa.org; [redacted]@aicpa.org; [redacted]@aicpa.org; [redacted]@crowechizek.com; [redacted]@GT.com
Cc: [redacted]@gulagraham.com
Subject: Dinner for CPA John Campbell - Next Wednesday, October 21
Importance: High

Hi All-

I know there are many events to choose from this time of year, but wanted to bring the event below for one of our favorite CPA's John Campbell to your attention. It's a small, financial services dinner - would be great to have a strong presence from the profession there on Wednesday.

Please let me and Jon know if you can make it.

Amy

You are cordially invited to a

Financial Services Dinner

Honoring

Congressman John Campbell

(CA-48)

House Committee on Financial Services
House Committee on the Budget

Wednesday, October 21st

6:00 p.m.

Finemondo

1319 F Street NW

Suggested Contribution:
Host: $2,000 per PAC/$1,000 per Individual
Attend: $1,000 per PAC/$500 per Individual

Please RSVP to:
Jon Graham or Mike Gula
at 202-302-[redacted] or mail
[redacted]@gulagraham.com

Please make checks payable to:
Campbell for Congress
700 12th Street NW – Suite 700
Washington, DC 20005

Paid for by Campbell for Congress

Contributions are not tax deductible as a charitable donation for federal income tax purposes. By law, the maximum amount an individual may contribute is $2,400 per election. Federal multi-candidate PACs may contribute $5,000 per election. Federal Election Law requires political committees to report the name, mailing address, occupation and name of employer for contributions where aggregate is in excess of $200 in a calendar year. Contributions from corporations, foreign nationals, labor unions and federal government contractors are prohibited. Partnership checks are welcome, but please provide a written statement as to who to attribute contributions to.

Amy Best Coughlin
Government, Regulatory Affairs & Public Policy
PricewaterhouseCoopers, LLP
1301 K Street, NW – Suite 800 West
Washington, DC 20005
Phone: 202-312-[redacted]
E-Mail: [redacted]@us.pwc.com

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. PricewaterhouseCoopers LLP is a Delaware limited liability partnership.

EXHIBIT 7

You are cordially invited to a

Luncheon

Honoring

Congressman John Campbell

(CA-48)

House Committee on Financial Services

Subcommittee on Capital Markets, Insurance & Government Sponsored Enterprises

Subcommittee on Financial Institutions & Consumer Credit

House Committee on the Budget

With Special Guest

Congressman Devin Nunes

Wednesday, December 9th

Noon

The Capitol Hill Club

300 First Street SE

Suggested Contribution:

Attend: $1,000 per PAC or $500 per Individual

Co-Host: $2,000 per PAC or $1,000 per Individual

Please RSVP to:
Jon Graham or Mike Gula
at 202-302-[redacted] or e-mail
[redacted]@gulagraham.com

Please make checks payable to:
Campbell for Congress
700 12th Street NW – Suite 700
Washington, DC 20005

Paid for by Campbell for Congress

Contributions are not tax deductible as a charitable donation for federal income tax purposes. By law, the maximum amount an individual may contribute is $2,400 per election. Federal multi-candidate PACs may contribute $5,000 per election. Federal Election Law requires political committees to report the name, mailing address, occupation and name of employer for contributions where aggregate is in excess of $200 in a calendar year. Contributions from corporations, foreign nationals, labor unions and federal government contractors are prohibited. Partnership checks are welcome, but please provide a written statement as to who to attribute contributions to.

CAM079

EXHIBIT 8

12-9 Nunes Lunch

ATTENDED	FIRST NAME	LAST NAME	PAC	AMOUNT	PAID	OUTSTANDING
	Denise	Ferguson	Ameriprise Financial	$ 1,000.00	$ 1,000.00	$ -
	Mike	Townsend	Charles Schwab	$ 1,000.00	$ 1,000.00	$ -
	Jerry	Giovaniello	Nat'l Assn of Realtors	$ 1,000.00	$ 1,000.00	$ -
	Tim	Ransdell	Sempra Energy	$ 1,000.00	$ 1,000.00	$ -
	Manny	Bonilla	American Society of Anesthesiologists	$ 1,000.00	$ 1,000.00	$ -
	Michelle	Holiday	Edison Int'l	$ 1,000.00	$ 1,000.00	$ -
			TOTALS	**$ 6,000.00**	**$ 6,000.00**	**$ -**

EXHIBIT 9

You are cordially invited to a

California Wine Tasting Reception

In honor of

Congressman John Campbell

(CA-48)

House Committee on Financial Services

With Special Guest

Republican Whip Eric Cantor

Wednesday, December 9th

5:00 p.m.

123 D St, SE

Suggested Contribution:

Co-Host: $2,000 per PAC or $1,000 per Individual
Attend: $1,000 per PAC or $500 per Individual

Please RSVP to:
Jon Graham or Mike Gula
at 202-302-[redacted] or e-mail
[redacted]@gulagraham.com

Please make checks payable to:
Campbell for Congress
700 12th Street NW – Suite 700
Washington, DC 20005

Paid for by Campbell for Congress

Contributions are not tax deductible as a charitable donation for federal income tax purposes. By law, the maximum amount an individual may contribute is $2,400 per election. Federal multi-candidate PACs may contribute $5,000 per election. Federal Election Law requires political committees to report the name, mailing address, occupation and name of employer for contributions where aggregate is in excess of $200 in a calendar year. Contributions from corporations, foreign nationals, labor unions and federal government contractors are prohibited. Partnership checks are welcome, but please provide a written statement as to who to attribute contributions to.

CAM080

EXHIBIT 10

12-9 Cantor CA Wine Tasting

ATTENDED	FIRST NAME	LAST NAME	PAC	AMOUNT	PAID	OUTSTANDING
	Marc	Cadin	AALU	$ -	$ -	$ -
	Peter	Kravitz	AICPA	$ -	$ -	$ -
	Jamie	Clark	American Bankers Assn	$ -	$ -	$ -
	Justin	Ailes	American Land Title Assn	$ -	$ -	$ -
	Lawrence	Willcox	Capitol Tax Partners	$ 500.00	$ 500.00	$ -
	Sam	Lancaster	Comcast	$ 1,000.00	$ 1,000.00	$ -
	Brendan	Reilly	Commercial Mortgage Securities Association	$ 2,000.00	$ 2,000.00	$ -
	Charley	Landgraf	Dewey Leboeuf	$ 500.00	$ 500.00	$ -
	Eric	Cantor	ERIC PAC	$ 5,000.00	$ 5,000.00	$ -
	Mike	Markarian	Humane Society	$ 1,000.00	$ 1,000.00	$ -
	Aquiles	Suarez	NAIOP	$ 1,000.00	$ 1,000.00	$ -
No	Mary	Seidel	Reinsurance Assn of America	$ 1,000.00	$ 1,000.00	$ -
	Paul	Nagel				
			TOTALS	**$ 12,000.00**	**$ 12,000.00**	**$ -**

EXHIBIT 11

From: Jon Graham <[redacted]@gulagraham.com>
Sent: Wednesday, December 2, 2009 2:38 PM
To: [redacted]PwC@Americas-US
Subject: 2 Great Events for John Campbell

Mike - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes ***please note this event was originally scheduled for Dec 8th, it is NOW the 9th***

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@us.pwc.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
CompleteCampaigns.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

From: Jon Graham <[redacted]@gulagraham.com>
Sent: Wednesday, December 2, 2009 2:38 PM
To: [redacted]PwC@Americas-US
Subject: 2 Great Events for John Campbell

Emily - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes ***please note this event was originally scheduled for Dec 8th, it is NOW the 9th***

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@us.pwc.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
CompleteCampaigns.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

From: Jon Graham <[redacted]@gulagraham.com>
Sent: Wednesday, December 2, 2009 7:36 PM (GMT)
To: Tucker Foote <[redacted]@mastercard.com>
Subject: 2 Great Events for John Campbell

Tucker - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes ***please note this event was originally scheduled for Dec 8th, it is NOW the 9th***

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

_____
Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@mastercard.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
CompleteCampaigns.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

From: Jon Graham
Sent: Wednesday, December 02, 2009 07:35 PM
To: Savercool, John
Subject: 2 Great Events for John Campbell

John - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:
House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit
House Committee on the Budget

This email was sent to [redacted]@ubs.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
CompleteCampaigns.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

From: Jon Graham
Sent: Wednesday, December 02, 2009 07:38 PM
To: Donnelly, Sarah
Subject: 2 Great Events for John Campbell

Sarah - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:
House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit
House Committee on the Budget

This email was sent to [redacted]@ubs.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
CompleteCampaigns.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

From: Jon Graham
Sent: Wednesday, December 02, 2009 07:39 PM
To: Rowan, Peter
Subject: 2 Great Events for John Campbell

Peter - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:
House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit
House Committee on the Budget

This email was sent to [redacted]@ubs.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
CompleteCampaigns.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

From: Jon Graham [[redacted]@gulagraham.com]
Sent: Wednesday, December 02, 2009 2:36 PM
To: Mangum, Lance
Subject: 2 Great Events for John Campbell

Lance - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@capitalone.com

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

From: Jon Graham [[redacted]@gulagraham.com]
Sent: Wednesday, December 02, 2009 2:38 PM
To: Weems, Emily
Subject: 2 Great Events for John Campbell

Emily - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@capitalone.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

From: Jon Graham [redacted]@gulagraham.com]
Sent: Wednesday, December 02, 2009 2:35 PM
To: Schellhas, Robert J [GGA]
Subject: 2 Great Events for John Campbell

Bob - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group

700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@citi.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
CompleteCampaigns.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

From: Mike Gula [[redacted]@gulagraham.com]
Sent: Thursday, November 19, 2009 2:52 PM
To: Schellhas, Robert J [GGA]
Subject: Cantor/Campbell CA Wine Tasting

Bob - I got a great event for you when you get back from Thanksgiving. Republican Whip Eric Cantor is headlining our **California Wine Tasting on Dec 9 at 5:00 PM** to support **Congressman John Campbell**.

The wine tasting will be at 123 D St, SE right around the corner from the CHC. We will have multiple wines from California to try. Any chance you can do $500 or $1K to help Congressman Campbell?

----if this date doesn't work but you still want to help Congresman Campbell he is doing a lunch that day (dec 9) with Congressman Nunes at the Capitol Hill Club

Thanks for the time

Mike

Michael Gula
C: [redacted]
W: 202-558-[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@citi.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

From: Jon Graham [@gulagraham.com]
Sent: Wednesday, December 02, 2009 2:35 PM
To: Kate Abel
Subject: 2 Great Events for John Campbell

Kate - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes ***please note this event was originally scheduled for Dec 8th, it is NOW the 9th***

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

CONTAINS PROPRIETARY/SENSITIVE INFORMATION
MAINTAIN AS CONFIDENTIAL

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises Financial Institutions & Consumer Credit

House Committee on the Budget

---

http://www.completecampaigns.com/EmailLogging.asp?rID=&cID=1290

This email was sent to [redacted]@cuna.coop.

Paid for by The Gula Graham Group.

HYPERLINK "http://www.completecampaigns.com/unsubscribe.asp?e=113380.1848&adr=kabel@cuna.coop&db=1290"Click here to Unsubscribe.

To unsubscribe via postal mail, please contact us at:
CompleteCampaigns.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by HYPERLINK "http://www.completecampaigns.com/"CompleteCampaigns.com

CONTAINS PROPRIETARY/SENSITIVE INFORMATION
MAINTAIN AS CONFIDENTIAL

From: Jonathan Graham [[redacted]@gulagraham.com]
Sent: Tuesday, December 08, 2009 2:12 PM
To: Kate Abel
Subject: Campbell Events Tomorrow w/ NUNES & CANTOR

Kate – I know we've probably asked a couple of times already, but I wanted to circle back one last time and see if either of these events for John Campbell tomorrow might work for you. ANY level of support (1k or $500) would be much appreciated as he tries to finish the year off strong.

Lunch (noon) at CHC w/ Special Guest Devin Nunes

CA Wine Tasting Rec (5:00 p.m.) at 123 D St SE (right around the corner from CHC) w/ Special Guest Eric Cantor

Any chance you can join John for either of these events tomorrow ?

Thank so much,

Jon

Jon Graham

The Gula Graham Group

700 12th St NW, Suite 700

Washington, DC 20005

202.302.[redacted]

HYPERLINK "http://www.gulagraham.com/"www.gulagraham.com

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law.

CONTAINS PROPRIETARY/SENSITIVE INFORMATION
MAINTAIN AS CONFIDENTIAL

If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

CONTAINS PROPRIETARY/SENSITIVE INFORMATION
MAINTAIN AS CONFIDENTIAL

From: Jon Graham
To: Wilsusen, Joshua (GOVTREL)
Sent: 12/2/2009 2:37:13 PM
Subject: 2 Great Events for John Campbell

Josh - I wanted to get 2 great opportunities over to you to help John Campbell before the end of the year, BOTH are on December 9th.

Lunch (Noon) at the Capitol Hill Club w/ Special Guest Congressman Devin Nunes
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ Special Guest GOP Whip Eric Cantor

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

<http://www.completecampaigns.com/EmailLogging.asp?rID=&cID=1290>

This email was sent to [redacted]@morganstanley.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe. <http://www.completecampaigns.com/unsubscribe.asp?e=113380.4966&adr=joshua.wilsusen@morganstanley.com&db=1290>
To unsubscribe via postal mail, please contact us at:
CompleteCampaigns.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete <http://www.completecampaigns.com/> Campaigns.com

From: Jonathan Graham
To: [redacted]@morganstanley.com
Sent: 12/8/2009 2:11:38 PM
Subject: Campbell Events Tomorrow w/ NUNES & CANTOR

Josh – I know we've probably asked a couple of times already, but I wanted to circle back one last time and see if either of these events for John Campbell tomorrow might work for you.. ANY level of support (1k or $500) would be much appreciated as he tries to finish the year off strong.

Lunch (noon) at CHC w/ Special Guest Devin Nunes

CA Wine Tasting Rec (5:00 p.m.) at 123 D St SE (right around the corner from CHC) w/ Special Guest Eric Cantor

Any chance you can join John for either of these events tomorrow ?

Thank so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]
www.gulagraham.com

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

From: Jon Graham
To: Mark Fernald
Sent: 12/2/2009 2:38:15 PM
Subject: 2 Great Events for John Campbell

Mark - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@morganstanley.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

2 Great Events for John Campbell
Jon Graham to: Marylu Korkuch 12/02/2009 01:35 PM
Please respond to <[redacted]@gulagraham.com> Show Details

Marylu - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR

CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@chubb.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

2 Great Events for John Campbell
Jon Graham to: Dan Conway 12/02/2009 01:35 PM
Please respond to <[redacted]@gulagraham.com> Show Details

Dan - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR

CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@chubb.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

2 Great Events for John Campbell
Jon Graham to: Simi Narron 12/02/2009 01:39 PM
Please respond to <[redacted]@gulagraham.com> Show Details

Simi - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR

CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@chubb.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by CompleteCampaigns.com

12/8 Rep. Campbell Luncheon w/ Rep. Nunes

Katy Cannon to: [redacted]@chubb.com 11/13/2009 09:58 AM

Show Details

Hi Dan–

I want to make sure you have this great event for Congressman John Campbell on your radar screen. On December 8th at noon at the Capitol Hill Club Congressman Devin Nunes will be joining us as the special guest for a luncheon honoring Congressman John Campbell.

The suggested contribution is:

Attend: $1,000 per PAC or $500 per Individual

Co-Host: $2,000 per PAC or $1,000 per Individual

Please let me know if you can join us or would like information on any of the Congressman's upcoming events.

Best,

Katy

From: Jon Graham <[redacted]@gulagraham.com>
Sent: Wednesday, December 2, 2009 7:36 PM (GMT)
To: Cunniffe, Amy (GE Healthcare) <[redacted]@ge.com>
Subject: 2 Great Events for John Campbell

Amy - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@ge.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

"Jon Graham"
<[redacted]@gulagraham.com>
12/02/2009 02:35 PM
Please respond to
<[redacted]@gulagraham.com>

To "Julie Herwig" <[redacted]@nyl.com>
cc
bcc
Subject 2 Great Events for John Campbell

Julie - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@nyl.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.

To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

"Jon Graham"
<[redacted]@gulagraham.com>
12/02/2009 02:35 PM
Please respond to
<[redacted]@gulagraham.com>

To "Jon Paone" <[redacted]@newyorklife.com>
cc
bcc
Subject 2 Great Events for John Campbell

Jon - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@newyorklife.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.

To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

Kaswell, Noah

From: Marine, Noah
Sent: Monday, June 21, 2010 9:50 AM
To: OCE RFI
Subject: FW: Campbell Dinner?
Attachments: Jonathan Graham .vcf; 10-21-09 John Campbell Dinner.doc

---

From: Marine, Noah
Sent: Thursday, October 08, 2009 2:29 PM
To: DeFife, Scott
Subject: FW: Campbell Dinner?

FYI - Should we do this industry wide event?

From: Jonathan Graham [[redacted]@gulagraham.com]
Sent: Thursday, October 08, 2009 2:19 PM
To: Marine, Noah
Subject: Campbell Dinner?

Noah – we got a pretty good group together for a John Campbell dinner on 10/21...any chance you can help?

Current RSVPs:

Steve	Patterson	JPMorgan
John	Anderson	Credit Suisse
Maura	Solomon	Citi
Ed	Hill	Bank of America
Amy	Best Coughlin	PricewaterhouseCoopers
Jennifer	Platt	ICSC

It's looking like he may have a race on his hands, early opponent who is raising some dough and President Obama won his district in 08.

Invite is attached, we'd love to have you join us.

Hope you are well,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]
www.gulagraham.com

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

Jones, Alicia K

From: Jones, Alicia K
Sent: Tuesday, December 08, 2009 2:22 PM
To: 'Mike Gula'
Subject: RE: On the house tomorrow

Tomorrow will be tough, but I will try to stop by for a few minutes.
I appreciate the invite and hope that I can make it.

Alicia Kerry

Alicia Kerry Jones
Associate Director, Congressional Relations
American Optometric Association
1505 Prince Street
Alexandria, VA 22314
703-837-[redacted]

From: Mike Gula [[redacted]@gulagraham.com]
Sent: Tuesday, December 08, 2009 1:36 PM
To: Jones, Alicia K
Subject: On the house tomorrow

Can you swing by my Congressman Campbell & Eric Cantor reception at 123 D St, SE between 5:00-6:15ish?

It is a wine tasting....just wanted to get a couple more bodies there. not looking for $$. I got that covered. Let me know if this works for you

Thanks

Mike

Michael Gula
C: [redacted]
W: 202-558-[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

From: Jon Graham [[redacted]@gulagraham.com]
Sent: Wednesday, December 02, 2009 2:40 PM
To: Anderson, John
Subject: 2 Great Events for John Campbell

John - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.9930

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@creditsuisse.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

From: Jon Graham [[redacted]@gulagraham.com]
Sent: Wednesday, December 02, 2009 2:36 PM
To: Moran, Michael
Subject: 2 Great Events for John Campbell

Mike - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@credit-suisse.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

From: Jon Graham [[redacted]@gulagraham.com]
Sent: Wednesday, December 02, 2009 2:35 PM
To: Whalen, Mary
Subject: 2 Great Events for John Campbell

Mary Lynne - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group
700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@csfb.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

From: Anderson, John <[redacted]@credit-suisse.com>
Sent: Monday, October 5, 2009 1:49 PM (GMT)
To: Hill, Edward J <[redacted]@bankofamerica.com>; [redacted]@us.pwc.com; Steven R Patterson <[redacted]@jpmchase.com>
Cc: Moran, Michael <[redacted]@credit-suisse.com>
Subject: Campbell Invite
Attach: 10-21-09 John Campbell Dinner.doc

---

please find attached the invite for the John Campbell dinner on the 21st. No names. Please let me know if you have any changes by COB otherwise we'll finalize and circulate. thanks

Please access the attached hyperlink for an important electronic communications disclaimer:
http://www.credit-suisse.com/legal/en/disclaimer_email_ib.html

You are cordially invited to a

Financial Services Dinner

Honoring

Congressman John Campbell

(CA-48)

House Committee on Financial Services
House Committee on the Budget

Wednesday, October 21st

6:00 p.m.

Finemondo

1319 F Street NW

Suggested Contribution:
Host: $2,000 per PAC/$1,000 per Individual
Attend: $1,000 per PAC/$500 per Individual

Please RSVP to:
Jon Graham or Mike Gula
at 202-302-9930 or mail
rsvp@gulagraham.com

Please make checks payable to:
Campbell for Congress
700 12th Street NW – Suite 700
Washington, DC 20005

Paid for by Campbell for Congress

Contributions are not tax deductible as a charitable donation for federal income tax purposes. By law, the maximum amount an individual may contribute is $2,400 per election. Federal multi-candidate PACs may contribute $5,000 per election. Federal Election Law requires political committees to report the name, mailing address, occupation and name of employer for contributions where aggregate is in excess of $200 in a calendar year. Contributions from corporations, foreign nationals, labor unions and federal government contractors are prohibited. Partnership checks are welcome, but please provide a written statement as to who to attribute contributions to.

From: Jon Graham [[redacted]@gulagraham.com]
Sent: Wednesday, December 02, 2009 7:39 PM
To: Rubin, Mark S
Subject: 2 Great Events for John Campbell

Mark - I wanted to get 2 great opportunities over to you to help **John Campbell** before the end of the year, BOTH are on **December 9th**.

Lunch (Noon) at the Capitol Hill Club w/ *Special Guest Congressman Devin Nunes*
please note this event was originally scheduled for Dec 8th, it is NOW the 9th

CA Wine Tasting Reception (5:00 p.m.) at 123 D Street SE w/ *Special Guest GOP Whip Eric Cantor*

Suggested contribution is 1k per PAC or $500 individual, but ANY help you have left for John before the end of the year is much appreciated.

Do you think you can help John out before the end of the year ?

Thanks so much,

Jon

Jon Graham
The Gula Graham Group
700 12th St NW, Suite 700
Washington, DC 20005
202.302.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

PLEASE SEND CONTRIBUTIONS MADE PAYABLE TO "CAMPBELL FOR CONGRESS" TO:

Campbell for Congress
c/o The Gula Graham Group

Confidential VEROCE-000000391

10-4283_0085

700 12th St NW, Ste 700
Washington, DC 20005

FEC ID: C00412312

CONGRESSMAN CAMPBELL IS ON THE FOLLOWING COMMITTEES AND SUBCOMMITTEES:

House Committee on Financial Services
Capital Markets, Insurance & Governmental Sponsored Enterprises
Financial Institutions & Consumer Credit

House Committee on the Budget

This email was sent to [redacted]@alltel.com.

Paid for by The Gula Graham Group.

Click here to Unsubscribe.
To unsubscribe via postal mail, please contact us at:
Complete**Campaigns**.com Attn: Unsubscribe
3635 Ruffin Road, Third Floor San Diego, CA 92123

Powered by Complete**Campaigns**.com

Confidential VEROCE-000000392

10-4283_0086

From: Hart, Jim
Sent: Friday, October 16, 2009 11:21 AM
To: Mekonen, Abiyan
Subject: RE:

Looks like he has three events, at least between the 21st and the 31st...that is a lot.

We made a commitment to do the Oct. 30th lunch with Paul Ryan as guest.

Good luck on the 21st....

From: Mekonen, Abiyan [[redacted]@credit-suisse.com]
Sent: Friday, October 16, 2009 12:09 PM
To: Hart, Jim
Subject: RE:

Sorry, the Financial Services dinner for Congressman John Campbell on Oct 21st at 6:00 PM

From: Hart, Jim [[redacted]@ici.org]
Sent: Friday, October 16, 2009 12:06 PM
To: Mekonen, Abiyan
Subject: RE:

I have to be honest...what event are you referring to...

From: Mekonen, Abiyan [[redacted]@credit-suisse.com]
Sent: Friday, October 16, 2009 12:05 PM
To: Hart, Jim
Subject:

Hey Jim Hart,

I'm following up on the invite I sent you last week. Will you be able to join us for the special event?

Thanks

Abiyan

==========
Please access the attached hyperlink for an important electronic communications disclaimer:
http://www.credit-suisse.com/legal/en/disclaimer_email_ib.html
==========

==========
Please access the attached hyperlink for an important electronic communications disclaimer:
http://www.credit-suisse.com/legal/en/disclaimer_email_ib.html
==========

EXHIBIT 12

From: Katy Cannon
To: Wilsusen, Joshua (GOVTREL)
Sent: 12/3/2009 1:39:47 PM
Subject: Rep. Campbell 1-1 Meet and Greet?

Hi Josh- I thought you might be interested in a one on one meet and greet coffee with Congressman John Campbell. Have you gotten a chance to talk with him yet? He is a great member on Financial Services and really enjoys getting to sit down and get to know people. Please let me know if you are interested and I am happy to set something up. Below are a few times he is available.

Dec. 8 10:00, 10:30, 11:00, 11:30, 1:00, 1:30, 2:00, 2:30

Dec. 9 10:00, 10:30, 11:00, 11:30, 1:00, 1:30, 2:00, 2:30

Dec. 15 10:00, 10:30, 11:00, 11:30, 1:00, 1:30, 2:00, 2:30

Dec. 16 10:00, 10:30, 11:00, 11:30, 3:00, 3:30, 4:00, 4:30

Dec. 17 10:00, 10:30, 11:00, 11:30, 1:00, 1:30, 2:00, 2:30

Thanks!

Best,

Katy

Katy Cannon

202.577.[redacted]

<http://www.gulagraham.com> www.gulagraham.com

From: Wilsusen, Joshua (GOVTREL)
To: [redacted]@gmail.com
Sent: 11/18/2009 10:41:34 AM
Subject: FW: Rep. John Campbell 1-1 coffee or lunch? Any interest?

From: Katy Cannon[[redacted]@GULAGRAHAM.COM]
Sent: Wednesday, November 18, 2009 10:41:17 AM
To: Wilsusen, Joshua (GOVTREL)
Subject: Rep. John Campbell 1-1 coffee or lunch? Any interest?
Auto forwarded by a Rule

Hi Josh-

I wanted to see if there is any way Morgan Stanley can help out Congressman John Campbell before the end of the quarter. We really appreciate your generous support last cycle. It was a big help. Congressman Campbell wanted me to see if you are available to do a 1-1 coffee or lunch with him. He prefers these to big events. Is there any way you can do $1K or even $500 to help him out? He has a councilwoman running against him and Obama carried his district last cycle. Thanks so much. Let me know if you are free any of the following times and I am happy to set something up.

Wed. 12/2 -After 10am

Thurs. 12/3 -10am-2pm

Tues.12/8 -After 10am

Wed. 12/9 -After 10am

Thurs. 12/10 -10am-2pm

Tues. 12/15 - After 10am

Wed. 12/16 - 10am-1pm, After 3pm

Thurs. 12/16 - After 10am

Thanks!

Best,

Katy

CAMPBELL 4

Aquiles Suarez

From: Aquiles Suarez
Sent: Wednesday, November 18, 2009 10:49 AM
To: 'Katy Cannon'
Subject: RE: Rep. John Campbell 1-1 coffee or lunch? Any interest?

Katy –

I've already RSVP'd (I think to Gena) for tomorrow's lunch for John Campbell with Paul Ryan – I'm in for $1,000.

AFS

From: Katy Cannon [[redacted]@gulagraham.com]
Sent: Wednesday, November 18, 2009 10:41 AM
To: Aquiles Suarez
Subject: Rep. John Campbell 1-1 coffee or lunch? Any interest?

Hi Aquiles-

I wanted to see if there is any way National Assn of Industrial and Office Properities (NAIOP) can help out Congressman John Campbell before the end of the quarter. We really appreciate your generous support last cycle. It was a big help. Congressman Campbell wanted me to see if you are available to do a 1-1 coffee or lunch with him. He prefers these to big events. Is there any way you can do $1K or even $500 to help him out? He has a councilwoman running against him and Obama carried his district last cycle. Thanks so much. Let me know if you are free any of the following times and I am happy to set something up.

Wed. 12/2 -After 10am
Thurs. 12/3 -10am-2pm

Tues.12/8 -After 10am
Wed. 12/9 -After 10am
Thurs. 12/10 -10am-2pm

Tues. 12/15 - After 10am
Wed. 12/16 - 10am-1pm, After 3pm
Thurs. 12/16 - After 10am

Thanks!

Best,
Katy

From: Mike Gula <[redacted]@gulagraham.com>
Sent: Thursday, November 5, 2009 3:15 PM (GMT)
To: Hill, Edward J <[redacted]@bankofamerica.com>
Subject: Campbell/Paul Ryan lunch or 1-1
Attach: 11-19-09 John Campbell Lunch with Paul Ryan NEW DATE.doc

---

Hey Ed - I got a great lunch for you with 2 good Members in Nov 19th....Congressman Paul Ryan is the special guest for a Congressman John Campbell lunch on Nov 19th at 446 New Jersey Ave, SE. This townhouse is right around the corner from the Capitol Hill Club. I know it is late in the year. I wanted to see if you could help Campbell at the $500 or $1K level??? this will be a good lunch with 2 good Members. Let me know if this works for your schedule. thanks so much for any help

OR would you like a 1-1 instead? I can send over some times. You very supportive of Campbell last cycle. ANY help before the end of the year will really help. Thanks so much

Mike

Michael Gula
C: [redacted]
W: 202-558-[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

John Campbell/Paul Ryan Lunch 10/30
Gena Villari to: [redacted]@chubb.com 10/21/2009 09:55 AM
Show Details

Dan,

Good morning! Just wanted to get a lunch on your radar screen for Congressman John Campbell. He'll be having a lunch with special guest, Congressman Paul Ryan on Friday, October 30 at 12:00 PM at the Capitol Hill Club. Please let me know if you are able to join us.

As always, if you would like to support Congressman Campbell, but are unable to attend the lunch, please let me know and I'll be glad to arrange a 1-1 coffee for you. Thanks so much.

Gena

Gena Villari
202.306.[redacted]
www.gulagraham.com

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

You are cordially invited to a

Luncheon

Honoring

Congressman John Campbell

(CA-48)

House Committee on Financial Services
Subcommittee on Capital Markets, Insurance & Government Sponsored Enterprises
Subcommittee on Financial Institutions & Consumer Credit
House Committee on the Budget

With Special Guest

Congressman Paul Ryan

Friday, October 30th

Noon

LOCATION

TBD

Suggested Contribution:

Attend: $1,000 per PAC or $500 per Individual
Co-Host: $2,000 per PAC or $1,000 per Individual

Please RSVP to:
Jon Graham or Mike Gula
at 202-302-[redacted] or e-mail
[redacted]@gulagraham.com

Please make checks payable to:
Campbell for Congress
700 12th Street NW – Suite 700
Washington, DC 20005

Paid for by Campbell for Congress

Contributions are not tax deductible as a charitable donation for federal income tax purposes. By law, the maximum amount an individual may contribute is $2,400 per election. Federal multi-candidate PACs may contribute $5,000 per election. Federal Election Law requires political committees to report the name, mailing address, occupation and name of employer for contributions where aggregate is in excess of $200 in a calendar year. Contributions from corporations, foreign nationals, labor unions and federal government contractors are prohibited. Partnership checks are welcome, but please provide a written statement as to who to attribute contributions to.

From: Gena Villari <[redacted]@gulagraham.com>
Sent: Monday, October 5, 2009 2:24 PM (GMT)
To: <[redacted]@mastercard.com>
Subject: 1-1 Coffee with Bachmann and/or Campbell?

Tucker- I wanted to see if you'd be interested in grabbing a cup of coffee with one or two great Financial Services Members, Michele Bachmann and John Campbell. This is not a fundraiser, but rather just a 1-1 relationship-building meeting at the Capitol Hill Club. I have included times that both Members are available for coffee below. Please let me know if you would like to set up a time to meet with either Rep. Bachmann or Rep. Campbell (or both, separately).

Bachmann

Oct 711:30

Oct. 810:30, 11:00, 11:30

Oct. 1510:00

Oct. 2110:00, 10:30, 11:00, 11:30

Oct. 22 10:00, 10:30, 11:00, 11:30

Campbell

Oct 710, 10:30, 11:00, 11:30, 3:00, 3:30

Oct 810, 10:30, 11:00, 11:30, 3:00, 3:30

Oct 9 10, 10:30, 11:00, 11:30

Oct 14 10:30, 11:30, 1:00, 1:30, 2:00, 2:30, 3:00, 3:30, 4:00

Oct 21:8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30, 3:00, 3:30

Oct 22:8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30

Thanks,

Gena

Gena Villari

The Gula Graham Group

700 12th St NW, Ste 700

Washington DC, 20005

202.306[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

"Gena Villari"
<[redacted]@gulagraham.com>
10/05/2009 10:34 AM

To <[redacted]@nyl.com>
cc
bcc
Subject 1-1 Coffee with Bachmann and/or Campbell?

Julie- I wanted to see if you'd be interested in grabbing a cup of coffee with one or two great Financial Services Members, Michele Bachmann and John Campbell. This is not a fundraiser, but rather just a 1-1 relationship-building meeting at the Capitol Hill Club. I have included times that both Members are available for coffee below. Please let me know if you would like to set up a time to meet with either Rep. Bachmann or Rep. Campbell (or both, separately).

Bachmann

Oct 7 11:30
Oct. 8 10:30, 11:00, 11:30
Oct. 15 10:00
Oct. 21 10:00, 10:30, 11:00, 11:30
Oct. 22 10:00, 10:30, 11:00, 11:30

Campbell

Oct 7 10, 10:30, 11:00, 11:30, 3:00, 3:30
Oct 8 10, 10:30, 11:00, 11:30, 3:00, 3:30
Oct 9 10, 10:30, 11:00, 11:30
Oct 14 10:30, 11:30, 1:00, 1:30, 2:00, 2:30, 3:00, 3:30, 4:00
Oct 21: 8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30, 3:00, 3:30
Oct 22: 8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30

Thanks,
Gena

Gena Villari
The Gula Graham Group
700 12th St NW, Ste 700
Washington DC, 20005
202.306.[redacted]

This email should be treated as a confidential communication of The Gula Graham Group. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, you are notified that any retention and/or further use, distribution, printing or disclosure of this communication is prohibited.

EXHIBIT 13

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

In Re:	Representative Campbell's Chief of Staff
Review #:	10-4283
Date:	July 20, 2010
Location:	Rayburn HOB
Time:	2:50 p.m. – 3:30 p.m. (approximate)
Participants:	Omar Ashmawy
	Paul Solis
	Michael Toner
	Brandis Zehr

Summary: The witness is the Chief of Staff for Representative John Campbell who represents the 48th District of California. The OCE requested an interview with the witness and she consented to an interview. She made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and signed the written acknowledgement of the warning, which will be placed in the case file in this review. The witness consented to an interview on July 20, 2010.

2. The witness told the OCE that as a Chief of Staff her primary function was to oversee both the Washington, DC and district office. She is responsible for personnel issues such as hiring and firing and also for the office budget and its expenditures. She has been the Chief of Staff for almost two years.

3. Regarding policy issues, the witness sits in on almost every meeting the Congressman has in the office. The appropriate Legislative Assistant will also be in the meeting. The witness described her role as "having a handle on everything" but not micro-managing the staff. Legislative issues do not have to go through the witness before going to the Congressman. The witness did not do any work on the financial reform legislation.

4. Regarding fundraising, the witness stated that the office has a professional fundraiser that does all the DC fundraising. The office also has a district person who does local events in California. Mr. Mike Gula the office's Washington, DC fundraiser. The witness hired Mr. Gula. Similar to her role regarding the legislative issues, the witness is aware of what Mr. Gula is doing, but lets him handle the fundraising.

5. Mr. Gula sends the list of anticipated attendees to the witness and the office scheduler either the day of the event or the day before. The witness will then give it to the Congressman. The list of attendees will also go on the Congressman's office calendar.

6. The witness attends 90-95% of the Congressman's Washington, DC fundraisers. The only other staff who attends is the financial services Legislative Assistant, Mr. McCelland and the Legislative Director, David Malech.

7. No one in the office asks staff members to attend fundraisers. Mr. Malech or Mr. McCelland will sometimes ask to attend because they know a lobbyist on the attendee list or having a friend who is attending.

8. The witness was shown a flyer for a December 9, 2009 fundraiser.

9. The witness attended the fundraiser. Mr. McCelland also attended. The witness role was that she "chatted" with the people at the event before the Congressman arrived. She did not remember any specific attendees and stated that there was no focus to the fundraiser as far as she remembered.

10. The fundraiser was planned probably 1 ½ - 2 months in advance.

11. Generally, Mr. Gula plans fundraiser by requesting available dates and times from the Congressman approximately 2 months in advance. Once he receives the dates, he then puts together a calendar of events and emails the calendar to the witness and the scheduler. The witness is not aware of what Mr. Gula does in the interim and does not know who will attend a particular event until she receives the attendee list on the day of the fundraiser or the day before the event.

12. The Member does not make fundraising or follow up calls inviting people to the event. Neither does the witness. Mr. Gula "does everything."

13. The witness was shown a flyer for an evening fundraiser on December 9, 2009 and a corresponding list.

14. The witness attended the fundraiser. She recalled that Mr. McCelland arrived at some point. The witness "chatted with people" but did not recall who she spoke with. There was no industry focus to the event. The event was probably planned around the same time as the other December 9th event.

15. The witness stated that Congress is usually in session in early December. It would not have been unusual to be in session on December 9, 2009. Congress is almost always in session until the 12th or 15th of December – especially in a non-election year.

16. The witness was shown a flyer for an October 21 fundraiser and a list of attendees.

17. The witness and Mr. McCelland were at the fundraiser. There was not an industry focus to the event as far as she could remember.

18. The witness never sees invitations to the fundraisers Mr. Gula plans. Today was the first time she has ever seen them.

19. Mr. Gula does not tell the witness if a particular event will focus on a specific industry. However, most of the people the office interacts with are related to the financial services industry.

I prepared this Memorandum of Interview on July 20, 2010 after interviewing the witness on July 20, 2010 based on the notes staff prepared during the interview. I certify that this memorandum contains all pertinent matter discussed with the witness on July 20, 2010.

Omar Ashmawy
Investigative Counsel

EXHIBIT 14

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

In Re:	Representative Campbell's Legislative Assistant
Review #:	10-4283
Date:	July 20, 2010
Location:	Rayburn HOB
Time:	2:10 p.m. – 2:45 p.m. (approximate)
Participants:	Omar Ashmawy
	Paul Solis
	Michael Toner
	Brandis Zehr

Summary: The witness is a Legislative Assistant for Representative John Campbell who represents the 48th District of California. The OCE requested an interview with the witness and he consented to an interview. He made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and signed the written acknowledgement of the warning, which will be placed in the case file in this review. The witness consented to an interview on July 20, 2010.

2. The witness told the OCE that as a Legislative Assistant ("LA") he was responsible for issues relating to financial services, energy, transportation and several "ad hoc scientific issues."

3. The office has both a Legislative Director ("LD") and a Chief of Staff. They are both his supervisors, but on many financial services issues the witness has direct access to the Member. If there is time, he may run an issue by the LD or Chief of Staff but not always. There is no rule that requires the witness to consult with the LD of Chief of Staff before going to the Congressman.

4. The witness has attended fundraisers. When he attends them, he has not particular role or responsibilities. He attends fundraiser in part because of personal career reasons and to interact with people he knows.

5. The witness has never been told to go to a fundraiser and has never been invited to one. When he sees a fundraiser that he wants to attend he will ask if he can go. He knows when the fundraisers are held because they are on the Member's calendar, to which he has access. The names of the expected attendees are also on the calendar. If he sees names that he recognizes he will go to the fundraiser.

6. The only other staff he sees at fundraisers is the Chief of Staff, who attends "quite a few," and the LD, who sometimes attends. The witness attends approximately 75% of the fundraisers in Washington DC.

7. The witness was shown a flyer for a December 9, 2009 fundraiser and a list of names

8. The witness did not remember if the fundraiser he attended was on December 9, 2009, but he did recall attending a lunch fundraiser with Congressman Nunes. He thinks other staff members attended but could not remember who. If another staff member attended it would have either been the Chief of Staff or the LD.

9. When asked about the attendees of the December 9, 2009 lunch-time fundraiser, initially the witness could not remember anyone specifically. However, he then remembered several individuals. He recalled "exchanging pleasantries" with Tim Randsdell, a lobbyist for Sempra Energy and speaking with Michelle Holiday. Ms. Holiday mentioned that there was an energy bill her company had that she wanted the witness to take a look at. The witness told her to call him later. The witness also remembered saying hello to Tom Townsend.

10. There was no industry focus at the December 9th event. The witness could not recall when he learned about the fundraiser.

11. The witness was shown a flyer and list from an evening fundraiser also on December 9, 2010.

12. The witness also attended this event. He arrived late and only stayed for approximately 20 minutes. The witness recalled saying hello to several people and remembered speaking to a representative of the American Bankers Association. They spoke about what each person was going to do when the regulatory reform legislation was complete. The Chief of Staff also attended the event. The event did not have an industry focus.

13. The witness has no part in planning fundraisers. He has exchanged a handful of emails with Mr. Mike Gula, the Congressman's fundraiser, but did not remember what they were about.

14. The witness was shown a flyer and list from an October 21, 2009 fundraiser.

15. The witness recalled the fundraiser. He attended the fundraiser for personal reasons and to get dinner. He recalled sitting at a table outside the room. There were a lot of "financial services people" there, but he did not remember anyone asking to talk about a specific financial services issue. Most of the attendees were related to financial services.

16. The witness explained that the mark-up on regulatory reform began after Labor Day and that the House of Representatives ended up combining 5 or 7 bills. He could not identify any significant dates related to the legislation in October, November, or December. The witness described the period of time from September through December as "one big mash up."

17. The witness knew Brendan Reilly. He has known him for several years. Mr. Reilly works for the Commercial Mortgage and Securities Association. The witness worked with Mr. Reilly on an amendment.

18. The witness knew John Anderson. He has known Mr. Anderson for several years. Mr. Anderson has held several jobs, but was most recently at Credit Suisse. The witness and Mr. Anderson worked on "some study language" regarding bankruptcy and cross-margining.

19. The witness also worked with Scott McLucas from KPMG. The witness could not remember what they worked on together, but he did work on regulatory reform with him in 2009.

20. The witness was asked about an amendment offered by Representative Watt regarding automotive dealers. The witness stated that Representative Campbell and Representative Watt tried to reach a compromise, but ultimately could not. The amendment was withdrawn because it did not have the votes to pass.

I prepared this Memorandum of Interview on July 20, 2010 after interviewing the witness on July 20, 2010 based on the notes staff prepared during the interview. I certify that this memorandum contains all pertinent matter discussed with the witness on July 20, 2010.

Omar Ashmawy
Investigative Counsel

Appendix C

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 10-6002

The Board of the Office of Congressional Ethics (the "Board"), by a vote of no less than four members, on August 27, 2010, adopted the following report and ordered it to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

SUBJECT: Representative Joseph Crowley

NATURE OF THE ALLEGED VIOLATION: H.R. 4173, formally known as the Wall Street Reform and Consumer Protection Act of 2009 (the "Financial Reform Bill") was reported out of the Committee on Financial Services on the afternoon of December 2, 2009. The Financial Reform Bill was passed by the House on December 11, 2009. During that nine-day interim period, Representative Crowley held four fundraising events for his congressional and leadership campaign committees. At two fundraising events, all attendees represented entities or were individuals registered to lobby on the Financial Reform Bill. Further, Representative Crowley's professional fundraiser offered one-on-one meetings between Representative Crowley and entities registered to lobby on the Financial Reform Bill during the nine-day period noted above.

If Representative Crowley solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors or the appearance that the contributions were linked to an official act, then he may have violated House Rules and Standards of Conduct.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Standards of Official Conduct further review the above allegations because there is a substantial reason to believe that Representative Crowley solicited or accepted contributions in a manner which gave the appearance that special treatment or access was provided to donors or that contributions were linked to an official act.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Omar S. Ashmawy, Acting Staff Director & Chief Counsel.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 10-6002

I. INTRODUCTION 3

A. Summary of Allegations 3

B. Jurisdictional Statement 3

C. Procedural History 4

D. Summary of Investigative Activity 4

II. REPRESENTATIVE CROWLEY'S DECEMBER 2009 FUNDRAISING EVENTS 6

A. House Precedent, Rules, and Standards of Conduct 6

B. Position of Influence 8

C. Timing of Fundraising Events 10

D. Nature of Fundraising Events 10

E. Presence of Key Staff 21

F. Limited Number of Attendees 21

III. CONCLUSION 22

IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS 22

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 10-6002

On August 27, 2010, the Board of the Office of Congressional Ethics (the "Board") adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*). The Board notes that these findings do not constitute a determination that a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. There is a substantial reason to believe that Representative Crowley solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors and the appearance that the contributions were linked to an official act.

2. The Board notes that, among other facts, Representative Crowley held a fundraising event on December 10, 2009, the day before the House voted on the Financial Reform Bill, where all thirteen attendees were either registered to lobby on the Financial Reform Bill or were representatives of entities registered to lobby on the Financial Reform Bill. The Board further notes that Representative Crowley was a member of the Ways and Means Committee, authored two amendments to the Financial Services Bill and as Chair of the New Democrat Coalition, negotiated with House Democratic leadership on amendments to the Financial Reform Bill.

B. Jurisdictional Statement

3. The allegations that were the subject of this review concern Representative Crowley, a Member of the United States House of Representatives from the 7th District of New York. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (the "OCE") directs that, "[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution."[1] The House adopted this Resolution on March 11, 2008. Because the

[1] H. Res. 895, 110th Cong. §1(e) (2008) (as amended).

conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

4. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on May 24, 2010. The preliminary review commenced on May 25, 2010.[2] The preliminary review was scheduled to end on June 23, 2010.

5. At least three members of the Board voted to initiate a second phase review in this matter on June 21, 2010. The second-phase review commenced on June 24, 2010.[3] The second-phase review was scheduled to end on August 7, 2010.

6. The Board voted to extend the forty-five day second-phase review by an additional fourteen days, as provided by the Resolution, on July 29, 2010. Following the extension, the second-phase review was scheduled to end on August 21, 2010.[4]

7. The Board voted to refer the matter to the Committee on Standards of Official Conduct and adopted these findings on August 27, 2010.

8. This report and findings were transmitted to the Committee on Standards of Official Conduct on November 3, 2010.[5]

D. Summary of Investigative Activity

9. The investigation required the collection of evidence from a number of sources.

10. The OCE requested and received documentary and, in some cases testimonial evidence, from the following sources:

    (1) Representative Crowley;

    (2) Representative Crowley's Chief of Staff; and

    (3) Representative Crowley's Professional Fundraiser.

---

[2] A preliminary review is "requested" in writing by members of the Board of the OCE. The request for a preliminary review is "received" by the OCE on a date certain. According to H. Res. 895 of the 110th Congress (the "Resolution"), the timeframe for conducting a preliminary review is thirty days from the date of receipt of the Board's request.

[3] According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

[4] *Id*. at § 1(c)(2)(A)(ii) (2008).

[5] Pursuant to Rule 10 of the OCE's Rules for the Conduct of Investigations, the report and findings were transmitted on November 3, 2010.

11. The OCE requested and received documentary information from the following sources:

(1) Air Line Pilots Association;

(2) American Express;

(3) Guardian Life Insurance;

(4) Independent Community Bankers of America;

(5) KPMG;

(6) Magazine Publishers of America;

(7) Massachusetts Mutual Life Insurance;

(8) MasterCard;

(9) Morgan Stanley;

(10) Mortgage Bankers Association;

(11) National Apartment Association;

(12) New York Life;

(13) Hartford Advocates Fund;

(14) Oppenheimer Funds, Inc.;

(15) Target;

(16) JP Morgan Chase;

(17) Time Warner;

(18) Verizon Wireless;

(19) Zurich Holdings;

(20) PricewaterhouseCoopers;

(21) UBS;

(22) General Electric;

(23) National Association of Real Estate Investment Trusts; and

(24) The host of a December 10, 2009 fundraising event for Representative Crowley.

II. REPRESENTATIVE CROWLEY'S DECEMBER 2009 FUNDRAISING EVENTS

A. House Precedent, Rules, and Standards of Conduct

12. The House of Representatives intends that Members adhere to the standards of conduct stated in Rule 23 of the Rules of the House and other relevant Rules of the House, in the Ethics Manual, in the Code of Ethics for Government Service, and in various precedents of the House and the Committee on Standards of Official Conduct ("Standards Committee") in matters related to ethics. In establishing the OCE, the House charged the Board of the OCE with assisting it in the enforcement of these standards of conduct.

13. In this matter, as the citations below indicate, the Board reviewed the conduct at issue under the pertinent standards set out in the Ethics Manual and the memorandum of the Chair and Ranking Member of the Standards Committee in the matter of Representative Tom DeLay. The cited sections in the Ethics Manual and the memorandum in the DeLay matter relate to the propriety of certain types of political fundraising activity conducted in proximity to pending business of the House and its committees. The Board respects the final authority of the Standards Committee in matters referred to it by the OCE for the Standards Committee to determine whether conduct apparently proscribed by this or other standards is deemed to be a violation. In this matter, as with all referrals to the Standards Committee for further review, the OCE board reaches no conclusion that a violation has occurred but only determines if there is substantial reason to believe that a violation *may* have occurred.

14. The OCE Board sees its responsibility to assess the apparent applicability of standards of conduct to the facts and circumstances of the conduct adduced during its time-limited process and under its prescribed authority. It has done so in this matter. It would be inappropriate for the OCE Board to interpret the standard expressed in the DeLay matter differently than indicated by the precedents and writings of the Standards Committee.

15. *"It is probably not wrong for the campaign managers of a legislator . . . to request contributions from those for whom the legislator has done appreciable favors, but this should never be presented as a payment for the services rendered. Moreover, the possibility of such a contribution should never be suggested by the legislator or his staff at the time the favor is done. Furthermore, a decent interval of time should be allowed to lapse so that neither party will feel that there is a close connection between the two acts. The Standards Committee has long advised Members and staff that they should always exercise caution to avoid even the appearance that solicitations of campaign*

contributions are connected in any way with an action taken or to be taken in their official capacity."[6]

16. *"[N]o solicitation of a campaign or political contribution may be linked to an action taken or to be taken by a Member or employee in his or her official capacity."*[7] *In addition, a Member may not accept any contribution that is linked with any specific official action taken or to be taken by that Member."*[8]

17. *"[T]he scope of the House standards of conduct in this area is broader than that of the criminal bribery statute . . . the House standards of conduct generally preclude any link between the solicitation or receipt of a contribution and a specific official action."*[9]

18. *"Put another way, there are fundraising activities that do not violate any criminal statute but well may violate House standards of conduct."*[10]

19. *"[T]here are certain proffered campaign contributions that must be declined, and certain fundraising opportunities that must be forgone, solely because they create an appearance of improper conduct."*[11]

20. *"The broad House standards of conduct in this area are extremely important ones."*[12]

21. These standards were expressly addressed in the Standards Committee's 2004 "*Statement of the Committee regarding disposition of the complaint filed against Representative Tom DeLay*." In that case, a June 2002 energy fundraiser was held for Representative DeLay, coordinated by a former DeLay staffer working as a lobbyist and various energy industry lobbyists. Five energy companies and their executives attended the event.[13] Three months later in September 2002, during a House-Senate conference over a broad-

[6] House Ethics Manual 147 (2008).
[7] *Id*.
[8] Memorandum of the Chairman and Ranking Minority Member, Recommendations for disposition of the complaint filed against Representative DeLay (2004), http://ethics.house.gov/Investigations/Default.aspx?Section=18.
[9] *Id*.
[10] *Id*.
[11] *Id*.
[12] *Id*.
[13] *Id*. As early as late April 2002, executives from a company that would later attend the June 2002 fundraising event informed the Standards Committee that they were aware of a summer fundraiser for Representative DeLay that could affect their business interests. Further, at the event, Representative DeLay, his legislative staffer focused on energy issues, and his staff counsel, engaged in direct contact with attendees, often discussing a broad range of energy policy issues. The Standards Committee, in finding that certain fundraising activity "did not conform to House standards," expressly found that "(1) neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and (2) Representative DeLay took no action with regard to Westar that would constitute an impermissible special favor." Thus, the Standards Committee's findings not only analyzed an appearance standard absent any finding of improper solicitation of campaign contributions, but it also did so regardless of the ultimate position Representative DeLay took on the energy bill.

sweeping energy bill, Representative DeLay took part in the conference as an appointed conferee.

22. The Standards Committee specifically noted the following factors in finding that Representative DeLay's fundraising activity did not conform to House standards: (1) the timing[14] of the fundraiser in connection to certain legislative activity under consideration by the House; (2) Representative DeLay's position of influence on certain legislation; (3) the nature of the fundraising event; (4) presence of key staff members at the event; and (5) the limited number of attendees in direct contact with both Representative DeLay and his staff.[15] In determining whether a matter warrants further review, the OCE compared conduct at issue to these factors as detailed below.

23. Further, when *"[a] House staff member is working with representatives of a corporation on legislation supported by that corporation . . . [t]he staff member may do campaign work consistent with the rules set out above, including soliciting contributions. However, at least while the staff member is doing that legislative work, and for a reasonable period thereafter, he should not solicit contributions from the representatives of that corporation."*[16]

B. <u>Position of Influence</u>

24. Representative Crowley is a Member of the House Committee on Ways and Means.[17]

25. He authored two amendments to the Financial Reform Bill.[18]

26. Representative Crowley is Chief Deputy Whip in the Democratic Caucus and Chair of the New Democrat Coalition.[19]

---

[14] *Id*. The Standards Committee took a broad view of "timing" standards stating that "[i]n particular, there was the timing of the fundraiser, *i.e.*, it took place just as the House-Senate conference on major energy legislation, H.R. 4, <u>was about to get underway</u>." (emphasis added.)
[15] *Id*.
[16] House Ethics Manual 147 (2008).
[17] Committee on Ways and Means for the 111th Congress, http://waysandmeans.house.gov/singlepages.aspx?newsid=10462.
[18] Committee on Financial Services Markups for the 111th Congress, found at http://financialservices.house.gov/Hearings/markups.aspx; Summary of Amendments Submitted to the Rules Committee for H.R. 4173 - Wall Street Reform and Consumer Protection Act of 2009, found at http://rules.house.gov/amendment_details.aspx?NewsID=4516.
[19] Majority Whip of the 111th Congress, http://majoritywhip.house.gov/index.cfm?p=WhipTeam; New Democrat Coalition, http://ndc.crowley.house.gov/.

27. Further, as noted below, an email exchange between members of Representative Crowley's staff and PricewaterhouseCoopers indicates that Representative Crowley was in a position to affect the outcome of the Financial Reform Bill.[20] Specifically, the staff notes that Representative Crowley and the "New Democrats" reached an agreement with House leadership to affect several amendments of the Financial Reform Bill. As noted, Representative Crowley was Chair of the New Democrat Caucus at the time.[21]

From: Shanti Stanton <[redacted]@elmendorfstrategies.com>
Sent: Wednesday, December 9, 2009 8:36 PM
To: Michael O'Brien[redacted]@Americas-US
Subject: Re: New Dem Regulatory Reform Update

Basically what all the fin serv companies want...less regulation, that's all I know. No substance, all status here in shanti-land.

----- Original Message -----
From: [redacted]@us.pwc.com <[redacted]@us.pwc.com>
To: Shanti Stanton
Sent: Wed Dec 09 20:31:39 2009
Subject: Re: New Dem Regulatory Reform Update

What is a "pre 2004 standard of preemption"? Don't even know what that means.

This document was not intended or written by PwC to be used, and it cannot be used, by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer.

----- Original Message -----
From: Shanti Stanton [redacted]@elmendorfstrategies.com]
Sent: 12/09/2009 08:29 PM EST
To: Michael O'Brien
Subject: Fw: New Dem Regulatory Reform Update

----- Original Message -----
From: Pase, Adam <Adam.Pase@mail.house.gov>
Cc: Winkler, Kate <Kate.Winkler@mail.house.gov>
Sent: Wed Dec 09 20:10:55 2009
Subject: New Dem Regulatory Reform Update

Friends –

I wanted to give you a brief update on the status of our efforts on The Wall Street Reform and Consumer Protection Act (H.R. 4173). As you may know, there will be two rules governing H.R. 4173 – 1) a rule governing general debate, which will be debated and voted on tonight; and 2) a rule allowing for consideration of amendments to the bill. Many New Dem members were considering voting "NO" on the rule governing general debate as a result of concerns that some amendments being offered by moderate Democrats were not going to be made in order. I am pleased to report, however, that we have reached an agreement with House Leadership that will:

1) Allow for consideration on the Floor of the Murphy-McMahon-Kratovil amendment on derivatives;

2) Allow for consideration on the Floor of the Minnick Amendment to CFPA; and

3) Make changes to the Manager's amendment on the issue of preemption (an issue that has been championed by Congresswoman Bean, the head of our Financial Services Task Force).

Please know that while we are awaiting final language on the preemption issue, there was an agreement in concept on this issue that will provide for a true pre-2004 standard on preemption. As a result, Representatives Crowley and Bean intend to vote in support of the rule on the Floor tonight. Thank you

[20] Email from Shanti Stanton to Michael O'Brien, December 9, 2009 (Exhibit 1 at 10-6002_0002-3).
[21] New Democrat Coalition, http://ndc.crowley.house.gov/.

C. Timing of Fundraising Events

28. Representative Crowley held five fundraising events in December 2009: December 2, 2009; December 7, 2009; two on December 10, 2009; and one on December 15, 2009. Four of the five events were held within the nine-day interval between the markup and the final vote. His two December 10, 2009 fundraising events[22] were both held one day before the final vote on the Financial Reform Bill, which occurred on December 11, 2009.

29. Representative Crowley's professional fundraiser stated that she did not recall when the December 2nd event was planned.[23] She stated that the first December 10th event would most likely have been planned in mid-October while the second event would most likely have been planned in November.[24]

30. The Board notes that the Chairman of the Financial Services Committee told the OCE that Members would have known in November 2009 that the Financial Reform Bill would be out of committee and on the House floor for a final vote in December 2009.[25]

D. Nature of Fundraising Events

31. Representative Crowley's professional fundraiser told the OCE that she begins the fundraising process by setting a date, finding a location for the event, compiling the invitation and emailing the invitation.[26] She plans the events anywhere from sixty days to six months in advance.[27]

32. In addition, the fundraiser will initially send a "blast" or mass email to a list of approximately 3,000 addresses but will also make "follow-up" calls and send "follow-up" emails.[28] Representative Crowley's fundraiser stated that the names are selected based on who has contributed in the past and who she would like to attend an event before the end of the campaign cycle.[29]

---

[22] The early event was held for Representative Crowley's congressional PAC while the later event was held for his leadership PAC. *See* Transcript of Interview with Representative Crowley's fundraiser, July 13, 2010 ("Fundraiser Transcript") (Exhibit 2 at 10-6002_0012).
[23] Fundraiser Transcript (Exhibit 2 at 10-6002_0008).
[24] *Id*. at 10-6002_0009, 0012.
[25] Memorandum of Interview of the Chairman of the Financial Services Committee, July 29, 2010 (Exhibit 3 at 10-6002_0021)
[26] Fundraiser Transcript (Exhibit 2 at 10-6002_0006).
[27] *Id*.
[28] *Id*. at 10-6002_0010.
[29] *Id*. at 10-6002_0011.

33. On December 7, 2009 Representative Crowley held an event in Queens, New York.[30] The event was for the Association for Advanced Life Underwriting and New York Life, two entities registered to lobby on the Financial Reform Bill.[31]

Congressman Joe Crowley (D-NY) Profile
Breakfast with Congressman Joe Crowley
10AM Monday December 7th, 2009
95-25 Queens Blvd.
10th floor
Rego Park, NY 11374

Cell contacts:
Chris Morton – (571) 327-[redacted]
Karla Kirk - (202) 997-[redacted]

Attendees (as of 11.9.09)
Chris Morton, VP Legislative Affairs, AALU
Nat Perlmutter, AALU Board Member
Jor Paone, New York Life
Andrea Perlmutter, AALU Board Member
Robert Miller, AALU Member
Rich Pope, AALU Member
Jim Mendelson

Format for the Meeting
- The event will be an informal coffee. Chris Morton will call the meeting to order by thanking everyone for coming. Chris will talk briefly about AALU and introduce Nat Perlmutter, AALU President elect.
- The rest of the group will introduce themselves
- Chris will then turn the conversation to Nat Perlmutter. Nat will talk briefly and his business and introduce Congressman Crowley
- Nat will turn the conversation over to Congressman Crowley
- After Crowley speaks, we'll move to Q and A.

[30] Information sheet for December 7, 2009 breakfast (Exhibit 4 at 10-6002_0023).
[31] *See* Lobbyist Disclosure Database, U.S. House of Representatives, http://lobbyingdisclosure.house.gov/index.html.

34. Representative Crowley held a fundraising event on December 10, 2009.[32]

35. Representative Crowley's fundraiser stated that Julie Domenick, a lobbyist, offered to host the first December 10th fundraising event at her home.[33]

Please Join

Congressman Joseph Crowley

(D-NY)

For a

HOLIDAY COCKTAIL RECEPTION!

with special guest

Senator Mark Warner

Thursday, December 10, 2009
5:00 pm – 7:00 pm

[redacted]

Washington, DC 20003

Suggested Contribution
$500 Personal/$1000 PAC

Please make checks payable to:
Crowley for Congress
50 E Street SE, Suite 1
Lower Level
Washington, DC 20003

For more information or to RSVP, please contact Sara Conrad at
202-543-[redacted] or [redacted]@theconradgroup.org

[32] Transcript of Interview with Representative Crowley July 13, 2010 ("Crowley Transcript") (Exhibit 5 at 10-6002_0039-40); *See* Fundraising event flyer (Exhibit 6 at 10-6002_0060).
[33] Fundraiser Transcript (Exhibit 2 at 10-6002_0008).

36. However, the Board notes that the email below discusses a November 4, 2009 *request* from Representative Crowley's fundraiser to hold the cocktail event at Ms. Domenick's house.[34]

From: Julie Domenick [[redacted]@multiplestrategiesllc.com]
Sent: Wednesday, November 04, 2009 3:04 PM
To: Sara Conrad
Subject: RE: crowley event

in a heart beat.
dec 10 is calendared.
my pleasure.

Julie Domenick
President
Multiple Strategies LLC
[redacted] Washington, DC 20002
Phone: 202-965-[redacted]
Cell: [redacted]
Fax: 866-278-9312
Email: [redacted]@MultipleStrategiesLLC.com

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Wednesday, November 04, 2009 2:52 PM
To: Julie Domenick
Subject: crowley event

Hi Julie
Hope you are well. I can't believe I am going to ask about an event in December but I know we haven't done anything for Joe at your house in a really long time. We are wanting to do an end of the year event for Crowley for Congress and currently have December 10th held on the calendar – 6 p.m. just a reception.
Would your house be available and would you want to host Joe?
Thanks for considering!
Best
Sara

37. Representative Crowley's fundraiser stated that while she did not know who Ms. Domenick's specific clients were, she knew that before establishing her own political consulting firm, she worked in the financial services industry.[35]

[34] Email from Julie Domenick to Representative Crowley's fundraiser, November 4, 2009 (Exhibit 7 at 10-6002_0062).
[35] Fundraiser Transcript (Exhibit 2 at 10-6002_0018).

38. According to the attendance list provided by Representative Crowley,[36] of the forty-two attendees present at the December 10, 2009 cocktail event, thirty-one were either registered to lobby on the Financial Reform Bill or were representatives of entities registered to lobby on the Financial Reform Bill.[37]

TO: **Congressman Joseph Crowley**
FR: **Sara Conrad**
DT: **Thursday, December 10, 2009**
RE: **Crowley Events for Dec 10th**

Date: Thursday, December 10, 2009

Time: 5:00 p.m. – 7:00 p.m. – Crowley for Congress Reception
7:00 p.m. – JOE PAC Dinner

C for C Location:
Home of Julie Domenick
[redacted]
Washington DC

JOE PAC Location:
The Source Restaurant
575 Penn Ave NW
Wash DC

Staff: Sara Conrad cell: 202-262-[redacted]

Attire: Business

Background: **The Crowley for Congress Reception will be our last event of the year. We expect 40 people and will raise $50,000 for Crowley for Congress. Senator Mark Warner is attending the reception as our special guest.**

The JOE PAC was set up as a make up for those that attended the Greenbrier weekend and to raise money before the end of the year. We expect 20 people and will raise $40,000 for JOE PAC.

Crowley for Congress Reception Attendees:

Cliff	Andrews	
Linda	Bennett	AFSCME
Brad	Cheney	Mortgage Bankers Association of America
Anne	Costello	Bank of NY
Lake	Coulson	NECA
Tor	Cowan	American Federation of Teachers
Jim	Cregan	Magazine Publishers of America
Bill	Cunningham	American Federation of Teachers

[36] Attendee Lists for December 10, 2009 events (Exhibit 8 at 10-6002_0064-65).
[37] *See* Lobbyist Disclosure Database, U.S. House of Representatives, http://lobbyingdisclosure.house.gov/index.html.

Menda	Fife	Honeywell
John	Ford	Abbott
Elizabeth	Fox	AFLAC
Kirk	Freeman	NAREIT
Cheryl	Gannon	NAPEO
Libby	Greer	Cauthen Forbes & Williams
John	Hoel	Altria
Robert	Hoffman	Cognizant
Alethia	Jackson	AHIP
Ike	Jones	ICBA
Brendan	Kelsay	Clear Channel
Joel	Kopperud	CIAB
Norm	Lent	
Melissa	Maxfield	Comcast
David	Morgan	American Express
Kate	Moss	The Kate Moss Co
Roger	Mott	Verizon
Kevin	O'Connor	International Association of Fire Fighters
Josh	Raymond	General Electric
Rick	Rossow	NY Life
Cynthia	Sandherr	Deere & Co
Melissa	Schulman	Bockorny Group
Mark	Seklecki	American Hospital Assoc
Gregg	Sheiowitz	Zurich
Erica	Solomon	National Apartment Association
Josie	Storrs	Travelers
Richard	Sullivan	Capitol Counsel
Gordon	Taylor	Ogilvy
Marti	Thomas	Duberstein Group
Dave	Thomas	Mehlman Vogel
Mike	Townsend	Charles Schwab
Eric	Vaughn	National Structured Settlements Association
Steve	Vest	Time Warner
Alison	Weiss	Mass Mutual

39. Representative Crowley held a second fundraising event on December 10, 2009.[38]

40. Representative Crowley's fundraiser stated that the second December 10th event was for Representative Crowley's leadership PAC.[39]

You are invited to a dinner benefiting

JOE PAC – Jobs, Opportunities & Education

With Honorary Chairman

Congressman Joseph Crowley

(D-NY 7)

Thursday, December 10, 2009
7:00 p.m.

The Source
575 Pennsylvania Ave NW
Washington, DC 20003

Suggested Contribution
$2500 PAC/$1000 Personal

Please make checks payable to:
JOE PAC
50 E Street SE, Suite 1
Washington, DC 20003

For more information or to RSVP, please contact Sara Conrad at
202-543-[redacted] or [redacted]@theconradgroup.org

[38] Crowley Transcript (Exhibit 5 at 10-6002_0040); *See* Fundraising event flyer (Exhibit 9 at 10-6002_0068).
[39] Fundraiser Transcript (Exhibit 2 at 10-6002_0012).

41. According to the attendance list provided by Representative Crowley,[40] of the thirteen attendees present at the December 10, 2009 dinner event, all were either registered to lobby on the Financial Reform Bill or were representatives of entities registered to lobby on the Financial Reform Bill.[41]

JOE PAC Dinner Attendees:		
Don	Auerbach	ICI
Linda	Banton	Lockheed
Mac	Bernstein	DLA Piper
Marshall	Brachman	
Emily	Coyle	Ernst & Young
DeAna	Dow	CME
Susan	Flack	Target
Rob	Griner	JP Morgan
Sam	Morgante	Genworth
Jeff	Peterson	
Teresa	Schmitzer	Boeing
Geoff	Werth	US Oncology
Michael	Williams	Credit Suisse

42. The Board notes examples of Representative Crowley's fundraiser specifically soliciting financial services entities and asking them to attend the December 10th event.[42] Both General Electric and AFLAC were registered to lobby on the Financial Reform Bill.[43]

From: Sara Conrad <[redacted]@theconradgroup.org>
Sent: Wednesday, November 18, 2009 5:40 PM (GMT)
To: [redacted]@ge.com; Prowitt, Peter (GE, Corporate) <[redacted]@corporate.ge.com>; Raymond, Joshua (GE, Corporate) <[redacted]@ge.com>
Subject: crowley holiday reception
Attach: Crowley December 2009 Cocktail Reception.doc

Hi all
Attached is the invite for the Crowley Holiday Reception on December 10th! Hope you can join us – come one, come all!
Best
Sara

[40] Attendance Lists for December 10, 2009 events (Exhibit 8 at 10-6002_66).
[41] *See* Lobbyist Disclosure Database, U.S. House of Representatives, http://lobbyingdisclosure.house.gov/index.html.
[42] Solicitation emails from Representative Crowley's fundraiser (Exhibit 10 at 10-6002_0070-71).
[43] *See* Lobbyist Disclosure Database, U.S. House of Representatives, http://lobbyingdisclosure.house.gov/index.html.

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Monday, December 07, 2009 6:30 PM
To: Thomas Jolly; Elizabeth Fox
Subject: JOE PAC - Dinner on Thursday, December 10th

Hi Elizabeth and Tom
Hope you are well. I wanted to let you know we have a dinner for JOE PAC on Dec 10th at the Source at 7 p.m. the invite is attached here.
Hope you can join us – I know AFLAC has always supported JOE PAC in the past so wanted to be sure you have this event as our last opportunity before the end of the year to give to Crowley's leadership PAC.
Thanks for considering!
Best
Sara

43. According to the attendance list provided by Representative Crowley, General Electric and AFLAC attended the December 10, 2009 cocktail event.[44]

44. The Board notes that Representative Crowley's fundraiser also specifically solicited representatives from UBS, Morgan Stanley, New York Life, American Express, Ernst & Young, Hartford Associates, and Zurich. All entities were registered to lobby on the Financial Reform Bill.[45]

45. The Board also notes that Representative Crowley's Chief of Staff is discussed in the emails[46] below as specifically soliciting campaign contributions from entities registered to lobby on the Financial Reform Bill, including Time Warner and Mortgage Bankers Association.[47]

Sara Conrad

From: Vest, Steve [[redacted]@timewarner.com]
Sent: Tuesday, November 24, 2009 5:17 PM
To: Sara Conrad
Subject: RE: congressman crowley

Of course I will be there. Happy to help.

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Tuesday, November 24, 2009 4:36 PM
To: Vest, Steve
Subject: congressman crowley

Hi Steve
Hope you are well! I wanted to follow up on a conversation you had with Kate Winkler regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here.
Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

[44] Attendance Lists for December 10, 2009 event (Exhibit 8 at 10-6002_0064-65).
[45] Solicitation emails from Representative Crowley's fundraiser (Exhibit 11 at 10-6002_0073-83); *See* Lobbyist Disclosure Database, U.S. House of Representatives, http://lobbyingdisclosure.house.gov/index.html.
[46] Solicitation emails from Representative Crowley's fundraiser (Exhibit 12 at 10-6002_0085-86).
[47] *See* Lobbyist Disclosure Database, U.S. House of Representatives, http://lobbyingdisclosure.house.gov/index.html.

From: Koonce, Tom
To: Cheney, Brad;
Subject: FW: congressman crowley
Date: Monday, December 07, 2009 5:15:58 PM
Attachments: Crowley December 2009 Cocktail Reception.doc

From: Sara Conrad [redacted]@theconradgroup.org]
Sent: Tuesday, November 24, 2009 4:32 PM
To: Koonce, Tom
Subject: congressman crowley

Hi Tom!
Hope you are well! I wanted to follow up on a message that Kate Winkler left for you regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here. Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

46. Further, the Board specifically notes the two emails below.[48] The first is a November 24, 2009 email from Representative Crowley's fundraiser to an employee at Morgan Stanley, stating that Representative Crowley's Chief of Staff previously discussed attendance at the December 10, 2009 fundraising event with the Morgan Stanley employee.

From: Sara Conrad
To: Michael Stein ([redacted]@morganstanley.com)
Sent: 11/24/2009 4:33:15 PM
Subject: congressman crowley
Attachments: Crowley December 2009 Cocktail Reception.doc

Hi Bruce!
Hope you are well! I wanted to follow up on a conversation that you had with Kate Winkler regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here. Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

[48] Email from Representative Crowley's fundraiser to Michael Stein, November 24, 2009 (Exhibit 13 at 10-6002_0088-89).

47. The second email is dated December 4, 2009 and concerns a legislative and policy discussion concerning the Financial Reform Bill between the same Morgan Stanley employee and Representative Crowley's Chief of Staff.[49] These discussions appear to have occurred nine days apart.

Winkler, Kate

From: Winkler, Kate
Sent: Friday, December 04, 2009 11:04 AM
To: Michael Stein
Cc: Casey, Kevin
Subject: FW: Catch up
Attachments: derivatives -- Lynch Amendment NYSE et al letter.pdf; Derivatives -- clearinghouse talking points.pdf

Hey Michael. Thanks reaching out and the information.

I am looping in Kevin Casey who is back in the office. We are both, as is Joe, well aware of the proposed Lynch amendment. Joe, as well as other members of the New Democrat Coalition, have spoken with leadership regarding their concerns with the Lynch amendment. We will keep you posted on what we hear in terms of the rule and whether it is made in order.

Thanks, kate

From: Stein, Michael J. [[redacted]@morganstanley.com]
Sent: Thursday, December 03, 2009 4:59 PM
To: Winkler, Kate
Subject: RE: Catch up

Thanks Kate -- look forward to speaking with you soon. Very concerned about the anti-competitive' liquidity draining and market stifling Lynch Amendment to the derivatives section of the financial services reform bill. The House Ag Committee opposes the idea of limiting or restricting ownership of clearing houses or execution facilities and a number of new Dems on the HFSC also opposed it. Whether to keep Lynch restrictions or not may be decided on the floor next week. The only company that supports this limitation is NASDAQ because its screws the NY banks and other NY exchanges (see NYSE letter) and many existing clearing houses (E.g. Options Clearing Corp, LCH)-- and gives them a clear path to a monopoly. Look forward to discussing with you and Joe. Thanks again. MJS

48. On December 1, 2009, Representative Crowley's fundraiser also sent an email to two representatives from General Electric, offering a one-on-one meeting with Representative Crowley.[50] The final vote on the Financial Reform Bill occurred on December 11, 2009. While the communication does not solicit campaign contributions, the email was generated from Representative Crowley's professional fundraiser and not his legislative staff.

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Tuesday, December 01, 2009 5:03 PM
To: Raymond, Joshua (GE, Corporate); Prowitt, Peter (GE, Corporate)
Subject: coffee with joe

Hi all – peter good to talk to you – thanks for helping out Crowley for congress and JOE PAC.
Here are dates and times Joe is free for coffee – let me know if any of these days work for you all
Thanks!
Sara

12/8 – free until 5 p.m.
12/10 - Free from 10-12 and 1-5
12/15 – free after 9:30 a.m. until 1 p.m.
12/16 - Free until 3:30

[49] Email from Representative Crowley's Chief of Staff to Michael Stein, December 4, 2009 (Exhibit 13 at 10-6002_0088-89).
[50] Email from Representative Crowley's fundraiser to Joshua Raymond, December 1, 2009 (Exhibit 14 at 10-6002_0092).

49. The Board notes that Representative Crowley's fundraiser also specifically solicited representatives from the National Association of Real Estate Investment Trusts for one-on-one meetings with Representative Crowley.[51]

50. The Board also notes that Representative Crowley's Chief of Staff stated that the office scheduler faxes an "outlook" calendar to Representative Crowley's fundraiser every couple weeks.[52] The calendar contains "everything from the hearings that Joe's attending to meetings with constituents that he has in the office, names of people coming in."[53]

51. Further, Representative Crowley's Chief of Staff stated that Representative Crowley's fundraiser would communicate with other staffers "to the extent that staff opts to sometimes go to some of our campaign and fundraising events."[54]

E. <u>Presence of Key Staff</u>

52. Representative Crowley's Chief of Staff attended both December 10th events with Representative Crowley's "most senior legislative staffer."[55]

53. Representative Crowley's Chief of Staff has oversight over policy and legislative issues in the office.[56]

54. At the second December 10th event, Representative Crowley's Chief of Staff recalled speaking with a representative from JP Morgan Chase and also a lobbyist from Peck Madigan.[57] When asked if she knew who the lobbyist's clients were, Representative Crowley's Chief of Staff stated that she knew he represented people from the financial sector, but did not know specific clients.[58]

F. <u>Limited Number of Attendees</u>

55. At the December 7, 2009 event in Queens, the attendance list provided to the OCE shows seven attendees.

56. At the December 10, 2009 cocktail event, the attendance list provided to the OCE shows forty-two attendees.

---

[51] Solicitation emails from Representative Crowley's fundraiser (Exhibit 15 at 10-6002_0094).
[52] Transcript of Interview with Representative Crowley's Chief of Staff, July 15, 2010 ("Chief of Staff Transcript") (Exhibit 16 at 10-6002_0103-104).
[53] *Id*.
[54] *Id*.
[55] The Board notes that this individual is listed in the current congressional directory as a "Tax Counsel."
[56] Chief of Staff Transcript (Exhibit 16 at 10-6002_0096-97).
[57] *Id*. at 10-6002_0100.
[58] *Id*. at 10-6002_0101.

57. At the December 10, 2009 dinner event, the attendance list provided to the OCE shows thirteen attendees.

III. CONCLUSION

58. For these reasons, the Board recommends that the Standards Committee further review these allegations concerning Representative Crowley.

IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS

59. In every instance, the OCE asked the recipient of an OCE Request for Information to identify any information they withheld and the reason they were withholding it. However, absent the authority to subpoena the evidence in possession of the witness, it is impossible for the OCE to verify if information was withheld, but not documented.

60. The OCE included with its Request for Information, a "Request for Information Certification" document that asked those identified by the OCE to "certify that I have provided the Office of Congressional Ethics all information requested in the Request for Information, dated June 1, 2010 and if I have not provided a requested document or certain information, then I have identified the document or information that was not available or withheld and why it was not available or withheld. This certification is given subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act)."

61. Of the twenty-four third party entities discussed above from which the OCE requested information, the following returned the certification:

    (1) Air Line Pilots Association.

62. The following third parties provided documents but did not return the certification:

    (1) Independent Community Bankers Association;

    (2) National Apartment Association;

    (3) Guardian Life Insurance;

    (4) Target;

    (5) Time Warner Inc.;

    (6) Oppenheimer Funds Inc.;

    (7) PricewaterhouseCoopers;

(8) New York Life Insurance;

(9) Mortgage Bankers Association;

(10) UBS;

(11) Morgan Stanley;

(12) The host of a December 10, 2009 fundraising event for Representative Crowley;

(13) Hartford Advocates Fund;

(14) MasterCard; and

(15) Verizon Wireless.

63. The following third parties informed the OCE that they would not be providing all of the information requested or did not provide all of the information requested:

(1) National Association of Real Estate Investments;

(2) General Electric;

(3) American Express;

(4) JP Morgan Chase;

(5) Zurich Holdings;

(6) KPMG;

(7) Magazine Publishers of America; and

(8) Massachusetts Mutual Life Insurance.

EXHIBIT 1

From: Shanti Stanton <[redacted]@elmendorfstrategies.com>
Sent: Wednesday, December 9, 2009 8:36 PM
To: Michael O'Brien/[redacted]@Americas-US
Subject: Re: New Dem Regulatory Reform Update

Basically what all the fin serv companies want...less regulation, that's all I know. No substance, all status here in shanti-land.

----- Original Message -----
From: [redacted]@us.pwc.com <[redacted]@us.pwc.com>
To: Shanti Stanton
Sent: Wed Dec 09 20:31:39 2009
Subject: Re: New Dem Regulatory Reform Update

What is a "pre 2004 standard of preemption"? Don't even know what that means.

This document was not intended or written by PwC to be used, and it cannot be used, by the taxpayer, for the purpose of avoiding penalties that may be imposed on the taxpayer.

----- Original Message -----
From: Shanti Stanton [[redacted]@elmendorfstrategies.com]
Sent: 12/09/2009 08:29 PM EST
To: Michael O'Brien
Subject: Fw: New Dem Regulatory Reform Update

----- Original Message -----
From: Pase, Adam <Adam.Pase@mail.house.gov>
Cc: Winkler, Kate <Kate.Winkler@mail.house.gov>
Sent: Wed Dec 09 20:10:55 2009
Subject: New Dem Regulatory Reform Update

Friends –

I wanted to give you a brief update on the status of our efforts on The Wall Street Reform and Consumer Protection Act (H.R. 4173). As you may know, there will be two rules governing H.R. 4173 – 1) a rule governing general debate, which will be debated and voted on tonight; and 2) a rule allowing for consideration of amendments to the bill. Many New Dem members were considering voting "NO" on the rule governing general debate as a result of concerns that some amendments being offered by moderate Democrats were not going to be made in order. I am pleased to report, however, that we have reached an agreement

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515
http://lobbyingdisclosure.house.gov

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510
http://www.senate.gov/lobby

LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) **- All Filers Are Required to Complete This Page**

1. Registrant Name ☑ Organization/Lobbying Firm ☐ Self Employed Individual

PRICEWATERHOUSECOOPERS

2. Address ☐ **Check if different than previously reported**

Address1 1301 K STREET NW Address2 SUITE 800W

City WASHINGTON State DC Zip Code 20005 - Country USA

3. Principal place of business (if different than line 2)

City New York State NY Zip Code 10019 - Country USA

4a. Contact Name: LAURA COX KAPLAN

b. Telephone Number ☐ **International Number**: (202) 312-7738

c. E-mail: laura.cox.kaplan@us.pwc.com

5. Senate ID#: 10764-48

7. Client Name ☑ *Self* ☐ *Check if client is a state or local government or instrumentality*

PRICEWATERHOUSECOOPERS

6. House ID#: 343410047

TYPE OF REPORT 8. Year 2009 Q1 (1/1 - 3/31) ☐ Q2 (4/1 - 6/30) ☐ Q3 (7/1-9/30) ☐ Q4 (10/1 - 12/31) ☑

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ Termination Date _____ 11. No Lobbying Issue Activity ☐

INCOME OR EXPENSES **- YOU MUST complete either Line 12 or Line 13**

12. Lobbying

INCOME relating to lobbying activities for this reporting period was:

Less than $5,000 ☐

$5,000 or more ☐ $ _____

Provide a good faith estimate, rounded to the nearest $10,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

13. Organizations

EXPENSE relating to lobbying activities for this reporting period were:

Less than $5,000 ☐

$5,000 or more ☑ $ $510,000.00

14. REPORTING Check box to indicate expense accounting method. See instructions for description of options.

☑ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature Filed Electronically **Date** 01/20/2010

Printed Name and Title Laura Cox Kaplan, Leader, U.S. Government, Regulatory Affairs and Public Policy

Registrant PRICEWATERHOUSECOOPERS Client Name PRICEWATERHOUSECOOPERS

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code ACC ACCOUNTING (one per page)

16. Specific lobbying issues

Support for globally consistent accounting standards; Support for independent accounting standard setting process; Support for use of fair value accounting; HR 607 - fair value accounting; HR 1212 - Public Company Accounting Oversight Board, oversight of auditors of brokers and dealers; HR 1349 - Accounting principles and Standards Oversight Board; HR 1406 - mark-to-market accounting principles, section 3; HR 1797 - To amend the Sarbanes-Oxley Act of 2002;

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. HOUSE OF REPRESENTATIVES, U.S. SENATE, Securities & Exchange Commission (SEC), Treasury - Dept of

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Amy Best	Coughlin			☐
Roslyn	Brooks			☐
Laura Cox	Kaplan			☐
Michael	O'Brien			☐
				☐
				☐
				☐
				☐
				☐

19. Interest of each foreign entity in the specific issues listed on line 16 above ☑ Check if None

Printed Name and Title Laura Cox Kaplan, Leader, U.S. Government, Regulatory Affairs and Public Policy

ADDENDUM for General Lobbying Issue Area: ACC - ACCOUNTING

HR 1909 - mark-to-market accounting; HR 3126 - Consumer Financial Protection Agency; HR 3817 - The Investor Protection Act; HR 3346 - To amend the Sarbanes-Oxley Act of 2002 to permit the sharing of confidential supervisory information with foreign auditor oversight bodies; HR 4173 - Wall Street Reform and Consumer Protection Act of 2009; discussion draft entitled -- Restoring American Financial Stability Act of 2009.

Printed Name and Title Laura Cox Kaplan, Leader, U.S. Government, Regulatory Affairs and Public Policy

Registrant PRICEWATERHOUSECOOPERS Client Name PRICEWATERHOUSECOOPERS

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code TAX TAXATION/INTERNAL REVENUE CODE (one per page)

16. Specific lobbying issues

HR 2110 - mobile workforce state income tax

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. HOUSE OF REPRESENTATIVES

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Amy Best	Coughlin			☐
Roslyn	Brooks			☐
Laura Cox	Kaplan			☐
Michael	O'Brien			☐
				☐
				☐
				☐
				☐
				☐

19. Interest of each foreign entity in the specific issues listed on line 16 above ☑ Check if None

Printed Name and Title Laura Cox Kaplan, Leader, U.S. Government, Regulatory Affairs and Public Policy

Registrant PRICEWATERHOUSECOOPERS Client Name PRICEWATERHOUSECOOPERS

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code CPT COPYRIGHT/PATENT/TRADEMARK (one per page)

16. Specific lobbying issues

HR 2584 -- tax strategy patents

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. HOUSE OF REPRESENTATIVES, U.S. SENATE

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Amy Best	Coughlin			☐
Roslyn	Brooks			☐
Laura Cox	Kaplan			☐
Michael	O'Brien			☐
				☐
				☐
				☐
				☐
				☐

19. Interest of each foreign entity in the specific issues listed on line 16 above ☑ Check if None

Printed Name and Title Laura Cox Kaplan, Leader, U.S. Government, Regulatory Affairs and Public Policy

Registrant PRICEWATERHOUSECOOPERS Client Name PRICEWATERHOUSECOOPERS

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Add additional page(s) as needed.

15. General issue area code TOR TORTS (one per page)

16. Specific lobbying issues

S. 1551 - Liability for Aiding and Abetting Securities Violations Act of 2009; S. 1504 - Notice Pleading Restoration Act of 2009; HR 4115 - Open Access to Courts Act of 2009; discussion draft entitled -- Restoring American Financial Stability Act of 2009, section referring to Liability for Aiding and Abetting Securities Violations

17. House(s) of Congress and Federal agencies ☐ Check if None

U.S. HOUSE OF REPRESENTATIVES, U.S. SENATE

18. Name of each individual who acted as a lobbyist in this issue area

First Name	Last Name	Suffix	Covered Official Position (if applicable)	New
Laura Cox	Kaplan			☐
Roslyn	Brooks			☐
Amy Best	Coughlin			☐
Michael	O'Brien			☐
				☐
				☐
				☐
				☐
				☐

19. Interest of each foreign entity in the specific issues listed on line 16 above ☑ Check if None

Printed Name and Title Laura Cox Kaplan, Leader, U.S. Government, Regulatory Affairs and Public Policy

with House Leadership that will:

1) Allow for consideration on the Floor of the Murphy-McMahon-Kratovil amendment on derivatives;

2) Allow for consideration on the Floor of the Minnick Amendment to CFPA; and

3) Make changes to the Manager's amendment on the issue of preemption (an issue that has been championed by Congresswoman Bean, the head of our Financial Services Task Force).

Please know that while we are awaiting final language on the preemption issue, there was an agreement in concept on this issue that will provide for a true pre-2004 standard on preemption. As a result, Representatives Crowley and Bean intend to vote in support of the rule on the Floor tonight. Thank you

---

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. PricewaterhouseCoopers LLP is a Delaware limited liability
partnership.

EXHIBIT 2

0001
1 UNITED STATES HOUSE OF REPRESENTATIVES
2 OFFICE OF CONGRESSIONAL ETHICS
3 - - - - - - - - - - - - - - - - x
4 IN RE: :
5 INQUIRY REGARDING : OCE Prelimimary Review
: No. 10-6002
6 CONGRESSMAN JOSEPH CROWLEY :
7 :
- - - - - - - - - - - - - - - - x
8
9
TUESDAY, JULY 13, 2010
10
INTERVIEW OF: REP. CROWLEY'S FUNDRAISER
11
CONDUCTED FROM 11:00 AM to 11:44 AM
12
13
HELD AT:
14 The Rayburn House Office Building
45 Independence Avenue, SW
15 Fourth Floor, Room 2404
Washington, DC 20515
16
17
18 GREGORY EDWARDS, LLC
1120 Connecticut Avenue, NW
19 Suite 261
Washington, DC 20036
20 202-346-9330
www.gregoryedwardsllc.com
21
BY: KIRK A. STURGES
22 FILE NO.: 1007009
0002
1
2 PRESENT AT THE INTERVIEW:
3
4 ANDREW D. HERMAN, ESQUIRE
Brand Law Group
5 923 15th Street, NW
Washington, DC 20005
6 202-662-9700
202-737-7565 (FAX)
7 aherman@brandlawgroup.com
8
9 PAUL J. SOLIS, INVESTIGATIVE COUNSEL
U.S. House of Representatives
10 Office of Congressional Ethics
P.O. Box 895
11 Washington, DC 20515-0895
202-225-9739
12 202-226-0997 (FAX)
paul.solis@mail.house.gov
13
14
OMAR S. ASHMAWY, INVESTIGATIVE COUNSEL
15 U.S. House of Representatives
Office of Congressional Ethics
16 P.O. Box 895

Washington, DC 20515-0895
17 202-225-9739
202-226-0997 (FAX)
18 omar.ashmawy@mail.house.gov
19
20
21
22
0003
1 I N T E R V I E W
2 MR. SOLIS: The first kind of
3 administrative thing -- and Andrew has seen this
4 before, too -- is under our resolution, we're
5 required to show you that. It's a copy of 18 USC
6 1001, popularly titled the False Statements Act.
7 Generally speaking, don't make false statements to
8 federal investigators. That's pretty much it.
9 Then we're also required to have you sign
10 a document, basically, acknowledging that we have
11 shown you that; and that's really all it records.
12 THE WITNESS: Okay.
13 MR. HERMAN: I don't really understand
14 that, but I understand that it's --
15 MR. ASHMAWY: Your boss is the one who
16 takes credit for putting it in.
17 THE WITNESS: Is today the 13th?
18 MR. HERMAN: Yes.
19 MR. SOLIS: You know it applies
20 regardless of whether or not we --
21 MR. HERMAN: Okay.
22 MR. SOLIS: -- but that's the resolution
0004
1 drafter's --
2 THE WITNESS: (Interviewee executes
3 document.)
4 MR. SOLIS: Great. So it shouldn't take
5 too much time, just some questions about some
6 fundraising that you helped the congressman out
7 with --
8 THE WITNESS: Sure.
9 MR. SOLIS: -- and some very general
10 questions and some specifics about fundraisers.
11 So, first, I guess, if you can kind of
12 describe generally the process of fundraising and how
13 you go about setting up the fundraisers.
14 THE WITNESS: In general terms, it's, you
15 know, setting a date, finding a location, compiling
16 the invitation or putting together an invitation; and
17 I generally use e-mail, so e-mail or e-mail out the
18 invite.
19 MR. SOLIS: About how far out typically
20 are you planning the events?
21 THE WITNESS: Anywhere from, I mean,
22 60 days to six months. There is no real rule of
0005
1 thumb, I guess you would say.
2 MR. SOLIS: Okay. And when you're
3 sending the invitations, how does that usually go?
4 Is it a set of people that you have
5 identified that you want to talk to or is it a large
6 group; or does it differ from time to time? So could
7 you talk a little bit about that?
8 THE WITNESS: You know, I have a list that
9 I keep, that I would generally send to. It's a mass

10 -- you know, a blast e-mail or a mass e-mail that
11 goes out once the -- you know, once the invitation is
12 done and we have the details.
13 MR. SOLIS: And is a list prepared for
14 each congressman?
15 THE WITNESS: Each congressman?
16 MR. SOLIS: Right. So do you have
17 separate lists for each of your clients to send
18 invitations to?
19 THE WITNESS: No. I have one database or,
20 you know, one list that I normally use; and, you
21 know, you start from there.
22 MR. SOLIS: Is that list utilized in
0006
1 every case setting up a fundraiser each time? Are
2 you sending out --
3 THE WITNESS: Not in every --
4 MR. SOLIS: Okay.
5 THE WITNESS: -- in every case.
6 MR. SOLIS: Okay. How long have you been
7 fundraising for Mr. Crowley?
8 THE WITNESS: Four years --
9 MR. SOLIS: Okay.
10 THE WITNESS: -- close to five maybe.
11 Sorry.
12 MR. SOLIS: That's fine. That's fine.
13 That's close enough.
14 I want to show you a document, and this
15 is from the production that Andrew helped prepare for
16 us. This is a -- that's a memo, I think, that's from
17 you.
18 Do you recall? Is that from you?
19 Did you author that document?
20 THE WITNESS: Yes.
21 MR. SOLIS: Do you know when this was
22 created?
0007
1 THE WITNESS: When this memo was created?
2 MR. SOLIS: Yes. Right.
3 THE WITNESS: No.
4 MR. SOLIS: Okay.
5 THE WITNESS: No, not the specific date.
6 MR. SOLIS: Okay. Would it have been
7 near the December 10th, 2009, date, shown on the
8 document?
9 THE WITNESS: More than -- yeah. More
10 than likely because -- but just with the attendees.
11 MR. SOLIS: Do you mean to finalize that
12 list?
13 THE WITNESS: To be honest, I don't, you
14 know --
15 MR. SOLIS: Okay. Do you recall who the
16 memo is prepared for, who it went to?
17 THE WITNESS: It would have been -- yeah.
18 It would have been for the congressman.
19 MR. SOLIS: His staff?
20 THE WITNESS: No.
21 MR. SOLIS: Okay. If you could, look at
22 the C for C location represented there. I assume
0008
1 that's the location of the Crowley for Congress
2 fundraiser.
3 THE WITNESS: Yes.
4 MR. SOLIS: It says, home of Julie

5 Dominick. Who is Julie Dominick?
6 THE WITNESS: Julie Dominick offered to
7 host this event at her home.
8 MR. SOLIS: Do you know her profession or
9 what she --
10 THE WITNESS: I've known her for a few
11 years. Yes.
12 MR. SOLIS: Do you know what she does for
13 a living?
14 THE WITNESS: I know that she's a
15 lobbyist.
16 MR. SOLIS: Okay. Do you know if she
17 lobbies any specific industries --
18 THE WITNESS: To be honest --
19 MR. SOLIS: -- or clients?
20 THE WITNESS: -- I don't know who her
21 specific clients are.
22 MR. SOLIS: Okay. I want to show you --
0009
1 this is a fundraising flyer, again, from the
2 documents that came to us.
3 That is the December 2nd, 2009,
4 fundraiser; and you will see your name is on that
5 document.
6 THE WITNESS: Uh-huh (affirmative response).
7 MR. SOLIS: Can you talk a little bit
8 about this or how you went about preparing for this
9 event?
10 THE WITNESS: I mean, I will say the
11 specifics of this event, I don't necessarily recall;
12 but -- yes -- this would have been prepared by me.
13 But the same thing, I would have, you
14 know, gotten the date, the time, put together the
15 invite.
16 MR. SOLIS: Okay. When was it planned?
17 Do you remember?
18 THE WITNESS: I do not know.
19 MR. SOLIS: I guess, just your best
20 estimation, would it have been within a month of that
21 time frame, I mean, just corresponding to how you
22 typically work?
0010
1 THE WITNESS: I mean, I hate to say like a
2 specific time period because I'm not, you know,
3 necessarily sure. I just don't recall.
4 MR. SOLIS: Great. Okay.
5 You know, I had some specific questions
6 about this, I guess, again, to the best that you can.
7 THE WITNESS: Sure.
8 MR. SOLIS: Do you recall how the
9 invitees were selected for that event?
10 THE WITNESS: No, because to be honest,
11 this isn't really necessarily jogging any memories,
12 the December 2nd invite.
13 MR. SOLIS: Do you recall whether there
14 was a focus to this fundraiser?
15 THE WITNESS: No. I'm trying to go back,
16 you know, and just kind of think of -- there may have
17 been a focus, but I can't necessarily think of what
18 the exact --
19 MR. SOLIS: Okay. Did you attend this
20 fundraiser.
21 THE WITNESS: I would have to check to say
22 for sure.

0011
1 MR. SOLIS: Okay. Okay.
2 You will notice -- did you prepare the
3 flyer?
4 THE WITNESS: I would say, yes, only
5 because, I mean, this looks like one of my
6 invitations --
7 MR. SOLIS: Okay. Okay.
8 THE WITNESS: -- you know, from the font,
9 too.
10 MR. SOLIS: All right.
11 THE WITNESS: So I would say yes, by
12 looking at it; but, you know, to say with a
13 guarantee -- but I would say yes.
14 MR. SOLIS: Well, maybe assuming that you
15 did or at least recalling on your general experience
16 with putting together flyers like this, I want to
17 show you that underneath his name, the New Democrat
18 Coalition Chair, Chief Deputy Whip, Committee on Ways
19 and Means and Committee on Foreign Affairs.
20 How are those designations placed on the
21 flyer? Does that come from the staff or do you place
22 those designations on the flyer?
0012
1 THE WITNESS: No. I would put that on
2 there.
3 MR. SOLIS: Okay. And why would you put
4 those designations on there?
5 THE WITNESS: I guess, I would say, out of
6 habit.
7 MR. SOLIS: Okay. The same kind of thing
8 with this one. This is a December 10th, 5:00 o'clock
9 to 7:00 p.m. fundraiser, same sort of questions.
10 Do you recall being there?
11 THE WITNESS: I was at this event.
12 MR. SOLIS: Okay. Okay.
13 Were any of the congressman's staff at
14 that event?
15 THE WITNESS: Not that I -- I mean, I do
16 believe that our Chief of Staff Kate Winkler was
17 there.
18 MR. SOLIS: Again, when this event was
19 planned --
20 THE WITNESS: I don't know the specific
21 date, but I know it was -- I know it was early --
22 you know, we have a quarter -- so early in the
0013
1 quarter, at the beginning of the quarter, you know,
2 which would have been middle October or so.
3 MR. SOLIS: How were the invitees
4 selected?
5 THE WITNESS: This, again, was just like a
6 blast e-mail to our whole list.
7 MR. SOLIS: Was there a focus to this
8 event?
9 THE WITNESS: No focus.
10 MR. SOLIS: If I could go back a little
11 bit from my first question, you said the general list
12 will go out for a fundraiser.
13 Do you make follow-up calls?
14 THE WITNESS: Sometimes.
15 MR. SOLIS: Okay. Sometimes. And how
16 would you select who to follow up with?
17 THE WITNESS: More generally, just it's,

18 you know, either people that hadn't RSVPed yet is
19 more the case.
20 MR. SOLIS: Any other reasons you would
21 select a follow-up call besides that?
22 THE WITNESS: You know, just looking
0014
1 through -- I guess looking through -- yeah -- looking
2 through the list of, A, who I haven't heard from and
3 calling them to remind them.
4 I'm trying to think of other -- you know,
5 if there were people that have told me, you know,
6 before that they would like to -- they would like to
7 come to an event, sometimes I keep a list of those
8 few people and would make a call to remind them.
9 MR. SOLIS: Okay.
10 MR. ASHMAWY: How long is that list that
11 you would send out to?
12 THE WITNESS: How long is it?
13 MR. ASHMAWY: Uh-huh (affirmative
14 response).
15 THE WITNESS: The overall list -- I would
16 have to look. I want to say approximately 3,000
17 people.
18 MR. ASHMAWY: So for this -- is it the
19 December 7th --
20 MR. SOLIS: That's December 10th.
21 MR. ASHMAWY: -- the December 10th event,
22 would you have sent out an e-mail to that entire
0015
1 list?
2 THE WITNESS: Yes.
3 MR. ASHMAWY: Roughly how many RSVPs do
4 you normally get?
5 THE WITNESS: For this event?
6 MR. ASHMAWY: Yes. Okay. Yes.
7 Specifically, for that event, how many
8 RSVPs did you get without having to follow up with
9 anybody?
10 THE WITNESS: Oh, without having to follow
11 up, I would have to guess; and I don't really want to
12 guess on this, so --
13 MR. ASHMAWY: Can you give a range?
14 THE WITNESS: I mean, it would be a total
15 guess, so I don't --
16 MR. ASHMAWY: Well, generally speaking,
17 how many RSVPs did you get? If you e-blasted the
18 whole list of 3,000, generally speaking, how many
19 people would you get an RSVP from without having to
20 follow up?
21 THE WITNESS: Without having to follow up?
22 MR. ASHMAWY: Sure. Give a range.
0016
1 THE WITNESS: Ten or 20.
2 MR. ASHMAWY: Would you then call the
3 other 2,800 -- my math is that bad -- 2,980 people --
4 THE WITNESS: No.
5 MR. ASHMAWY: -- or would you be a little
6 more selective?
7 THE WITNESS: No. I would not make that
8 many -- no. I would not make those calls.
9 MR. ASHMAWY: How would you then -- so
10 how would you sift through that many people?
11 So you have got 10, 20 -- let's say, 20
12 RSVPs without having to follow up. You now have a

13 list of 2,980 people who haven't, who might.
14 How do you sift through that many people?
15 How do you decide who you are going to call and who
16 you are not?
17 THE WITNESS: I guess, you know, if the
18 calls that we would make would be to people, like I
19 said before, that would have either said -- you know,
20 expressed interest that they wanted an invitation --
21 you know, they wanted to attend something -- or if it
22 was people that had contributed in the past and not
0017
1 yet contributed this year or that year -- especially
2 this was the end of that filing period, the end of
3 that quarter -- that would be --
4 MR. SOLIS: Would you ever, again, sift
5 through that group by industry where the people work?
6 THE WITNESS: For this event?
7 MR. SOLIS: Right.
8 THE WITNESS: Not for this event, only or
9 -- because it was our last event of the quarter, last
10 event of that filing period, so this was open to --
11 you know, there was no focus to this event.
12 MR. SOLIS: Okay. But where there may be
13 a focus, would you maybe call people based on their
14 industry?
15 THE WITNESS: If there was a focus to this
16 event?
17 MR. SOLIS: Yes.
18 THE WITNESS: Yes. I mean, I would
19 contact them whether it was an e-mail or a phone
20 call.
21 MR. SOLIS: Okay. Okay.
22 One more fundraiser, this, then, probably
0018
1 occurred right after that at 7:00 o'clock.
2 Do you recall this one?
3 THE WITNESS: I do recall this one.
4 MR. SOLIS: Were you in attendance at
5 this?
6 THE WITNESS: I was.
7 MR. SOLIS: Again, staff, do you recall
8 if any of the congressman's staff was at this event?
9 THE WITNESS: I believe Kate Winkler, our
10 chief of staff, was there.
11 MR. SOLIS: Okay. Again, same kind of
12 list of questions. Was there a focus to this event?
13 THE WITNESS: No focus.
14 MR. SOLIS: Invitees selected --
15 THE WITNESS: Invitees, it would have gone
16 to our general list.
17 MR. SOLIS: That 3,000 --
18 THE WITNESS: Right.
19 MR. SOLIS: -- large list that you use?
20 THE WITNESS: Right.
21 MR. SOLIS: Okay.
22 THE WITNESS: Now, I'm saying it's 3,000.
0019
1 I don't know how --
2 MR. SOLIS: Right.
3 THE WITNESS: -- many of those people I
4 have an e-mail for or even a phone number for or, you
5 know --
6 MR. SOLIS: Okay. You said approximately,
7 so --

8 THE WITNESS: Right.
9 MR. SOLIS: And do you recall when this
10 event was planned?
11 THE WITNESS: It was planned -- I don't
12 know the specific date, but it would have been around
13 the middle of November.
14 MR. SOLIS: The previous event, you said,
15 would have been probably mid October and this one is
16 mid November.
17 Can you kind of walk me through why one
18 would have been planned a month earlier and they are
19 on the same date?
20 THE WITNESS: This one, the first one --
21 which was for Crowley for Congress -- I generally or
22 typically will plan at the end of the quarter, and
0020
1 especially if -- obviously, when they are in town,
2 one generic end-of-the-quarter event. So our filing
3 period was December 31st. So we always do -- you
4 know, every three months, there's a different filing
5 period, so there is generally a specific event or --
6 generally, a general event -- typically, a general
7 event.
8 The same with -- this was for Crowley for
9 re-election. This was Crowley for Congress.
10 This other event was for his leadership
11 PAC. So we scheduled the dinner afterwards for those
12 that could give to the leadership PAC -- again, same
13 filing period, so it's the end of December -- trying
14 to get, you know, the contributions in before that
15 filing period closes.
16 MR. SOLIS: So would some of the
17 attendees or all of the attendees from that 5:00 to
18 7:00 o'clock fundraiser have gone to the second
19 fundraiser?
20 THE WITNESS: I don't know that they all
21 did, but they all would have been -- they all should
22 have received the invite to both.
0021
1 MR. SOLIS: Okay. Okay.
2 The last one here, this is another flyer
3 on December 15th and -- you know, we would go through
4 the same questions.
5 But first I want to ask -- you said
6 before -- and I actually noted it on the first memo I
7 actually showed you as well -- that one of the
8 December 10th fundraisers was going to be the last
9 Crowley for Congress fundraisers of the year.
10 This one, obviously, is December 15th,
11 five days later. Why would there have been that, an
12 additional fundraiser, if there had --
13 THE WITNESS: Right. Well, I think I
14 said, I believe, it's the last generic, you know,
15 just, you know, no focus. I remember this one,
16 specifically, because we rescheduled it from a date
17 back in June.
18 MR. SOLIS: Okay.
19 THE WITNESS: So it was a matter of just
20 finding -- you know, getting it rescheduled.
21 MR. SOLIS: You said, "last generic."
22 Can you tell me what you mean by that?
0022
1 THE WITNESS: That means, you know, I sent
2 it -- you know, it went to our big list, anyone

3 welcome to attend, you know.
4 MR. SOLIS: And then what would be
5 something that would differ from a generic --
6 THE WITNESS: Well, this would be
7 something that's different from a generic event
8 because it has a focus.
9 MR. SOLIS: Okay. And what was the focus
10 on this one?
11 THE WITNESS: I mean, these people offered
12 to host this event for the congressman, those listed
13 at the top.
14 MR. SOLIS: You said you recall this one
15 specifically. Were you at this fundraiser on the
16 15th?
17 THE WITNESS: I believe so, but I'm not --
18 I recall it being rescheduled, and I believe I was at
19 this event; but I can't say for certain.
20 MR. SOLIS: And because this one had a
21 focus and these individuals offered to host the
22 fundraiser, how were the invitees selected for this
0023
1 one?
2 THE WITNESS: They -- I believe that
3 they -- I believe that they gave me a list, and I
4 e-mailed them; and they could have e-mailed as well.
5 MR. SOLIS: And by "they," do you mean
6 the hosts gave you a list?
7 THE WITNESS: Yeah, the people listed at
8 the top or the groups listed at the top, I should
9 say.
10 MR. SOLIS: Do you recall what that list
11 looked like? Was it --
12 THE WITNESS: I don't recall.
13 MR. SOLIS: -- industry --
14 THE WITNESS: I don't recall right now,
15 you know.
16 MR. SOLIS: And then when you -- you
17 mentioned this was a rescheduled event.
18 When would this have been rescheduled?
19 THE WITNESS: Do you mean when was it
20 originally scheduled?
21 MR. SOLIS: Well, you said it was
22 originally scheduled for June, right?
0024
1 THE WITNESS: Right.
2 MR. SOLIS: When would the December 15th
3 date have been set for the rescheduling?
4 THE WITNESS: I don't -- I don't know the
5 -- recall when exactly it would have been, when we
6 would have set the reschedule -- the exact
7 rescheduled date.
8 MR. SOLIS: And this kind of follows on
9 one of my -- one of our questions about how you
10 follow up. This is an e-mail --
11 THE WITNESS: Right.
12 MR. SOLIS: -- and I've highlighted --
13 you know, this is an e-mail you wrote on
14 December 7th. It says, "Hi, Elizabeth and Tom."
15 Do you make e-mails, then, in addition to
16 follow-up calls? Do you make follow-up e-mails?
17 THE WITNESS: Yes.
18 MR. SOLIS: And would the process for
19 selecting the follow up -- identifying the follow-up
20 people, would that be the same as how you make phone

21 calls; or how does that work?
22 THE WITNESS: How I select who I follow up
0025
1 with?
2 MR. SOLIS: Yes, for e-mails.
3 THE WITNESS: Most generally, I mean, you
4 know, it -- like I said, it would be people that have
5 given in the past that I wanted to follow up.
6 You know, this would be a little bit
7 different because it's the end of the year. Since
8 this is for JOE PAC, you know, you file at the end of
9 the year; and you start from zero at the beginning of
10 the next year.
11 So, you know, this event was our last one
12 not only of that quarter but of the year. So, you
13 know, if you didn't give at this, then you would
14 start anew at the beginning of the year. It's not a
15 two-year cycle. It's a one-year cycle.
16 So it would have been following up with
17 people that I would want to be able to have them
18 attend before the end of the year closed.
19 MR. SOLIS: Okay. And I have another
20 e-mail from you, and I've highlighted a portion there
21 that's -- you talk about Ms. Winkler, the chief of
22 staff, and that she had a conversation about the
0026
1 event that you're referring to in the e-mail.
2 Could you talk about Ms. Winkler's role
3 in the fundraising or your communication with her,
4 generally, how it works with her, your communication
5 with her?
6 THE WITNESS: Just communicating in
7 general with her or --
8 MR. SOLIS: With scheduling events, maybe
9 potential contributors, those types of things.
10 THE WITNESS: Sure. Scheduling -- I mean,
11 I do go through her for scheduling, so, you know,
12 whether -- I get dates from her that I'm able to use
13 and then, also, report back, you know, what I've
14 scheduled, so she can add it to the schedule.
15 MR. SOLIS: And what about selecting
16 invitees or potential contributors, is there a
17 communication between you and her about that?
18 THE WITNESS: Not selecting the invitees.
19 If someone contacted her saying -- you
20 know, if someone contacted her and saying, "We want a
21 invitation," or, "We want" -- you know, "Can you
22 e-mail me this," she will give it to me to e-mail,
0027
1 but not on the -- you know, not, I would say, on the
2 onset of the specifics of putting together the invite
3 or finding the location or selecting the overall list
4 or --
5 MR. SOLIS: Okay. What about other
6 individuals on staff, do you work with anyone else?
7 Have you ever worked with anyone else on Congressman
8 Crowley's staff?
9 THE WITNESS: I will work with the
10 scheduler from time to time.
11 MR. SOLIS: Is there anyone else?
12 THE WITNESS: In terms of --
13 MR. SOLIS: In any capacity of your
14 efforts to fundraise for the congressman, do you ever
15 work with any of his staff other than the scheduler

16 or Ms. Winkler?
17 THE WITNESS: No. I would -- not that
18 I -- you know, not that I would recall.
19 But generally, I would work with Kate on
20 scheduling and setting up our events.
21 I mean, you know, at times, I would --
22 may work with our district chief of staff, if we're
0028
1 doing, you know, in-district events or --
2 MR. SOLIS: Right. And then, I guess,
3 more specifically about the December fundraisers,
4 what communications did -- the ones that I showed you
5 here -- what communications did you have with
6 Ms. Winkler or anyone else on staff or the
7 congressman about those events?
8 THE WITNESS: Well, with Kate, it would
9 have been the scheduling of it -- you know, setting
10 the time; you know, getting her the information so
11 she knew the location -- the same with the
12 schedulers, to make sure that they had all the
13 details.
14 You know, it would have been putting
15 together this memo; and it would have gone to Kate so
16 that it could -- you know, she would be able to get
17 it to the congressman.
18 MR. SOLIS: So she would have worked with
19 you on that memo.
20 THE WITNESS: Not worked with me on it. I
21 would have -- this would have gone to her.
22 MR. SOLIS: And, then, so in addition to
0029
1 scheduling, you know -- and you can maybe explain
2 what you meant in that first sentence there -- wanted
3 me to follow up -- you say: Kate wanted me to follow
4 up on a conversation you had with her regarding an
5 event for December 10th.
6 So, in this instance, you and Kate had a
7 conversation about, like -- the example you gave me
8 before -- someone might call her about an event and
9 talk to her about it, and then she will refer it to
10 you?
11 THE WITNESS: Exactly.
12 MR. SOLIS: Okay. And that's what's
13 represented in that?
14 THE WITNESS: Well, I don't know, you
15 know, specifically, about this one.
16 You know, it could have -- you know, he
17 could have ran into her and asked her. He could have
18 called and asked her but --
19 MR. SOLIS: I realize it was a while ago,
20 but do you remember anything about --
21 THE WITNESS: -- him, specifically --
22 MR. SOLIS: -- this specific e-mail?
0030
1 THE WITNESS: No, not necessarily. I
2 mean, I don't know. I don't want to say exactly this
3 was how this came down but --
4 MR. SOLIS: Sure. Okay.
5 Do you have any other questions?
6 MR. ASHMAWY: You mentioned that you --
7 it sounds like you plan fundraisers at the beginning
8 of each quarter.
9 Is that kind of how --
10 THE WITNESS: I attempt to, or I try, yes.

11 MR. ASHMAWY: Okay. So you don't -- do
12 you plan across quarters; or typically, at the
13 beginning of a quarter, you'll put together
14 fundraisers for that quarter?
15 THE WITNESS: What do you mean, "across
16 quarters"?
17 MR. ASHMAWY: I guess, in quarter two,
18 will you plan events in quarter four?
19 THE WITNESS: Sometimes.
20 MR. ASHMAWY: What's your -- what's
21 frequently your most typical practice?
22 THE WITNESS: I would say there is no, you
0031
1 know, set standard.
2 There are some events that we do every
3 year that are set. You know, he does a
4 sushi-shamrock event every year around Saint
5 Patrick's Day. So I kind of know the date for that
6 one.
7 So, then, you know, sometimes there's
8 events, you know, I try to plan out so we have an
9 idea -- and scheduling, you know, is the harder part
10 of it -- but it doesn't always necessarily work that
11 way, so --
12 MR. ASHMAWY: How many events would you
13 say you plan for Representative Crowley?
14 THE WITNESS: For Congressman Crowley?
15 MR. ASHMAWY: Uh-huh (affirmative
16 response).
17 THE WITNESS: To give you an approximate?
18 MR. ASHMAWY: Yes, just generally, I
19 understand it's not an exact number.
20 THE WITNESS: It would be in -- overall
21 events?
22 MR. ASHMAWY: Yes. Total events: big,
0032
1 small, medium.
2 THE WITNESS: Maybe 10 or 12 a quarter.
3 MR. ASHMAWY: Okay. Of those 10 or 12 a
4 quarter, how many are probably planned at the
5 beginning of the quarter?
6 THE WITNESS: What do you mean by
7 "planned"? Do you mean exact date scheduled?
8 MR. ASHMAWY: The date -- by "planned," I
9 mean, you sit down on a particular day and you say,
10 "I will have an event on that day in the future."
11 How many -- how often do you do that? Of
12 the 10 or 12 a quarter, for how many of them do you
13 do that in the beginning of a quarter?
14 THE WITNESS: That I would have an exact
15 date for, like, scheduled?
16 MR. ASHMAWY: That you would decide when
17 you were going to have an event --
18 THE WITNESS: I mean, at the beginning of
19 the quarter, how many do I have an exact date for?
20 MR. ASHMAWY: I'm sorry. I'm probably
21 being unclear.
22 So it sounds like a lot of times you plan
0033
1 events at the beginning of the quarter --
2 THE WITNESS: Right.
3 MR. ASHMAWY: -- for later in a quarter.
4 THE WITNESS: Yes.
5 MR. ASHMAWY: So you said you have about

6 10 or 12 events in a quarter. About how many of
7 those are planned in the beginning of a quarter?
8 THE WITNESS: I mean, I would have all of
9 them in some sort of plan; but to have an exact date
10 for, I mean, I wouldn't.
11 I can't tell you if I've -- do I have
12 every exact date at the beginning of the quarter for
13 every event that's going to come up in that
14 three months? No.
15 MR. ASHMAWY: Okay. And that makes
16 sense.
17 THE WITNESS: Okay.
18 MR. ASHMAWY: How often -- I guess I'm
19 just trying to understand.
20 How often are you having sort of like
21 short -- what I would imagine like short-term planned
22 events, like, "You know what? We have got an
0034
1 opening. We're going to have an event next month.
2 We have an opening, and we're going to have an event
3 in like three weeks, if we can get one together."
4 How often does that happen?
5 THE WITNESS: How often in generic terms
6 per quarter?
7 MR. SOLIS: Yeah. I just want to
8 understand.
9 THE WITNESS: Maybe like a quarter of
10 them -- you know, not half of them but -- you know,
11 and it might also be rescheduling. I mean, we may
12 have had an original date; and we have to reschedule
13 it for whatever reason, so --
14 MR. ASHMAWY: And that makes sense.
15 Did any of the events that we are talking
16 about here fall into that category?
17 THE WITNESS: Of rescheduling.
18 MR. ASHMAWY: Of rescheduling or just
19 sort of short term -- you know, I guess the word I'm
20 really thinking of is a last minute planned event.
21 THE WITNESS: Last minute planning?
22 MR. ASHMAWY: Yes.
0035
1 THE WITNESS: Well, like I said, on this
2 one, I don't remember exactly when it was
3 rescheduled; but this was rescheduled. But it was
4 rescheduled from June.
5 MR. ASHMAWY: The December 15th.
6 THE WITNESS: Now, when was the exact date
7 set of December 15th, I don't have any idea off the
8 -- you know, to remember about it.
9 Short-term planning, I mean, I don't
10 know, without knowing the exact date in my head --
11 maybe the leadership PAC event, because we just took
12 the opportunity that this night was open for the
13 congressman and scheduled back-to-back events -- but
14 I don't know, you know, necessarily how far -- like
15 when this date was set and how far later this one was
16 or we decided to or -- decided to do this dinner,
17 so --
18 MR. ASHMAWY: Well, do you know if any of
19 these -- well, do you think that all of these events
20 were planned starting the beginning of that quarter
21 other than, I guess, the one that was rescheduled?
22 THE WITNESS: I guess I don't know what
0036

1 you mean by "planned."
2 MR. ASHMAWY: Well, I guess, when you
3 decide you are going to have one.
4 THE WITNESS: So scheduled?
5 MR. ASHMAWY: Sure. Scheduled.
6 THE WITNESS: No. I would say I would not
7 have an exact date at the -- you know, the beginning
8 of this quarter would have been October 1st.
9 Did I have all of these dates set for
10 these events, no, on October 1st.
11 MR. ASHMAWY: Okay. How deep into the
12 quarter would you be before you had events scheduled?
13 THE WITNESS: For this quarter?
14 MR. ASHMAWY: Uh-huh (affirmative
15 response).
16 THE WITNESS: I don't know how far -- you
17 know, I don't know necessarily when all of these are
18 set, off the top of my head, so --
19 MR. SOLIS: You've been doing this for
20 the congressman for a few years; and you mentioned
21 some are yearly, like he does this shamrocks and
22 sushi every year.
0037
1 Would any of -- the ones in December,
2 that we referenced today, would any of those have
3 been repeats or year to year situations, an annual
4 event?
5 THE WITNESS: I mean, like I said earlier,
6 we would, you know, typically do something, whether
7 it's for his -- you know, the leadership PAC was
8 ending at the end of the year or, you know, a generic
9 event before the end of the quarter; but I don't know
10 necessarily that these same things happened -- I
11 don't -- you know, that these same things happened
12 that December before.
13 MR. ASHMAWY: I apologize for the
14 bouncing around. That's what happens when you get
15 two people.
16 Julie Dominick, you said that she was a
17 friend of yours you have known for a few years. You
18 said you didn't specifically know who her clients
19 were.
20 Do you know generally what industries she
21 represents?
22 THE WITNESS: I thought that before she --
0038
1 I know that she's on her own now or, I think, she has
2 her own firm.
3 Before that, she worked in the financial
4 services industry; but I don't know necessarily who
5 her specific clients are. I can't list any of her
6 clients off for you.
7 MR. ASHMAWY: I wouldn't expect you to.
8 That would be crazy, if you could.
9 Now that she is on her own, do you know
10 generally what industries she represents?
11 THE WITNESS: No. I mean, to be honest, I
12 haven't looked at her -- I don't believe that I have
13 looked at her client list before.
14 MR. ASHMAWY: I think that was my last
15 question.
16 MR. SOLIS: Okay. Yes. Me, too.
17 MR. ASHMAWY: Thank you very much for
18 your time.

19 MR. SOLIS: Thank you so much.
20 It was great. So we got a lot of good
21 information. Thank you.
22 THE WITNESS: Okay.

0039

1 (At 11:44 a.m., the conducting of
2 the interview was concluded.)
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

0040

1 CERTIFICATE OF REPORTER
2
3 I, Kirk A. Sturges, being a machine
4 shorthand reporter, do hereby certify that I was
5 authorized to and did report by machine shorthand the
6
7 above and foregoing interview; and that thereafter,
8
9 it was reduced to typewriting by myself; and I
10
11 further certify the pages numbered 3 through 39,
12
13 inclusive, contain a full, true and correct
14
15 transcript of the interview.
16
17
18
19
20
21 _____
22 Kirk A. Sturges, Court Reporter

EXHIBIT 3

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

In Re:	Chairman of the House Financial Services Committee
Review #s:	10-3055; 10-4283; 10-6002; 10-6028; 10-6421; 10-7308; 10-8839; 10-9353
Date:	July 29, 2010
Location:	Rayburn HOB
Time:	5:00 p.m. – 5:15 p.m. (approximate)
Participants:	Paul Solis
	Nate Wright

Summary: The witness is the Chairman of the House Financial Services Committee. We requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and signed the written acknowledgement of the warning, which will be placed in the case file in this review. The witness consented to an interview on July 29, 2010.

2. The witness told the OCE that nearly 90 percent of the work of the Financial Services Committee in 2009 was focused on the financial reform bill that was voted on in December. The committee held nearly twenty hearings and eight markups on various chapters of the financial reform bill.

3. The witness said that the schedule for when the bill would be voted on was constantly being talked about. The witness stated that certainly by November, Members knew that the bill would be up for a vote in December. Members would know exactly the date of the vote a week in advance. For a hearing, Members would generally receive notice a week in advance. For a markup, Members would generally receive notice a week or two in advance.

4. The witness stated that he canceled several fundraisers around key dates of the financial reform bill to avoid the perception of influence.

I prepared this Memorandum of Interview on August 2, 2010 after interviewing the witness on July 29, 2010 based on the notes staff prepared during the interview. I certify that this memorandum contains all pertinent matter discussed with the witness on July 29, 2010.

Nate Wright
Analyst

EXHIBIT 4

Congressman Joe Crowley (D-NY) Profile
Breakfast with Congressman Joe Crowley
10AM Monday December 7th, 2009
95-25 Queens Blvd.
10th floor
Rego Park, NY 11374

Cell contacts:
Chris Morton – (571) 327-[redacted]
Karla Kirk - (202) 997-[redacted]

Attendees (as of 11.9.09)
Chris Morton, VP Legislative Affairs, AALU
Nat Perlmutter, AALU Board Member
Jor Paone, New York Life
Andrea Perlmutter, AALU Board Member
Robert Miller, AALU Member
Rich Pope, AALU Member
Jim Mendelson

Format for the Meeting

- The event will be an informal coffee. Chris Morton will call the meeting to order by thanking everyone for coming. Chris will talk briefly about AALU and introduce Nat Perlmutter, AALU President elect.
- The rest of the group will introduce themselves
- Chris will then turn the conversation to Nat Perlmutter. Nat will talk briefly and his business and introduce Congressman Crowley
- Nat will turn the conversation over to Congressman Crowley
- After Crowley speaks, we'll move to Q and A.

EXHIBIT 5

RECEIVED
OFFICE OF
CONGRESSIONAL ETHICS
2010 JUL 29 PM 12:31

1 UNITED STATES HOUSE OF REPRESENTATIVES
2 OFFICE OF CONGRESSIONAL ETHICS
3 - - -

1

2 PRESENT AT THE INTERVIEW:

3

STANLEY M. BRAND, ESQUIRE
4 ANDREW D. HERMAN, ESQUIRE
Brand Law Group
5 923 15th Street, NW
Washington, DC 20005
6 202-662-9700
202-737-7565 (FAX)
7 sbrand@brandlawgroup.com
aherman@brandlawgroup.com

8

9

PAUL J. SOLIS, INVESTIGATIVE COUNSEL
10 ELIZABETH A. HORTON, INVESTIGATIVE COUNSEL
U.S. House of Representatives
11 Office of Congressional Ethics
P.O. Box 895
12 Washington, DC 20515-0895
202-225-9739
13 202-226-0997 (FAX)
paul.solis@mail.house.gov
14 elizabeth.horton@mail.house.gov

15

16

17

18

19

20

21

22

1 I N T E R V I E W

2 MS. HORTON: Congressman, this shouldn't

3 take very long, just some general questions about

4 some fundraising practices and then some specifics

5 about some fundraising events you had in December;

6 and to the best of your knowledge, just talk to us

7 about that.

8 CONGRESSMAN CROWLEY: Sure.

9 MR. SOLIS: The first thing -- Andrew and

10 Stan might have brought this up to you -- this is

11 18 USC 1001. It's the False Statements Act. And

12 we're just required to have you acknowledge that it

13 applies --

14 CONGRESSMAN CROWLEY: Okay.

15 MR. SOLIS: -- to our discussion here.

16 CONGRESSMAN CROWLEY: Okay.

17 MR. SOLIS: And then that document right

18 there, once you execute it, just basically outlines

19 that you understand that the Act applies.

20 CONGRESSMAN CROWLEY: Okay. (Congressman

21 executes document.)

22 MR. SOLIS: Okay. Thank you.

1 So the first thing is, can you describe
2 generally the policy legislative process in your
3 office, maybe the hierarchy of staff, how things work
4 when you're making a decision in those arenas.
5 CONGRESSMAN CROWLEY: You know, generally
6 speaking, I'm the one who votes; but I look to my
7 legislative director, my LAs, my chief of staff,
8 we -- I'll look for their recommendations.
9 Are you talking about the day -- are you
10 talking specifically about the day of voting or
11 leading up to it or --
12 MR. SOLIS: I'm talking, generally, let's
13 say, your legislative assistant has made a
14 recommendation or is considering some legislation or
15 a policy.
16 Do they go to the LD? Do they go to the
17 chief of staff? Do they have a direct route to you?
18 How does that work?
19 CONGRESSMAN CROWLEY: You know, it
20 varies. You know, I don't think there is any
21 specific way in which sometimes we're a very
22 close-knit office, so if someone says, "I have an

1 idea or a thought on something," it may be that
2 that's how it transpires to me; or it could be -- you
3 know, there are any number of bills that we'll have
4 in a year type of thing, so -- or today, we may have
5 anywhere between one to sometimes as many as seven or
6 more, you know, votes in a row.
7 So I may look at the recommendations
8 or -- you know, and that's part of it. Part of it is
9 I may know it's on the agenda in terms of what's on
10 the floor; but it's generally kind of a -- we're all
11 working here together in the same vein to try to, you
12 know, take our positions on these issues as they come
13 up for votes.
14 MR. SOLIS: Does -- the LAs or LD, do
15 they have to go through Kate first to make a decision
16 or make a recommendation and then go to you?
17 CONGRESSMAN CROWLEY: "Have to," I don't
18 think "have to" is the right word.
19 MR. SOLIS: Okay.
20 CONGRESSMAN CROWLEY: There is no "have
21 to," per se. We have interaction all the time.
22 There may be some discussion. I think, you know,

1 generally speaking, you know, Kate is in charge of
2 the day-to-day of the office, so she's -- we have a
3 structure.
4 There is a chief of staff. We have the
5 legislative director, the LAs. The legislative
6 director would have a number of areas onto his or her
7 portfolio as well.
8 You know, we have the LC -- the
9 legislative correspondent -- and we have the
10 scheduler type of thing.
11 So, generally speaking, Kate is in charge
12 of the office, you know, under my purview, though, so
13 to speak.
14 MR. SOLIS: Okay. Fundraising --
15 CONGRESSMAN CROWLEY: Yes.
16 MR. SOLIS: -- can you kind of walk me
17 through generally how the planning stages -- what you
18 are aware of, what input you have -- all the way up
19 to the event?
20 CONGRESSMAN CROWLEY: Well, I don't -- I
21 really don't plan the fundraisers. I don't have -- I
22 don't do the -- and I really -- outside of -- I mean,

1 I can't say how that actually gets done, since I
2 don't do that. That's that done by Sara Conrad,
3 who's my finance director.
4 So, you know, I think that it's done more
5 in conjunction with the office in terms of my
6 schedule -- like what's available, what's not
7 available, you know, what -- when am I able to do
8 something or not able to do something, more along
9 those lines.
10 And I basically -- I may know of a
11 fundraiser the day of the event or I may know the day
12 before or something like that. I may know for some
13 of them, you know, a week or two, or two weeks
14 before, I may have some idea that something is coming
15 up.
16 MR. SOLIS: The ones that you would know
17 a week or two in advance, is there -- why would you
18 know of a fundraiser a week in advance.
19 CONGRESSMAN CROWLEY: Someone will say I
20 may have -- I mean, again, I'm just being
21 hypothetical, because I don't --
22 MR. SOLIS: Okay.

1 CONGRESSMAN CROWLEY: But it could be,
2 "I'll see you next week at your event," type of
3 thing. It could be constituent up in New York, "I'll
4 see you. You're having an event. I'll be at it,"
5 and that will trigger something in my mind.
6 MR. SOLIS: Do you have any role at all
7 then in planning the fundraisers?
8 CONGRESSMAN CROWLEY: Normally not, no, I
9 don't.
10 MR. SOLIS: And then you mentioned Sara
11 might get in contact with your staff.
12 What staff members would play a role in
13 the fundraiser?
14 CONGRESSMAN CROWLEY: I would imagine, if
15 anyone, in terms of giving her the information, it
16 would be Kate -- Kate Winkler.
17 MR. SOLIS: Your scheduler?
18 CONGRESSMAN CROWLEY: Kate may actually
19 talk to the scheduler. I don't know. I don't
20 think -- again, I don't know -- the answer is -- to
21 what would happen after that. I won't speculate. I
22 don't know what they do, at that point, you know.

1 MR. SOLIS: Okay. Does Kate ever talk to
2 you about fundraising events?
3 CONGRESSMAN CROWLEY: Sometimes. It
4 could happen.
5 It could be just in terms of the
6 scheduling -- you know, "Does this work for you? You
7 have a" -- you know, it may be that, "We're thinking
8 about doing this event on such a such and date, you
9 know; and you may have -- you know, your son's
10 graduating."
11 MR. SOLIS: Right.
12 CONGRESSMAN CROWLEY: You have a school
13 event the next morning. It could be something that
14 may be conflicting.
15 "Is that something that can be moved or
16 something like that?"
17 And I'd said, "I don't know if I can move
18 it or not. Let me check and see," you know, that
19 type of thing.
20 MR. SOLIS: Would Sara Conrad ever
21 contact you directly?
22 CONGRESSMAN CROWLEY: About --

1 MR. SOLIS: About a fundraising event.

2 CONGRESSMAN CROWLEY: It's possible.

3 She may say, "We're thinking about doing

4 an event. What do you think," that type of thing.

5 MR. SOLIS: Would Kate or Sara ever come

6 to you with a guest list?

7 CONGRESSMAN CROWLEY: No. I wouldn't --

8 I don't recollect ever having a list of people who'd

9 be on it.

10 MR. SOLIS: Okay. Do you make follow-up

11 calls before an event?

12 So an invitation goes out for Sara, and

13 then you'll make calls from maybe a list?

14 CONGRESSMAN CROWLEY: Sure. Yes.

15 MR. SOLIS: Do you?

16 CONGRESSMAN CROWLEY: Yes.

17 MR. SOLIS: What do you know about the

18 list, the call list? How does that get produced?

19 What does Kate tell you about it or Sara

20 tell you about it?

21 CONGRESSMAN CROWLEY: No. This is Sara.

22 It would -- it could be -- you know, it's

1 a list. I mean, sometimes it's just page after page
2 in terms of, you know, people, what they're
3 affiliated with or that kind of nature.
4 But I really don't know all that much
5 about how the list is generated or where it's coming
6 from. I don't know that.
7 MR. SOLIS: Does Sara talk with you about
8 how it's generated?
9 CONGRESSMAN CROWLEY: No.
10 MR. SOLIS: Does staff attend
11 fundraisers?
12 CONGRESSMAN CROWLEY: They have, on
13 occasion, Yes.
14 MR. SOLIS: What staff members would
15 attend fundraisers?
16 CONGRESSMAN CROWLEY: I'm -- I imagine
17 that Kate Winkler has attended, Kevin Casey has
18 attended, on occasion.
19 I mean, I think maybe -- I don't know if
20 all have; but at some point maybe -- you know,
21 they're all welcome to go. There is no prohibition
22 on people, if they want to go to it, you know.

1 MR. SOLIS: And that was going to be my
2 next question --
3 CONGRESSMAN CROWLEY: Yes.
4 MR. SOLIS: -- how they become aware of
5 the fundraisers; and do you invite them? Does Kate
6 invite? How does that work?
7 CONGRESSMAN CROWLEY: I think free food
8 more than anything else, but I don't think -- I don't
9 invite anyone.
10 I don't say, "You need to be here," or,
11 "I want you to be there," or anything like that.
12 And I don't know what Kate's protocol is.
13 I don't know what she says.
14 You know, I don't believe anyone is ever
15 asked to be at a fundraiser.
16 MR. SOLIS: Do they -- do you have a
17 schedule, like maybe a personal schedule or something
18 that the staff can view?
19 CONGRESSMAN CROWLEY: I, from time to
20 time, put things into the schedule, like, I'll say,
21 June 25th is my son's graduation, you know, or,
22 Kenzie's birthday is October 23rd or my wife's

1 birthday or things that are significant to me that I
2 don't want to be disturbed on or -- not "disturbed"
3 -- that's not the right word -- but like these are
4 special days for me, personally; that it would help
5 me if, you know, we weren't conflicting with
6 something like, you know, fundraising or -- it
7 doesn't have to be fundraising; it could be anything
8 really -- if I can find a way to be home for it.
9 MR. SOLIS: Is that schedule shared with
10 Sara Conrad?
11 CONGRESSMAN CROWLEY: I think Sara knows
12 from me sometimes. You know, she asks, you know,
13 what's happening.
14 I can divulge to her if there's a
15 conflict or if there's a birthday or something like
16 that or something that's coming up on my schedule, my
17 personal time, that I don't want to conflict with
18 that.
19 MR. SOLIS: What about your official
20 time?
21 CONGRESSMAN CROWLEY: I think she would
22 have to have a consultation with Kate on that. It

1 wouldn't be with me.

2 MR. SOLIS: Okay. Now I just wanted to

3 ask about some specific events, and I have

4 fundraising flyers from events -- and maybe you

5 haven't seen them before -- but just in case they

6 might jog your memory.

7 CONGRESSMAN CROWLEY: Sure.

8 MR. SOLIS: Excuse the three-hole punch

9 there on the side.

10 That December 2nd event, do you -- what

11 can you tell me about that event?

12 CONGRESSMAN CROWLEY: Not a heck of lot,

13 from what I see here. There is not much I can tell

14 you at all about it, to be honest with you.

15 MR. SOLIS: Okay. That's fine.

16 Let's see.

17 Do you recall when it was planned --

18 CONGRESSMAN CROWLEY: No.

19 MR. SOLIS: -- or what Sara might have

20 told you about it?

21 CONGRESSMAN CROWLEY: No.

22 MR. SOLIS: I have -- this is eight days

1 later, on the 10th, from 5:00 to 7:00. Again, what
2 can you tell me about that?
3 CONGRESSMAN CROWLEY: I honestly do not
4 know. Where was this at?
5 MR. SOLIS: Let's see. That one 50 E
6 Street, Southeast.
7 CONGRESSMAN CROWLEY: 315 C Street,
8 Northeast.
9 MR. SOLIS: Oh, that's right. That's
10 right.
11 CONGRESSMAN CROWLEY: I honestly don't
12 know. I don't --
13 MR. SOLIS: Do you know who Julie
14 Dominick is?
15 CONGRESSMAN CROWLEY: Yes.
16 MR. SOLIS: Okay. I believe that's
17 her --
18 CONGRESSMAN CROWLEY: That's her home?
19 MR. SOLIS: -- that's her residence.
20 CONGRESSMAN CROWLEY: Okay. Yes.
21 MR. SOLIS: Do you have any further
22 recollection of that event?

1 CONGRESSMAN CROWLEY: Vaguely.

2 MR. SOLIS: Do you know if Ms. Dominick

3 reached out to you or your campaign to have that

4 event or -- -

5 CONGRESSMAN CROWLEY: I don't know.

6 MR. SOLIS: Okay. Do you know who was in

7 attendance at that event?

8 CONGRESSMAN CROWLEY: I guess Mark Warner

9 was there. I don't know. I really don't.

10 MR. SOLIS: Okay. That's fine.

11 I have another one. This was later in

12 the day. This is at 7:00 p.m. I think that one is

13 at a restaurant.

14 CONGRESSMAN CROWLEY: The Source.

15 MR. SOLIS: -- at The Source.

16 Anything on that?

17 CONGRESSMAN CROWLEY: I do remember being

18 at The Source. I think we were in the basement and

19 -- and that was it.

20 MR. SOLIS: Okay.

21 CONGRESSMAN CROWLEY: Yes.

22 MR. SOLIS: Do you recall who was there?

1 CONGRESSMAN CROWLEY: No.

2 MR. SOLIS: Then I have one more, just to

3 complete this. That's on the 15th.

4 CONGRESSMAN CROWLEY: No.

5 MR. SOLIS: Okay. Would you say this is

6 typical for a December, the amount of fundraisers?

7 CONGRESSMAN CROWLEY: Yes. I think the

8 reason being, if I can, that it's the end of the year

9 and the end of the cycle. And then you have

10 Christmas and then you have Hanukah, and no one wants

11 to be doing just about anything during those times.

12 So everything is kind of crammed into the latter part

13 of November, the early parts of December.

14 MR. SOLIS: Are you usually in session

15 actually voting in December?

16 CONGRESSMAN CROWLEY: I think it varies

17 from year to year. I don't recall exactly whether we

18 have been or not. Sometimes we are. Sometimes we

19 aren't, I think.

20 MR. SOLIS: Do you have any questions?

21 (To Ms. Horton.)

22 MS. HORTON: How many fundraisers do you

1 generally have per month?

2 CONGRESSMAN CROWLEY: I don't know. I

3 have a number. I just don't how many there are. It

4 varies, I think, from time to time.

5 MS. HORTON: Or like weekly, is there an

6 average? I know you wouldn't know a specific number.

7 CONGRESSMAN CROWLEY: I wouldn't. I

8 don't know.

9 MS. HORTON: Did you go to any -- like

10 this week, did you go to any this week?

11 CONGRESSMAN CROWLEY: Yes.

12 MS. HORTON: Was it one or two or --

13 CONGRESSMAN CROWLEY: I would say three,

14 that I can recall right now. That may be.

15 MS. HORTON: Now, were they all yours --

16 CONGRESSMAN CROWLEY: No.

17 MS. HORTON: -- or were you attending

18 others?

19 CONGRESSMAN CROWLEY: No. I was

20 attending others.

21 MS. HORTON: Were any yours?

22 CONGRESSMAN CROWLEY: One was mine, that

1 I recall.

2 MS. HORTON: And is that typical to go to

3 other members or other --

4 CONGRESSMAN CROWLEY: Yes.

5 MR. SOLIS: Just so I'm clear, you

6 mentioned that typically you'll get a heads-up --

7 maybe the day before, the day of -- you have an event

8 for you, but there are times when it's a week or two

9 you will be aware of an event coming up.

10 Is there any specific nature to the

11 events that you would know that are a week before

12 where you would have that --

13 CONGRESSMAN CROWLEY: Yes.

14 MR. SOLIS: -- further --

15 CONGRESSMAN CROWLEY: Yes. Some are that

16 they're -- I can give you an example. I had an event

17 last week where I perform at. So it's called an

18 unplugged event. So it's an event where I'm

19 participating in that event. So I'm aware of it. I

20 know that, you know, I'm singing at it. So I'm a

21 little more --

22 MR. SOLIS: Practicing.

1 CONGRESSMAN CROWLEY: -- cognizant of it.
2 Yes.
3 MR. SOLIS: Okay. Would that be the only
4 kind of event where you would have --
5 CONGRESSMAN CROWLEY: It could be --
6 another, in terms of a lead-up that I have, an event,
7 you know, for -- there may be a weekend or something
8 that I may be doing -- you know, not just a one-day
9 event, but there may be more of a -- more of me
10 actually having to constantly know that that weekend
11 is off or that time period is off, that type of
12 thing.
13 MR. SOLIS: Okay. And when did you -- if
14 you can recall back in December -- prior to December,
15 actually, when did you recall that you -- when did
16 you realize that you would have to be in session in
17 December?
18 CONGRESSMAN CROWLEY: I don't know.
19 MR. SOLIS: Okay. Do you have any
20 questions? (To Ms. Norton.)
21 MS. NORTON: Do you ever cancel
22 fundraisers?

1 CONGRESSMAN CROWLEY: I don't recall if
2 we have. I don't know if I ever have.
3 MS. HORTON: And when you do have a
4 fundraiser for yourself and staff attends, do they
5 have any role at the fundraiser?
6 CONGRESSMAN CROWLEY: No.
7 MS. HORTON: So they don't have to keep
8 people company --
9 CONGRESSMAN CROWLEY: No.
10 MS. HORTON: -- to give you a break?
11 CONGRESSMAN CROWLEY: No. I mean,
12 there's no requirement on my part that they do that.
13 MR. SOLIS: You said they come for the
14 free food.
15 CONGRESSMAN CROWLEY: The free food.
16 MR. SOLIS: You mentioned Kevin Casey.
17 What is he on staff? I don't know if I recall that.
18 CONGRESSMAN CROWLEY: He is my tax policy
19 analyst.
20 MS. HORTON: Does your chief of staff
21 normally attend the fundraisers?
22 CONGRESSMAN CROWLEY: Not always. But

1 she is ofttimes at it -- Yes --

2 MS. HORTON: Does she attend more than

3 others.

4 CONGRESSMAN CROWLEY: -- in Washington.

5 Than what?

6 MS. HORTON: Does she attend more than

7 any other staff?

8 CONGRESSMAN CROWLEY: She might. I don't

9 know if she does.

10 No. I would think that in all

11 likelihood, she does. Yes.

12 But I initially thought you meant did

13 other staff or other offices.

14 And I was like, well, just about every,

15 you know, one that I'm at, there's a chief of staff,

16 you know, that's there.

17 But I would imagine more often than not

18 that she's -- more than likely; but not at every

19 event, though, she's not.

20 MS. HORTON: And what about your LD?

21 CONGRESSMAN CROWLEY: On occasion,

22 they've been there; but not always.

1 MS. HORTON: Not as often as the chief of
2 staff?
3 CONGRESSMAN CROWLEY: No.
4 MS. HORTON: And by LD, also -- he or
5 she -- I forgot if it's a male or a female --
6 CONGRESSMAN CROWLEY: It's a he.
7 MS. HORTON: Does he only come when he's
8 hungry?
9 CONGRESSMAN CROWLEY: Again, it goes back
10 to saying that I don't require anyone to be at my
11 fundraiser.
12 So if they want to be there, it's, you
13 know, either they know people, who are going to be at
14 it, or it's just for the social event.
15 MS. HORTON: And when you say they will
16 know people who will be there --
17 CONGRESSMAN CROWLEY: They may have
18 friends who are going to be at it.
19 MS. HORTON: -- friends or --
20 CONGRESSMAN CROWLEY: Yes.
21 MR. HORTON: -- people -- would it ever
22 be anyone that is in their particular field?

1 CONGRESSMAN CROWLEY: It could very well
2 be. I don't pretend to know. I don't know whether
3 that's the case.
4 Again, that's speculative on my part, and
5 I shouldn't be so speculative; but I just -- I don't
6 know what the reasons for them to be there, but they
7 are there on occasion.
8 MS. HORTON: Does anyone -- when you --
9 does anyone ever ask you if any staff will be
10 there --
11 CONGRESSMAN CROWLEY: No.
12 MS. HORTON: -- if you're making calls --
13 CONGRESSMAN CROWLEY: No.
14 MS. HORTON: -- or just general questions
15 come up about the fundraiser; or your fundraiser,
16 does she ever ask if any staff --
17 CONGRESSMAN CROWLEY: No.
18 MS. HORTON: -- will be attending?
19 CONGRESSMAN CROWLEY: No.
20 MS. HORTON: That's all the questions I
21 have.
22 MR. SOLIS: Those are the only questions

1 I had.

2 CONGRESSMAN CROWLEY: Okay.

3 MS. HORTON: Thank you so much.

4 CONGRESSMAN CROWLEY: Thank you.

5 MR. SOLIS: Thank you.

6 (At 2:48 p.m., the conducting of the

7 interview was concluded.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

CERTIFICATE OF REPORTER

I, Kirk A. Sturges, being a machine shorthand reporter, do hereby certify that I was authorized to and did report by machine shorthand the above and foregoing interview; and that thereafter, it was reduced to typewriting by myself; and I further certify the pages numbered 3 through 25, inclusive, contain a full, true and correct transcript of the interview.

Kirk A. Sturges, Court Reporter

GregoryEdwards, LLC
866 4 Team GE

1 CERTIFICATE OF REPORTER

2

3 I, Kirk A. Sturges, being a machine

4 shorthand reporter, do hereby certify that I was

5 authorized to and did report by machine shorthand the

6 above and foregoing interview; and that thereafter,

7 it was reduced to typewriting by myself; and I

8 further certify that said transcript contains a full,

9 true and correct transcript of the interview.

10

11

12 Kirk A. Sturges, Court Reporter

13

14

15

16

17

18

19

20

21

22

WORD INDEX

10-6002-0052

A

able (2)
7:7,8
acknowledge (1)
3:12
Act (2)
3:11,19
advance (2)
7:17,18
affiliated (1)
11:3
agenda (1)
5:9
aherman@brandla...
2:7
amount (1)
17:6
analyst (1)
21:19
Andrew (2)
2:4 3:9
answer (1)
8:20
applies (2)
3:13,19
areas (1)
6:6
arenas (1)
4:4
asked (1)
12:15
asks (1)
13:12
assistant (1)
4:13
attend (5)
11:10,15 21:21 22:2,6
attendance (1)
16:7
attended (2)
11:17,18
attending (3)
18:17,20 24:18
attends (1)
21:4
authorized (1)
26:5
available (2)
7:6,7
Avenue (2)
1:15,18
average (1)
18:6
aware (4)
6:18 12:4 19:9,19

B

back (2)
20:14 23:9
basement (1)
16:18
basically (2)
3:18 7:10
believe (2)
12:14 15:16
best (1)
3:6
bills (1)
5:3
birthday (3)
12:22 13:1,15
Box (1)
2:11
Brand (2)
2:3,4
break (1)
21:10
brought (1)
3:10
Building (1)
1:14

C

C (1)
15:7
call (1)
10:18
called (1)
19:17
calls (3)
10:11,13 24:12
campaign (1)
16:3
cancel (1)
20:21
case (2)
14:5 24:3
Casey (2)
11:17 21:16
CERTIFICATE (1)
26:1
certify (2)
26:4,11
charge (2)
6:1,11
check (1)
9:18
chief (6)
4:7,17 6:4 21:20 22:15 23:1
Christmas (1)
17:10
clear (1)
19:5
close-knit (1)
4:22
cognizant (1)
20:1
come (5)
5:12 10:5 21:13 23:7 24:15
coming (4)
7:14 11:5 13:16 19:9
company (1)
21:8
complete (1)
17:3
concluded (1)
25:7
CONDUCTED (1)
1:12
conducting (1)
25:6
conflict (2)
13:15,17
conflicting (2)
9:14 13:5
Congressional (2)
1:2 2:11
Congressman (90)
1:6,11 3:2,8,14,16,20 3:20 4:5,19 5:17,20 6:15,20 7:19 8:1,8 8:14,18 9:3,12,22 10:2,7,14,16,21 11:9 11:12,16 12:3,7,19 13:11,21 14:7,12,18 14:21 15:3,7,11,15 15:18,20 16:1,5,8,14 16:17,21 17:1,4,7,16 18:2,7,11,13,16,19 18:22 19:4,13,15 20:1,5,18 21:1,6,9,11 21:15,18,22 22:4,8 22:21 23:3,6,9,17,20 24:1,11,13,17,19 25:2,4
conjunction (1)
7:5
Connecticut (1)
1:18
Conrad (3)
7:2 9:20 13:10
considering (1)
4:14
constantly (1)
20:10
constituent (1)
8:3
consultation (1)
13:22
contact (2)
8:11 9:21
contain (1)
26:13
correct (1)
26:13
correspondent (1)
6:9
COUNSEL (2)
2:9,10
Court (1)
26:22
crammed (1)
17:12
CROWLEY (88)
1:6,11 3:8,14,16,20 4:5,19 5:17,20 6:15 6:20 7:19 8:1,8,14

8:18 9:3,12,22 10:2 10:7,14,16,21 11:9 11:12,16 12:3,7,19 13:11,21 14:7,12,18 14:21 15:3,7,11,15 15:18,20 16:1,5,8,14 16:17,21 17:1,4,7,16 18:2,7,11,13,16,19 18:22 19:4,13,15 20:1,5,18 21:1,6,9,11 21:15,18,22 22:4,8 22:21 23:3,6,9,17,20 24:1,11,13,17,19 25:2,4
cycle (1)
17:9

D

D (1)
2:4
date (1)
9:8
day (7)
4:9,10 7:11,11 16:12 19:7,7
days (2)
13:4 14:22
day-to-day (1)
6:2
DC (4)
1:16,19 2:5,12
December (8)
3:5 14:10 17:6,13,15 20:14,14,17
decision (2)
4:4 5:15
describe (1)
4:1
direct (1)
4:17
directly (1)
9:21
director (4)
4:7 6:5,6 7:3
discussion (2)
3:15 5:22
disturbed (2)
13:2,2
divulge (1)
13:14
document (2)
3:17,21
doing (4)
9:8 10:3 17:11 20:8
Dominick (2)
15:14 16:2

E

E (3)
3:1,1 15:5
early (1)
17:13
EDWARDS (1)
1:18
eight (1)
14:22
either (1)
23:13
ELIZABETH (1)
2:10
elizabeth.horton@...
2:14
ESQUIRE (2)
2:3,4
Ethics (2)
1:2 2:11
event (25)
6:19 7:11 8:2,4 9:8,13 10:1,4,11 14:10,11 15:22 16:4,7 19:7,9 19:16,18,18,19 20:4 20:6,9 22:19 23:14
events (5)
3:5 9:2 14:3,4 19:11
exactly (1)
17:17
example (1)
19:16
Excuse (1)
14:8
execute (1)
3:18
executes (1)
3:21

F

False (1)
3:11
FAX (2)
2:6,13
female (1)
23:5
field (1)
23:22
FILE (1)
1:22
finance (1)
7:3
find (1)
13:8
fine (2)
14:15 16:10
first (3)
3:9 4:1 5:15
floor (2)
1:15 5:10
flyers (1)
14:4
follow-up (1)
10:10
food (3)
12:7 21:14,15
foregoing (1)
26:7
forgot (1)
23:5
Fourth (1)
1:15
free (3)
12:7 21:14,15
friends (2)
23:18,19
full (1)
26:13
fundraiser (9)
7:11,18 8:13 12:15 21:4,5 23:11 24:15 24:15
fundraisers (9)
6:21 8:7 11:11,15 12:5 17:6,22 20:22 21:21
fundraising (8)
3:4,5 6:14 9:2 10:1 13:6,7 14:4
further (3)
15:21 19:14 26:11

G

general (2)
3:3 24:14
generally (8)
4:2,5,12 5:10 6:1,11 6:17 18:1
generated (2)
11:5,8
give (2)
19:16 21:10
giving (1)
8:15
go (9)
4:16,16 5:15,16 11:21 11:22 18:9,10 19:2
goes (2)
10:12 23:9
going (3)
12:1 23:13,18
graduating (1)
9:10
graduation (1)
12:21
GREGORY (1)
1:18
Group (1)
2:4
guess (1)
16:8
guest (1)
10:6

H

Hanukah (1)
17:10
happen (2)
8:21 9:4
happening (1)
13:13
heads-up (1)
19:6
heck (1)
14:12

HELD (1)
1:14
help (1)
13:4
HERMAN (1)
2:4
hierarchy (1)
4:3
home (2)
13:8 15:18
honest (1)
14:14
honestly (2)
15:3,11
Horton (32)
2:10 3:2 17:21,22 18:5 18:9,12,15,17,21 19:2 20:20,21 21:3,7 21:10,20 22:2,6,20 23:1,4,7,15,19,21 24:8,12,14,18,20 25:3
House (3)
1:1,14 2:10
hungry (1)
23:8
hypothetical (1)
7:21

I

idea (2)
5:1 7:14
imagine (3)
8:14 11:16 22:17
inclusive (1)
26:13
Independence (1)
1:15
information (1)
8:15
initially (1)
22:12
input (1)
6:18
INQUIRY (1)
1:5
interaction (1)
5:21
interview (5)
1:11 2:2 25:7 26:7,15
INVESTIGATIVE ...
2:9,10
invitation (1)
10:12
invite (3)
12:5,6,9
issues (1)
5:12

J

J (1)
2:9
jog (1)
14:6
JOSEPH (2)
1:6,11
Julie (1)
15:13
JULY (1)
1:10
June (1)
12:21

K

Kate (12)
5:15 6:1,11 8:16,16,18 9:1 10:5,19 11:17 12:5 13:22
Kate's (1)
12:12
keep (1)
21:7
Kenzie's (1)
12:22
Kevin (2)
11:17 21:16
kind (5)
5:10 6:16 11:3 17:12 20:4
Kirk (3)
1:21 26:3,22
know (75)
4:5,19,20 5:3,6,8,9,12 5:22 6:1,8,12 7:4,7 7:10,11,12,13,16,18 8:19,20,22,22 9:6,7,9 9:9,17,18 10:17,22 11:2,4,6,19,20,22 12:12,13,14,21 13:5 13:6,12,12 15:4,12 15:13 16:2,5,6,9 18:2,6,6,8 19:11,20 19:20 20:7,8,10,18 21:2,17 22:9,15,16 23:13,13,16 24:2,2,6
knowledge (1)
3:6
knows (1)
13:11

L

LAs (3)
4:7 5:14 6:5
Law (1)
2:4
LC (1)
6:8
LD (4)
4:16 5:14 22:20 23:4
leading (1)
4:11
lead-up (1)
20:6
legislation (1)
4:14
legislative (6)
4:2,7,13 6:5,5,9
let's (3)
4:12 14:16 15:5
likelihood (1)
22:11
lines (1)
7:9
list (7)
10:6,8,13,18,18 11:1,5
little (1)
19:21
LLC (1)
1:18
long (1)
3:3
look (3)
4:6,8 5:7
lot (1)
14:12

M

M (1)
2:3
machine (2)
26:3,5
making (2)
4:4 24:12
male (1)
23:5
Mark (1)
16:8
mean (5)
6:22 7:20 11:1,19 21:11
meant (1)
22:12
members (3)
8:12 11:14 19:3
memory (1)
14:6
mentioned (3)
8:10 19:6 21:16
mind (1)
8:5
mine (1)
18:22
month (1)
18:1
morning (1)
9:13
move (1)
9:17
moved (1)
9:15

N

N (1)
3:1
nature (2)
11:3 19:10
need (1)
12:10
New (1)
8:3

normally (2)
8:8 21:21
Northeast (1)
15:8
November (1)
17:13
number (4)
5:3 6:6 18:3,6
numbered (1)
26:11
NW (2)
1:18 2:5

O

occasion (4)
11:13,18 22:21 24:7
OCE (1)
1:5
October (1)
12:22
office (8)
1:2,14 2:11 4:3,22 6:2 6:12 7:5
offices (1)
22:13
official (1)
13:19
ofttimes (1)
22:1
Oh (1)
15:9
Okay (21)
3:14,16,20,22 5:19 6:14 7:22 9:1 10:10 14:2,15 15:16,20 16:6,10,20 17:5 20:3 20:13,19 25:2
once (1)
3:18
ones (1)
7:16
one-day (1)
20:8
outlines (1)
3:18
outside (1)
6:22

P

page (2)
11:1,1
pages (1)
26:11
part (5)
5:8,8 17:12 21:12 24:4
participating (1)
19:19
particular (1)
23:22
parts (1)
17:13
PAUL (1)
2:9
paul.solis@mail.ho...
2:13
people (7)
10:8 11:2,22 21:8 23:13,16,21
perform (1)
19:17
period (1)
20:11
personal (2)
12:17 13:17
personally (1)
13:4
plan (1)
6:21
planned (1)
14:17
planning (2)
6:17 8:7
play (1)
8:12
PM (2)
1:12,12
point (2)
8:22 11:20
policy (3)
4:2,15 21:18
portfolio (1)
6:7
positions (1)
5:12
possible (1)
10:2
practices (1)
3:4
Practicing (1)
19:22
Prelimimary (1)
1:5
PRESENT (1)
2:2
pretend (1)
24:2
prior (1)
20:14
process (1)
4:2
produced (1)
10:18
prohibition (1)
11:21
protocol (1)
12:12
punch (1)
14:8
purview (1)
6:12
put (1)
12:20
p.m (2)
16:12 25:6
P.O (1)
2:11

Q

question (1)
12:2
questions (6)
3:3 17:20 20:20 24:14 24:20,22

R

R (1)
3:1
Rayburn (1)
1:14
reached (1)
16:3
realize (1)
20:16
really (5)
6:21,22 11:4 13:8 16:9
reason (1)
17:8
reasons (1)
24:6
recall (9)
14:17 16:22 17:17 18:14 19:1 20:14,15 21:1,17
recollect (1)
10:8
recollection (1)
15:22
recommendation (2)
4:14 5:16
recommendations (2)
4:8 5:7
reduced (1)
26:9
REGARDING (1)
1:5
remember (1)
16:17
report (1)
26:5
reporter (3)
26:1,4,22
Representatives (2)
1:1 2:10
require (1)
23:10
required (1)
3:12
requirement (1)
21:12
residence (1)
15:19
restaurant (1)
16:13
Review (1)
1:5
right (7)
3:17 5:18 9:11 13:3 15:9,10 18:14
role (3)
8:6,12 21:5

Room (1)
1:15
route (1)
4:17
row (1)
5:6

S

Sara (11)
7:2 8:10 9:20 10:5,12 10:19,21 11:7 13:10 13:11 14:19
saying (1)
23:10
says (2)
4:22 12:13
sbrand@brandlawg...
2:7
schedule (6)
7:6 12:17,17,20 13:9 13:16
scheduler (3)
6:10 8:17,19
scheduling (1)
9:6
school (1)
9:12
se (1)
5:21
see (6)
8:2,4 9:18 14:13,16 15:5
seen (1)
14:5
session (2)
17:14 20:16
seven (1)
5:5
shared (1)
13:9
shorthand (2)
26:4,5
side (1)
14:9
significant (1)
13:1
singing (1)
19:20
social (1)
23:14
SOLIS (62)
2:9 3:9,15,17,22 4:12 5:14,19 6:14,16 7:16 7:22 8:6,10,17 9:1 9:11,20 10:1,5,10,15 10:17 11:7,10,14 12:1,4,16 13:9,19 14:2,8,15,19,22 15:5 15:9,13,16,19,21 16:2,6,10,15,20,22 17:2,5,14,20 19:5,14 19:22 20:3,13,19 21:13,16 24:22 25:5
son's (2)
9:9 12:21
Source (3)
16:14,15,18
Southeast (1)
15:6
speak (1)
6:13
speaking (3)
4:6 6:1,11
special (1)
13:4
specific (4)
4:21 14:3 18:6 19:10
specifically (1)
4:10
specifics (1)
3:4
speculate (1)
8:21
speculative (2)
24:4,5
staff (18)
4:3,7,17 6:4 8:11,12 11:10,14 12:18 21:4 21:17,20 22:7,13,15 23:2 24:9,16
stages (1)
6:17
Stan (1)
3:10
STANLEY (1)
2:3
Statements (1)
3:11
STATES (1)
1:1
Street (3)
2:5 15:6,7
structure (1)
6:3
Sturges (3)
1:21 26:3,22
Suite (1)
1:19
Sure (3)
3:8 10:14 14:7
SW (1)
1:15

T

T (1)
3:1
take (2)
3:3 5:12
talk (4)
3:6 8:19 9:1 11:7
talking (3)
4:9,10,12
tax (1)
21:18
tell (5)
10:19,20 14:11,13 15:2
terms (6)
5:9 7:5 8:15 9:5 11:2 20:6
Thank (4)
3:22 25:3,4,5
thing (8)
3:9 4:1 5:4 6:10 8:3 9:19 10:4 20:12
things (3)
4:3 12:20 13:1
think (18)
4:20 5:18,22 7:4 8:20 10:4 11:19 12:7,8 13:11,21 16:12,18 17:7,16,19 18:4 22:10
thinking (2)
9:7 10:3
thought (2)
5:1 22:12
three (1)
18:13
three-hole (1)
14:8
time (8)
5:21 12:19,20 13:17 13:20 18:4,4 20:11
times (2)
17:11 19:8
today (1)
5:4
told (1)
14:20
transcript (1)
26:15
transpires (1)
5:2
trigger (1)
8:5
true (1)
26:13
try (1)
5:11
TUESDAY (1)
1:10
two (5)
7:13,13,17 18:12 19:8
type (6)
5:4 6:10 8:2 9:19 10:4 20:11
typewriting (1)
26:9
typical (2)
17:6 19:2
typically (1)
19:6

U

understand (1)
3:19
UNITED (1)

1:1
unplugged (1)
19:18
USC (1)
3:11
usually (1)
17:14
U.S (1)
2:10

V

V (1)
3:1
Vaguely (1)
16:1
varies (3)
4:20 17:16 18:4
vein (1)
5:11
view (1)
12:18
votes (3)
4:6 5:6,13
voting (2)
4:10 17:15

W

W (1)
3:1
walk (1)
6:16
want (5)
11:22 12:11 13:2,17 23:12
wanted (1)
14:2
wants (1)
17:10
Warner (1)
16:8
Washington (5)
1:16,19 2:5,12 22:4
way (3)
4:21 6:18 13:8
week (9)
7:13,17,18 8:2 18:10 18:10 19:8,11,17
weekend (2)
20:7,10
weekly (1)
18:5
weeks (1)
7:13
welcome (1)
11:21
weren't (1)
13:5
we'll (1)
5:3
we're (5)
3:12 4:21 5:10 9:7 10:3
wife's (1)
12:22
Winkler (2)
8:16 11:17
word (2)
5:18 13:3
work (4)
4:3,18 9:6 12:6
working (1)
5:11
wouldn't (4)
10:7 14:1 18:6,7
www.gregoryedwar...
1:20

X

x (2)
1:3,8

Y

year (4)
5:4 17:8,17,17
York (1)
8:3

1

10th (1)
15:1
10-6002 (1)
1:5
1001 (1)
3:11
1007023 (1)
1:22
1120 (1)
1:18
15th (2)
2:5 17:3
18 (1)
3:11

2

2nd (1)
14:10
2:27 (1)
1:12
2:48 (2)
1:12 25:6
20005 (1)
2:5
20036 (1)
1:19
2010 (1)
1:10
202-225-9739 (1)
2:12
202-226-0997 (1)
2:13
202-346-9330 (1)
1:20
202-662-9700 (1)
2:6
202-737-7565 (1)
2:6
20515 (1)
1:16
20515-0895 (1)
2:12
22 (1)
1:10
23rd (1)
12:22
2404 (1)
1:15
25 (1)
26:11
25th (1)
12:21
261 (1)
1:19

3

3 (1)
26:11
315 (1)
15:7

4

45 (1)
1:15

5

5:00 (1)
15:1
50 (1)
15:5

7

7:00 (2)
15:1 16:12

8

895 (1)
2:11

9

923 (1)
2:5

EXHIBIT 6

Please Join

Congressman Joseph Crowley

(D-NY)

For a

HOLIDAY COCKTAIL RECEPTION!

with special guest

Senator Mark Warner

Thursday, December 10, 2009
5:00 pm - 7:00 pm

[redacted]

Washington, DC 20003

Suggested Contribution
$500 Personal/$1000 PAC

Please make checks payable to:
Crowley for Congress
50 E Street SE, Suite 1
Lower Level
Washington, DC 20003

For more information or to RSVP, please contact Sara Conrad at
202-543-[redacted] or [redacted]@theconradgroup.org

Contributions to Crowley for Congress are not tax deductible for federal income tax purposes. Contributions are limited to personal funds of $2,400 per person for the Primary 2010 election and $2,400 for the General 2010 election. Contributions from qualified Federal PACs are limited to $5,000 per PAC for the Primary 2010 election and $5,000 for the General 2010 election. Contributions from unions, corporations, national banks, federal government contractors, and foreign nations not admitted and permanent residence are prohibited.

EXHIBIT 7

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Wednesday, November 04, 2009 3:52 PM
To: Julie Domenick
Subject: RE: crowley event
Attachments: Crowley December 2009 Cocktail Reception.doc

Great! I put this invite together – what do you think?

From: Julie Domenick [[redacted]@multiplestrategiesllc.com]
Sent: Wednesday, November 04, 2009 3:04 PM
To: Sara Conrad
Subject: RE: crowley event

in a heart beat.
dec 10 is calendared.
my pleasure.

Julie Domenick
President
Multiple Strategies LLC
[redacted], Washington, DC 20002
Phone: 202-965-[redacted]
Cell: [redacted]
Fax: 866-278-9312
Email: [redacted]@MultipleStrategiesLLC.com

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Wednesday, November 04, 2009 2:52 PM
To: Julie Domenick
Subject: crowley event

Hi Julie
Hope you are well. I can't believe I am going to ask about an event in December but I know we haven't done anything for Joe at your house in a really long time. We are wanting to do an end of the year event for Crowley for Congress and currently have December 10th held on the calendar – 6 p.m. just a reception.
Would your house be available and would you want to host Joe?
Thanks for considering!
Best
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

EXHIBIT 8

TO: Congressman Joseph Crowley
FR: Sara Conrad
DT: Thursday, December 10, 2009
RE: Crowley Events for Dec 10th

Date: Thursday, December 10, 2009

Time: 5:00 p.m. - 7:00 p.m. - Crowley for Congress Reception
7:00 p.m. - JOE PAC Dinner

C for C Location:
Home of Julie Domenick
[redacted]
Washington DC

JOE PAC Location:
The Source Restaurant
575 Penn Ave NW
Wash DC

Staff: Sara Conrad cell: 202-[redacted]

Attire: Business

Background: **The Crowley for Congress Reception will be our last event of the year. We expect 40 people and will raise $50,000 for Crowley for Congress. Senator Mark Warner is attending the reception as our special guest.**

The JOE PAC was set up as a make up for those that attended the Greenbrier weekend and to raise money before the end of the year. We expect 20 people and will raise $40,000 for JOE PAC.

Crowley for Congress Reception Attendees:

Cliff	Andrews	
Linda	Bennett	AFSCME
Brad	Cheney	Mortgage Bankers Association of America
Anne	Costello	Bank of NY
Lake	Coulson	NECA
Tor	Cowan	American Federation of Teachers
Jim	Cregan	Magazine Publishers of America
Bill	Cunningham	American Federation of Teachers

Menda	Fife	Honeywell
John	Ford	Abbott
Elizabeth	Fox	AFLAC
Kirk	Freeman	NAREIT
Cheryl	Gannon	NAPEO
Libby	Greer	Cauthen Forbes & Williams
John	Hoel	Altria
Robert	Hoffman	Cognizant
Alethia	Jackson	AHIP
Ike	Jones	ICBA
Brendan	Kelsay	Clear Channel
Joel	Kopperud	CIAB
Norm	Lent	
Melissa	Maxfield	Comcast
David	Morgan	American Express
Kate	Moss	The Kate Moss Co
Roger	Mott	Verizon
Kevin	O'Connor	International Association of Fire Fighters
Josh	Raymond	General Electric
Rick	Rossow	NY Life
Cynthia	Sandherr	Deere & Co
Melissa	Schulman	Bockorny Group
Mark	Seklecki	American Hospital Assoc
Gregg	Sheiowitz	Zurich
Erica	Solomon	National Apartment Association
Jesie	Storrs	Travelers
Richard	Sullivan	Capitol Counsel
Gordon	Taylor	Ogilvy
Marti	Thomas	Duberstein Group
Dave	Thomas	Mehlman Vogel
Mike	Townsend	Charles Schwab
Eric	Vaughn	National Structured Settlements Association
Steve	Vest	Time Warner
Alison	Weiss	Mass Mutual

JOE PAC Dinner Attendees:

Don	Auerbach	ICI
Linda	Banton	Lockheed
Mac	Bernstein	DLA Piper
Marshall	Brachman	
Emily	Coyle	Ernst & Young
De'Ann	Dow	CME
Susan	Flack	Target
Rob	Griner	JP Morgan
Sam	Morgante	Genworth
Jeff	Peterson	
Lorraine	Schmitzer	Boeing
Geoff	Werth	US Oncology
Michael	Williams	Credit Suisse

EXHIBIT 9

You are invited to a dinner benefiting

JOE PAC – Jobs, Opportunities & Education

With Honorary Chairman

Congressman Joseph Crowley

(D-NY 7)

Thursday, December 10, 2009
7:00 p.m.

The Source
575 Pennsylvania Ave NW
Washington, DC 20003

Suggested Contribution
$2500 PAC/$1000 Personal

Please make checks payable to:
JOE PAC
50 E Street SE, Suite 1
Washington, DC 20003

For more information or to RSVP, please contact Sara Conrad at
202-543-[redacted] or [redacted]@theconradgroup.org

Contributions to JOE PAC are not tax deductible for federal income tax purposes. Contributions are limited to personal funds of $5000 per person per year. Contributions from qualified Federal PACs are limited to $5,000 per PAC per year. Contributions from unions, corporations, national banks, federal government contractors, and foreign nations not admitted and permanent residence are prohibited.

PAID FOR BY JOE PAC

EXHIBIT 10

From: Sara Conrad <[redacted]@theconradgroup.org>
Sent: Wednesday, November 18, 2009 5:40 PM (GMT)
To: [redacted]@ge.com; Prowitt, Peter (GE, Corporate) <[redacted]@corporate.ge.com>; Raymond, Joshua (GE, Corporate) <[redacted]@ge.com>
Subject: crowley holiday reception
Attach: Crowley December 2009 Cocktail Reception.doc

Hi all
Attached is the invite for the Crowley Holiday Reception on December 10th! Hope you can join us – come one, come all!
Best
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

Sara Conrad

From: Elizabeth Fox [@jollyrissler.com]
Sent: Monday, December 07, 2009 6:59 PM
To: Sara Conrad; Thomas Jolly
Subject: RE: JOE PAC - Dinner on Thursday, December 10th

Hi Sara,

We have a check for Crowley's re-elect event on Thursday, but not the leadership PAC event. One of us will be at his re-elect/holiday reception event.

Has Aflac given to the leadership PAC before? Thought we might have given personal, but not PAC funds?

Thanks,

Elizabeth

From: Sara Conrad [@theconradgroup.org]
Sent: Monday, December 07, 2009 6:30 PM
To: Thomas Jolly; Elizabeth Fox
Subject: JOE PAC - Dinner on Thursday, December 10th

Hi Elizabeth and Tom
Hope you are well. I wanted to let you know we have a dinner for JOE PAC on Dec 10th at the Source at 7 p.m. the invite is attached here.
Hope you can join us – I know AFLAC has always supported JOE PAC in the past so wanted to be sure you have this event as our last opportunity before the end of the year to give to Crowley's leadership PAC.
Thanks for considering!
Best
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-
Fax: 202-554-0440
Cell:
@theconradgroup.org

EXHIBIT 11

From: Sara Conrad
Sent: Monday, December 07, 2009 11:00 PM
To: Blocker, Andy; Donnelly, Sarah
Subject: joe pac - crowley
Attachments: JOE PAC December Dinner 2009.doc

Hello again
Also wanted to send you the invite for JOE PAC dinner on Thursday, Dec 10th.
Sarah did you get my letter back on our letterhead? Just wanted to be sure.

The invite is attached - hope you can join us!
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

From: Sara Conrad
To: Michael Stein ([redacted]@morganstanley.com)
Sent: 11/24/2009 4:33:15 PM
Subject: congressman crowley
Attachments: Crowley December 2009 Cocktail Reception.doc

Hi Bruce!
Hope you are well! I wanted to follow up on a conversation that you had with Kate Winkler regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here. Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

Greetings -

I hope all is well. I am hosting a coffee fund-raiser for Congressman Joe Crowley (D-NY) at 10:00am on Monday, December 7th at my office (95-25 Queens Blvd. 10th floor, Rego Park, NY 11374.). I am asking you to support Congressman Crowley with a $1,000 contribution (which – as you know – counts towards your 2009 Legislative Circle Program qualification). Of course - you are also invited to attend if in town. Here is why we need to support Congressman Crowley:

- Congressman Crowley is a member of the tax-writing House Ways and Means Committee and rising Democratic star.
- Crowley has been rumored to be the 2010 Chairman of the Democratic Congressional Campaign Committee.
- Crowley understands our industry and the financial security our products provide to American families.

To contribute you can click here or go online to www.crowleyforcongress.org and donate using a personal credit card.

You can also write a personal check payable to "Crowley for Congress" and mail to:
Crowley for Congress
84-56 Grand Ave
Elmhurst, NY 11373

Please write "AALU December 7th Event" in the memo portion of your check.

Don't forget to fax copies of your contributions to Karla Kirk at 202-742-[redacted] or email to [redacted]@aalu.org.

Thank you for your consideration and support.

Sincerely,

Sara Conrad

From: David A Morgan [[redacted]@aexp.com]
Sent: Wednesday, November 18, 2009 5:36 PM
To: Sara Conrad
Cc: Ellie A Shaw; Arne L Christenson; Phyllis M Tummings
Subject: Re: crowley event

Thank you. Will get back to you shortly

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: 11/18/2009 03:21 PM MST
To: David A Morgan
Subject: crowley event

Hi David
Thanks so much for your help to Mr. Crowley. Anything you can do would be great. We are trying to get some money in the door before the end of the year as we have learned that Joe will have a primary – so thinking if we raise some early money that might put a scare into them. But who knows with the crazy politics in New York.
The invite is attached here – Dec 10th at 5 p.m.
Hope you can join us
Best
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

American Express made the following annotations on Wed Nov 18 2009 15:36:28 ---------- "This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us by reply e-mail and immediately and permanently delete this message and any attachments. Thank you." American Express a ajouté le commentaire suivant le Wed Nov 18 2009 15:36:28 Ce courrier et toute pièce jointe qu'il contient sont réservés au seul destinataire indiqué et peuvent renfermer des renseignements confidentiels et privilégiés. Si vous n'êtes pas le destinataire prévu, toute divulgation, duplication, utilisation ou distribution du courrier ou de toute pièce jointe est interdite. Si vous avez reçu cette communication par erreur, veuillez nous en aviser par courrier et détruire immédiatement le courrier et les pièces jointes. Merci.
********** ----------

Sara Conrad

From: [redacted]@ey.com
Sent: Monday, December 07, 2009 9:00 PM
To: Sara Conrad
Subject: Re: JOE PAC dinner on december 10th

Thanks Sara. Emily Coyle will attend for us.

Ernst & Young ®
Ernst & Young
K.C. Tominovich | Political Director Office of Public Policy

1101 New York Avenue, NW 20005
Tel 1: +1.202.327.[redacted] | Fax: +1.202.327.8864 Mobile: +[redacted]
EY/Comm: [redacted]
www.ey.com
Assistant: Kelsey Freebing | Phone: 1.202.327.[redacted]

Thank you for considering the environmental impact of printing emails.

From: Sara Conrad <[redacted]@theconradgroup.org>
To: "[redacted]@ey.com" <[redacted]@ey.com>
Date: 12/07/2009 06:25 PM
Subject: JOE PAC dinner on december 10th

Hi KC
Wanted to make sure you saw this dinner invite for JOE PAC on Dec 10th
All the best
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

[attachment "JOE PAC December Dinner 2009.doc" deleted by Kathryn Tominovich/PublicPolicy/EYLLP/US]

Any U.S. tax advice contained in the body of this e-mail was not intended or written to be

used, and cannot be used, by the recipient for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code or applicable state or local tax law provisions.

The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

Notice required by law: This e-mail may constitute an advertisement or solicitation under U.S. law, if its primary purpose is to advertise or promote a commercial product or service. You may choose not to receive advertising and promotional messages from Ernst & Young LLP (except for Ernst & Young Online and the ey.com website, which track e-mail preferences through a separate process) at this e-mail address by forwarding this message to no-more-mail@ey.com. If you do so, the sender of this message will be notified promptly. Our principal postal address is 5 Times Square, New York, NY 10036. Thank you. Ernst & Young LLP

From: Sara Conrad <[redacted]@theconradgroup.org>
Sent: Wednesday, December 9, 2009 10:57 AM
To:
Cc: Kate Winkler <[redacted]@gmail.com>
Subject: Crowley Leadership Board - Reception tomorrow night with Senator Warner - come as our guest
Attach: Crowley December 2009 Cocktail Reception.doc

Hi all
Just wanted to let you know we have a reception tomorrow night – Congressman Crowley with special guest Senator Mark Warner.
As a member of Joe's leadership board, please feel free to stop by as our guest.
The invite with the details are attached. RSVP to me.
Hope to see you tomorrow night
Best
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

Sara Conrad

From: Gregg Sheiowitz [[redacted]@zurichna.com]
Sent: Thursday, November 19, 2009 10:59 AM
To: [redacted]@gmail.com
Cc: Sara Conrad
Subject: Re: Crowley Holiday reception

Oh, forgot to let you two know I plan on attending.

Gregg Sheiowitz
Assistant Vice President, Federal Affairs Zurich
1201 F St, NW, Suite 250
Washington, DC 20004
Phone: (202) 585-[redacted]
Fax: (202) 628-2658
Email: [redacted]@zurichna.com
www.zurichna.com

Kate Winkler <[redacted]@gmail.com> 11/19/2009 10:46 AM

To: Gregg Sheiowitz <[redacted]@zurichna.com>
cc: Sara Conrad <[redacted]@theconradgroup.org>
Subject: Crowley Holiday reception

here you go. you feeling better?

********** PLEASE NOTE ********** This E-Mail/telefax message and any documents accompanying this transmission may contain privileged and/or confidential information and is intended solely for the addressee(s) named above. If you are not the intended addressee/recipient, you are hereby notified that any use of, disclosure, copying, distribution, or reliance on the contents of this E-Mail/telefax information is strictly prohibited and may result in legal action against you. Please reply to the sender advising of the error in transmission and immediately delete/destroy the message and any accompanying documents. Thank you.

Sara Conrad

From: Finch, Annette [[redacted]@Altria.com]
Sent: Monday, December 07, 2009 5:17 PM
To: Sara Conrad
Cc: Hoel, John
Subject: FW: congressman crowley
Attachments: Crowley December 2009 Cocktail Reception.doc

Sara - I would like to RSVP for John Hoel to attend the reception for Rep. Crowley on December 10. Thanks! Annette

Annette Finch
Office of Todd Walker and John Hoel
Federal Government Affairs
Altria Client Services Inc.
101 Constitution Avenue, NW
Suite 400W
Washington, DC 20001
Phone: 202-354-[redacted]
Fax: 202-354-1506
E-mail: [redacted]@altria.com

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Tuesday, November 24, 2009 4:41 PM
To: Hoel, John
Subject: congressman crowley

Hi John!
Hope you are well! Kate Winkler wanted me to follow up on a conversation you had with her regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here. Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

JC-0575
10-6002-0081

Sara Conrad

From: [redacted]@aol.com
Sent: Tuesday, November 24, 2009 4:33 PM
To: Sara Conrad
Subject: Re: congressman crowley

I will be there-thanks for the invite.

Have a Happy Thanksgiving..

Eric Vaughn

Sent via BlackBerry by AT&T

From: Sara Conrad <[redacted]@theconradgroup.org>
Date: Tue, 24 Nov 2009 14:32:05 -0700
To: [redacted]@aol.com<[redacted]@aol.com>
Subject: congressman crowley

Hi Eric!
Hope you are well! I wanted to follow up on a message that Kate Winkler left for you regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here. Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

JC-0725
10-6002-0082

Sara Conrad

From: Vest, Steve [[redacted]@timewarner.com]
Sent: Tuesday, November 24, 2009 5:17 PM
To: Sara Conrad
Subject: RE: congressman crowley

Of course I will be there. Happy to help.

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Tuesday, November 24, 2009 4:36 PM
To: Vest, Steve
Subject: congressman crowley

Hi Steve
Hope you are well! I wanted to follow up on a conversation you had with Kate Winkler regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here. Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

==========
This message is the property of Time Warner Inc. and is intended only for the use of the addressee(s) and may be legally privileged and/or confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, he or she is hereby notified that any dissemination, distribution, printing, forwarding, or any method of copying of this information, and/or the taking of any action in reliance on the information herein is strictly prohibited except by the original recipient or those to whom he or she intentionally distributes this message. If you have received this communication in error, please immediately notify the sender, and delete the original message and any copies from your computer or storage system. Thank you.
==========

EXHIBIT 12

Sara Conrad

From: Vest, Steve [[redacted]@timewarner.com]
Sent: Tuesday, November 24, 2009 5:17 PM
To: Sara Conrad
Subject: RE: congressman crowley

Of course I will be there. Happy to help.

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Tuesday, November 24, 2009 4:36 PM
To: Vest, Steve
Subject: congressman crowley

Hi Steve
Hope you are well! I wanted to follow up on a conversation you had with Kate Winkler regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here. Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

==========
This message is the property of Time Warner Inc. and is intended only for the use of the addressee(s) and may be legally privileged and/or confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, he or she is hereby notified that any dissemination, distribution, printing, forwarding, or any method of copying of this information, and/or the taking of any action in reliance on the information herein is strictly prohibited except by the original recipient or those to whom he or she intentionally distributes this message. If you have received this communication in error, please immediately notify the sender, and delete the original message and any copies from your computer or storage system. Thank you.
==========

From: Koonce, Tom
To: Cheney, Brad;
Subject: FW: congressman crowley
Date: Monday, December 07, 2009 5:15:58 PM
Attachments: Crowley December 2009 Cocktail Reception.doc

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Tuesday, November 24, 2009 4:32 PM
To: Koonce, Tom
Subject: congressman crowley

Hi Tom!
Hope you are well! I wanted to follow up on a message that Kate Winkler left for you regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here. Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

EXHIBIT 13

From: Sara Conrad
To: Michael Stein ([redacted]@morganstanley.com)
Sent: 11/24/2009 4:33:15 PM
Subject: congressman crowley
Attachments: Crowley December 2009 Cocktail Reception.doc

Hi Bruce!
Hope you are well! I wanted to follow up on a conversation that you had with Kate Winkler regarding an event for Congressman Crowley on December 10th We would love to have you join us if you can – the invite is attached here. Anything you can do for Crowley for Congress before the end of the year would be VERY helpful and appreciated!
Thanks for considering!
Happy Thanksgiving!
Sara

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

Winkler, Kate

From: Winkler, Kate
Sent: Friday, December 04, 2009 11:04 AM
To: Michael Stein
Cc: Casey, Kevin
Subject: FW: Catch up
Attachments: derivatives -- Lynch Amendment NYSE et al letter.pdf; Derivatives -- clearinghouse talking points.pdf

Hey Michael. Thanks reaching out and the information.

I am looping in Kevin Casey who is back in the office. We are both, as is Joe, well aware of the proposed Lynch amendment. Joe, as well as other members of the New Democrat Coalition, have spoken with leadership regarding their concerns with the Lynch amendment. We will keep you posted on what we hear in terms of the rule and whether it is made in order.

Thanks, kate

From: Stein, Michael J. [[redacted]@morganstanley.com]
Sent: Thursday, December 03, 2009 4:59 PM
To: Winkler, Kate
Subject: RE: Catch up

Thanks Kate -- look forward to speaking with you soon. Very concerned about the anti-competitive' liquidity draining and market stifling Lynch Amendment to the derivatives section of the financial services reform bill. The House Ag Committee opposes the idea of limiting or restricting ownership of clearing houses or execution facilities and a number of new Dems on the HFSC also opposed it. Whether to keep Lynch restrictions or not may be decided on the floor next week. The only company that supports this limitation is NASDAQ because its screws the NY banks and other NY exchanges (see NYSE letter) and many existing clearing houses (E.g. Options Clearing Corp, LCH)-- and gives them a clear path to a monopoly. Look forward to discussing with you and Joe. Thanks again. MJS

From: Winkler, Kate [mailto:Kate.Winkler@mail.house.gov]
Sent: Thursday, December 03, 2009 3:34 PM
To: Stein, Michael J. (GOVTREL)
Subject: RE: Catch up

Hey michael. I got your voice mail. sorry I missed it. I will try to call shortly, but I am under water a bit. It would be great if you could send me and kevin (who will be back on US soil tomorrow) an email regarding the issue you're hoping to discuss. thanks!

From: Stein, Michael J. [[redacted]@morganstanley.com]
Sent: Thursday, December 03, 2009 2:28 PM
To: Winkler, Kate
Subject: Catch up

Kate -- hope you are well! Please give a shout when you get a chance -- wanted to raise an issue with you and Joe that is coming up next week. Thanks a million -- MJS 202-654-[redacted] or [redacted] (cell)

Michael J. Stein, Managing Director
Morgan Stanley | Government Relations
401 9th. Street NW, Suite 650, 6th Floor | Washington, DC 20004
Phone: +1 202 654-[redacted]
[redacted]@morganstanley.com

NOTICE: If received in error, please destroy, and notify sender. Sender does not intend to waive confidentiality or privilege. Use of this email is prohibited when received in error. We may monitor and store emails to the extent permitted by applicable law.

NOTICE: If received in error, please destroy, and notify sender. Sender does not intend to waive confidentiality or privilege. Use of this email is prohibited when received in error. We may monitor and store emails to the extent permitted by applicable law.

EXHIBIT 14

From: Prowitt, Peter (GE, Corporate) <[redacted]@ge.com>
Sent: Tuesday, December 1, 2009 10:15 PM (GMT)
To: Thomson, Lynn H (GE, Corporate) <[redacted]@ge.com>
Subject: Sara Conrad/Crowley 202-543-8556

From: Sara Conrad [[redacted]@theconradgroup.org]
Sent: Tuesday, December 01, 2009 5:03 PM
To: Raymond, Joshua (GE, Corporate); Prowitt, Peter (GE, Corporate)
Subject: coffee with joe

Hi all – peter good to talk to you – thanks for helping out Crowley for congress and JOE PAC.
Here are dates and times Joe is free for coffee – let me know if any of these days work for you all
Thanks!
Sara

12/8 – free until 5 p.m.
12/10 - Free from 10-12 and 1-5
12/15 – free after 9:30 a.m. until 1 p.m.
12/16 - Free until 3:30

Sara Conrad
50 E Street SE
Suite 1
Washington DC 20003
Phone: 202-543-[redacted]
Fax: 202-554-0440
Cell: [redacted]
[redacted]@theconradgroup.org

EXHIBIT 15

Kirk Freeman - RE: mr. crowley

From: Sara Conrad <[redacted]@theconradgroup.org>
To: Kirk Freeman <[redacted]@NAREIT.COM>
Date: 11/30/2009 4:47 PM
Subject: RE: mr. crowley

Anytime on these dates work for you? 30 min coffee?

12/8 -- free until 5 p.m.
12/10 - Free from 10-12 and 1-5
12/15 -- free after 9:30 a.m. until 5 p.m.
12/16 - Free until 3:30

From: Kirk Freeman [[redacted]@NAREIT.COM]
Sent: Monday, November 23, 2009 3:21 PM
To: Sara Conrad
Subject: RE: mr. crowley

Unfortunately, I've got a conflict that night. Dibblee may try to attend. But, I'd love to set up a coffee, if that isn't too much trouble.

>>> Sara Conrad <[redacted]@theconradgroup.org> 11/23/2009 2:52 PM >>>
Here are the Crowley for congress and the JOE PAC invites.
But if you want a one on one coffee as well - let me know

-----Original Message-----
From: Kirk Freeman [[redacted]@NAREIT.COM]
Sent: Monday, November 16, 2009 8:07 PM
To: Sara Conrad
Subject: Re: mr. crowley

We've got you covered before the end of the year. Let me get back to you tomorrow or Wed.

Confidential Treatment Requested

EXHIBIT 16

0001
1 UNITED STATES HOUSE OF REPRESENTATIVES
2 OFFICE OF CONGRESSIONAL ETHICS
3
4 - - - - - - - - - - - - - - - - x
5 :
6 IN RE: :
7 : OCE Preliminary Review
8 INQUIRY REGARDING : No. 10-6002
9 CONGRESSMAN JOSEPH :
10 CROWLEY :
11 _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _x
12
13 THURSDAY JULY 15, 2010
14 INTERVIEW OF: REP. CROWLEY'S CHIEF OF STAFF
15 HELD AT:
16 The Rayburn House Office Building
17 45 Independence Avenue, SW
18 Fourth Floor, Room 2404
19 Washington, DC 20515
20 Reported by:
21 Ryan K. Black, RPR, CSR-DE, CLR, Notary Public
0002
1 APPEARANCES:
2
3 On behalf of the U.S. House of Representatives
4 Office of Congressional Ethics:
5 PAUL J. SOLIS, ESQUIRE
6 OMAR S. ASHMAWY, ESQUIRE
7 P.O. Box 895
8 Washington, D.C. 20515-0895
9 202-225-9739 (Voice)
10 202-226-0997 (Fax)
11 paul.solis@mail.house.gov
12 omar.ashmawy@mail.house.gov
13
14 On behalf of Rep. Crowley's Chief of Staff:
15 STANLEY M. BRAND, ESQUIRE
16 Brand Law Group
17 923 Fifteenth Street N.W.
18 Washington, D.C. 20005
19 202-662-9700 (Voice)
20 202-737-7565 (Fax)
21 sbrand@brandlawgroup.com
0003
1 P R O C E E D I N G S
2 (2:10 p.m.)
3 BY MR. SOLIS:
4 Q. So all right. We'll just get right to
5 it.
6 If you could talk a little bit about
7 your role and kind of function as Chief of
8 Staff, generally speaking, what you do for the
9 Congressman?
10 A. I manage a staff of 22 people between
11 our district offices and D.C., oversee the
12 day-to-day operations, so everything from our
13 budget to Joe's overall schedule to the policy
14 work produced by the D.C. staff.
15 Q. What about fundraising, do you do work
16 in that?
17 A. I don't. We have a dedicated finance
18 director.
19 Q. Okay. Do you play any role in

20 fundraising?
21 A. Making sure he goes to call time.
0004
1 Q. Okay. And I'll ask you some questions
2 later on about your work with Sarah Conrad.
3 The policy side of things, is there a
4 Legislative Director in the office?
5 A. There is.
6 Q. Okay. Who is that?
7 A. A guy named Jeremy Woodrum [phonetic].
8 Q. Okay. When he or other staff is
9 making a policy decision, do you have oversight
10 over that?
11 A. Yeah.
12 Q. Okay. In some offices, just as an
13 example, the Chief of Staff is more of the
14 administrator of the office and sort of the LD
15 kind of has more free reign to make decisions.
16 I just want to make sure that you are kind of
17 the last person that sort of is the check with
18 the decision before it goes to the
19 Congressman, --
20 A. Yeah. That's accurate.
21 Q. -- is that accurate?
0005
1 Okay. Great. What do you know about
2 Ms. Conrad's work, if you have any degree of
3 knowledge of it, about setting up fundraisers
4 and soliciting funds and things like that, what
5 do you --
6 A. I mean, most of Sarah's work
7 is -- she's well aware of her responsibilities
8 and Joe's goals and the political hats that he
9 wears. So, you know, she keeps me apprised of
10 events that she puts together. Obviously, we
11 work together to make sure she's not scheduling
12 things at a time that doesn't work for the
13 Congressman. But most of our interaction is
14 about coordinating dates for her to utilize and
15 set things up. And then, when she does, she
16 notifies us to be able to put those things on
17 the calendar.
18 Q. What do you mean by political hats
19 that he wears, the Congressman wears?
20 A. You know, he plays a role at the DCCC.
21 Q. Okay. Anything else?
0006
1 A. No.
2 Q. Okay. I show you -- this is a
3 document that Stan helped produce from your
4 internal set.
5 A. Yeah.
6 Q. That's a memo. We talked with Sarah
7 about that -- about this memo. But what can you
8 tell me about it? Does this go to you, this
9 type of memo, or this specific memo, did it go
10 to you?
11 A. She'll give Joe and myself a copy
12 of -- so, yes, I've seen this memo --
13 Q. Okay.
14 A. -- before any event that Joe's going
15 to that I'm also going to that she'll give us a
16 copy.
17 Q. Okay. Would that be sort of -- I

18 guess that's typical protocol, a memo like this
19 before a fundraiser, you'll receive something
20 like that?
21 A. Yes.
0007
1 Q. Okay. Anyone else on staff receive
2 that from Ms. Conrad?
3 A. No. I mean, she might send it to our
4 scheduler, --
5 Q. Okay.
6 A. -- more for -- to make sure that
7 whatever the location is is actually correctly
8 put on the schedule, --
9 Q. Right.
10 A. -- as that has sometimes not happened.
11 Q. Okay. And you said this does go to
12 the Congressman as well, right?
13 A. Yes, he'll get a copy.
14 Q. Okay. Why would it go to you as
15 opposed to simply the scheduler, do you know?
16 A. I mean, I oversee Joe's schedule.
17 Even though we have a scheduler, I'm, at the end
18 of the day, responsible --
19 Q. Right.
20 A. -- for making sure he gets to all the
21 right places.
0008
1 Q. Okay. You'll see a name under the C
2 for C location on that -- on that --
3 A. Right.
4 Q. -- memo. It says home of Julie
5 Dominick?
6 A. Yes.
7 Q. Who is Julie Dominick? Do you know
8 who she is?
9 A. I have met her, yeah.
10 Q. Do you know what she does for a living
11 or what her profession is?
12 A. She's a lobbyist.
13 Q. Okay. Do you know who her clients are
14 or what industry she works in?
15 A. I don't, actually.
16 Q. How many times would you say you've
17 met her?
18 A. Like been in the same room with her?
19 Q. I mean --
20 A. Could you clari --
21 Q. I mean, so you said you've met her
0009
1 before. So what did you mean by met -- you've
2 met her?
3 A. I mean, I -- as far as I recall, I've
4 probably been in the same room with her 10 times
5 in my three years with Joe.
6 I guess I don't actually know how to
7 answer that. I know who she is. We've spoken.
8 Q. You've spoken, okay. How many times
9 do you think you've spoken with her?
10 A. Minimally. I honestly hesitate to put
11 a number to that. I -- I've --
12 Q. Okay.
13 A. I mean, there are a lot of events in
14 this town where there are hundreds of people.
15 If I see Julie, I'd say, hey, how are you doing?

16 Q. Okay. This is a flier, an invitation
17 for the December 2nd fundraiser. Were you in
18 attendance at that fundraiser?
19 A. I honestly don't know.
20 Q. Okay. Do you know if anyone else from
21 the staff was in attendance at that fundraiser?
0010
1 A. I don't.
2 Q. Okay. Do you know if there was a
3 focus to that fundraiser?
4 A. I don't.
5 Q. Okay. That's fine.
6 A. I don't remember the fundraiser,
7 so ...
8 MR. BRAND: If you could maybe explain
9 what you mean by focus.
10 MR. SOLIS: Right. I'm sorry about
11 that.
12 BY MR. SOLIS:
13 Q. So sometimes a fundraiser will be
14 called a Financial Services Luncheon,
15 Agricultural -- you know, the farm something
16 producer's -- Milk Producers of the United
17 States --
18 A. Sure.
19 Q. -- fundraiser, and that's --
20 fundraisers will call that a focus. So I'm just
21 wondering if there was anything like that you
0011
1 recall for this fundraiser?
2 A. Yeah. I don't remember this
3 fundraiser.
4 Q. Okay. I realize there is a lot of
5 them to go to and some of them blend together.
6 And, again, you know, I'm going to go through
7 some of these fundraisers just because I kind of
8 have to. And if you know what the answer is to
9 the question, just let me know, --
10 A. Okay.
11 Q. -- but when was the event planned, the
12 December 2nd?
13 A. This event?
14 Q. Um-hum.
15 A. I have no idea.
16 Q. Okay. How were the invitees selected
17 for this event?
18 A. No idea.
19 Q. No idea?
20 Have -- now, this is December 10th --
21 A. Okay.
0012
1 Q. -- from 5 to 7, --
2 A. Um-hum.
3 Q. -- again, what can you tell me about
4 that event?
5 A. That it happened on December 10th.
6 Q. Were you present for that?
7 A. I was.
8 Q. Okay. Was anyone else from staff
9 there?
10 A. Kevin Casey [phonetic].
11 Q. What's his role on staff?
12 A. Kevin is our senior most legislative
13 staffer.

14 Q. Okay. Was there a focus to this
15 event?
16 A. No, not that I recall.
17 Q. Invitees to this event, who was there
18 that you -- that you remember? Did you speak
19 with anyone at the event?
20 A. Sure. I honestly don't remember. If
21 I -- I feel like there was somebody there from
0013
1 the National Apartment -- I'm not even sure I
2 know the name of the organization, --
3 Q. Okay.
4 A. -- but -- I -- I don't recall offhand.
5 Q. Okay. The planning of this event, do
6 you know when this was planned, how far in
7 advance?
8 A. I don't. I have read subsequent
9 to -- I wouldn't have remembered, other than
10 it's been reported in the news that it was
11 planned a month in advance. But that's not
12 something I would have remembered otherwise.
13 Q. Okay. Okay. All right. Number 3
14 here seemed to occur right after at 7:00.
15 Again, were you in attendance at this event?
16 A. Yes.
17 Q. Okay. Anyone else from staff?
18 A. Kevin Casey.
19 Q. Focus to this event?
20 A. No.
21 MR. BRAND: Meaning you don't know?
0014
1 THE WITNESS: Correct. I don't know.
2 BY MR. SOLIS:
3 Q. That was going to be my next question.
4 When was this event? When was this
5 event planned, do you know?
6 A. I don't.
7 Q. Okay. Do you recall who was at that
8 event? Anyone you spoke with?
9 A. Yes. I recall Rob Greiner [phonetic].
10 Q. Who does he work for?
11 A. At the time, he worked for JP Morgan
12 Chase.
13 Q. What did you two talk about?
14 A. Life. I mean --
15 Q. Life. Without getting too personal,
16 could you tell me what you mean by life?
17 A. I really don't remember specifics. I
18 mean, --
19 Q. Any work discussions about your work
20 in the office?
21 A. Not that I recall.
0015
1 Q. Okay. All right. Last one.
2 MR. ASHMAWY: I'm sorry.
3 THE WITNESS: Yeah.
4 MR. SOLIS: Sure. Go ahead.
5 BY MR. ASHMAWY:
6 Q. Is Robert the only one you remember
7 talking to then?
8 A. I remember John Michael Gonzalez.
9 Q. And who's John Michael Gonzalez?
10 A. He works for Madison Peck, Peck
11 Madison. I'm going to mix up the names, but --

12 Q. Got it.
13 And who else do you remember being
14 there?
15 A. They're the only two I remember
16 without having somebody jog my memory, so --
17 Q. Okay. Fair enough. No bowls of
18 spaghetti here.
19 John Michael Gonzalez, do you remember
20 what you talked to him about?
21 A. Yes. I think I told him to sit to the
0016
1 left of somebody there that had a bad -- that
2 can't hear out of their right ear.
3 BY MR. SOLIS:
4 Q. Seriously?
5 A. Yes.
6 Q. That's funny.
7 BY MR. ASHMAWY:
8 Q. That's very considerate of you.
9 Anything else?
10 A. I'm sure we discussed my dating life,
11 as we usually do. But that's probably about it.
12 Q. Can I assume that Mr. Gonzalez and you
13 are friends?
14 A. We're -- yeah, we're friendly on a
15 personal level.
16 Q. Okay. Did work come up at all or
17 anything like that that you recall?
18 A. No. I mean, maybe a general
19 discussion of it's December and we don't want to
20 be in session anymore and hoping to wrap things
21 up. But that would probably be about all I
0017
1 remember.
2 MR. ASHMAWY: Okay. Thank you.
3 BY MR. SOLIS:
4 Q. Is Mr. Gonzalez a lobbyist?
5 A. He is.
6 Q. Do you know who his clients are, what
7 industries?
8 A. I know he's got folks in financial
9 service sector, but I don't know specific
10 clients offhand.
11 MR. SOLIS: Do you have any more
12 questions on that one?
13 MR. ASHMAWY: No.
14 BY MR. SOLIS:
15 Q. All right. So this is December 15th
16 event, were you in attendance at this event?
17 A. I think so.
18 Q. Any other staff?
19 A. I have zero recollection of this,
20 so ...
21 Q. Why do you think you were there?
0018
1 A. I guess I don't remember being off of
2 work that day. I -- I honestly don't remember.
3 Q. Okay.
4 A. I would --
5 Q. Okay. Again, I'll go through the kind
6 of list of questions you might not know.
7 A. Sure.
8 Q. Focus to the fundraiser?
9 A. Not that I -- I'm aware.

10 Q. Who was at the fundraiser, companies,
11 lobbyists, if you spoke with anyone?
12 A. Okay. I do -- I do remember being
13 there. Now that I -- I was trying to visualize.
14 Sorry.
15 Q. No problem.
16 A. I do not recall who was there.
17 Q. Okay. When the event was planned?
18 A. I don't know.
19 Q. Okay. I know this is a question I
20 asked Ms. Conrad, but if you could go back to
21 the first document I showed you, that memo, --
0019
1 A. Yes.
2 Q. -- it says --
3 A. Sorry.
4 Q. It says that this December 10th event
5 will be the last event of the year for Crowley
6 for Congress.
7 A. Okay.
8 Q. And then, I'm pretty sure, and correct
9 me if I'm wrong, that December 15th event, you
10 know, that was obviously after the December 10th
11 event and that also is Crowley for Congress.
12 A. Okay.
13 Q. So could you just -- if you could tell
14 me why that would be -- if there was a memo that
15 went out to you and to the Congressman saying
16 that the 10th event would be the last for
17 Crowley for Congress why there would be a
18 December 15th event?
19 A. I don't know.
20 Q. Okay. One more thing to show you
21 here. This is an e-mail from Ms. Conrad, if I
0020
1 could direct you to the middle section there.
2 A. Okay.
3 Q. Hope you -- wait. It says, hope you
4 are well. Kate Winkler wanted to follow up on a
5 conversation you had with her regarding an event
6 for the Congressman on December 10th.
7 Do you recall that conversation with
8 it must be John Holl [phonetic]?
9 A. I don't. I don't.
10 Q. Okay. Would this be something that
11 would happen with some degree of regularity
12 where you would have a conversation with
13 somebody and then -- and then contact
14 Ms. Conrad?
15 A. Can you -- I'm not sure I follow the
16 question.
17 Q. Well, it's -- you know, Ms. Conrad is
18 saying that she's talking about -- you know,
19 she's contacting this Mr. Holl about a
20 conversation you had with him about an event.
21 A. Right.
0021
1 Q. I assume that Ms. Conrad and you had
2 spoken for her to have that knowledge.
3 A. Gotcha.
4 Q. So I'm wondering, that sequence of
5 events, is that something that happens?
6 A. On occasion if I bump into somebody --
7 Q. Okay.

8 A. -- and I know that Joe has an event
9 coming up or they might have heard, hey, I
10 thought I heard your boss is doing something,
11 you know, we always love your boss and want to
12 be helpful, I might call Sarah and say, bumped
13 into so and so, they were inquiring
14 about ... can you send them info.
15 Q. So it happens on occasion?
16 A. Yeah.
17 Q. Okay. Do you recall any
18 communications you had with the Congressman -- I
19 mean, this is going back a little ways -- but in
20 December about December fundraisers, any
21 discussions you had with him?
0022
1 A. No, that's really Sarah's bailiwick,
2 not mine.
3 Q. Oh, okay.
4 MR. SOLIS: Do you have any questions?
5 MR. ASHMAWY: I don't think so.
6 BY MR. SOLIS:
7 Q. Does -- does -- does Sarah talk to
8 anyone else besides -- I might have already
9 covered this, but does Sarah talk to anyone else
10 besides you and Sarah, the scheduler on staff?
11 A. Yeah. Sure. I mean, first of all,
12 she's worked for Joe for a long time. So I
13 think there's some level of personal friendships
14 that she has amongst staff. She would talk to
15 Anne Marie Anzalone [phonetic], who is our
16 District Chief of Staff, for many of the same
17 purposes. She talks to me schedule-wise. Anne
18 Marie is just more familiar with the New York
19 schedule than I am on a day-to-day basis.
20 To the extent that staff opts to
21 sometimes go to some of our campaign and
0023
1 fundraising events, obviously Sarah would talk
2 to those that participate in some of those
3 things.
4 Q. Does Sarah have, I don't know if it's
5 the right word, but a legislative calendar so
6 that she can understand scheduling issues?
7 A. Every once -- probably every couple
8 weeks our scheduler will fax her or send her a
9 copy of the schedule, mostly so she knows when
10 she could try to fit in events.
11 Q. Okay. Okay. What does that schedule
12 look like? Can you describe it?
13 A. Like a calendar on Outlook.
14 Q. What types of information would be put
15 into that schedule?
16 A. Oh, I mean, a variety -- everything
17 from the hearings that Joe's attending to
18 meetings with constituents that he has in the
19 office, names of people coming in.
20 BY MR. ASHMAWY:
21 Q. How about, like, hearings -- like, his
0024
1 hearing schedules and stuff like that?
2 A. Yeah. That's -- every -- everything
3 that he does.
4 Q. Vote schedules, or just basically
5 everything that's on there?

6 A. Votes wouldn't -- I mean, --
7 Q. To the extent that there's --
8 A. I mean, votes happen when they happen.
9 There's minimal --
10 Q. Planning.
11 A. -- planning when it comes to that. So
12 that's not something we integrate on the
13 calendar.
14 If he's going to give a speech on the
15 floor, we'll try to guesstimate what time based
16 on what we know of the schedules so that we're
17 not, you know, preventing him from being able to
18 go to the floor, creating unnecessary conflict.
19 But that's the only thing that, in terms of the
20 floor, would be incorporated onto the actual
21 calendar.
0025
1 MR. ASHMAWY: Okay. I have nothing
2 else.
3 MR. SOLIS: I think we're all set.
4 THE WITNESS: All right.
5 MR. BRAND: Thank you.
6 (Interview concluded -- 2:33 p.m.)
7 ----------
8
9
10
11
12
13
14
15
16
17
18
19
20
21
0026
1 REPORTER'S CERTIFICATE
2
3 I HEREBY CERTIFY that I was present upon
4 the proceedings of the above-entitled matter and
5 there reported stenographically the proceedings
6 had and the testimony produced; and I further
7 certify that the foregoing is a true and correct
8 copy of my said stenographic notes.
9 In testimony whereof, I have hereunto
10 subscribed my hand this 27th day of July 2010.
11
12
13 _____
14 Ryan K. Black, RPR, CSR-DE, CLR
15
16
17
18
19
20
21

Appendix D

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 10-8839

The Board of the Office of Congressional Ethics (hereafter the "Board"), by a vote of no less than four members, on August 27, 2010, adopted the following report and ordered it to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

SUBJECT: Representative Thomas Price

NATURE OF THE ALLEGED VIOLATION: H.R. 4173, formally known as the Wall Street Reform and Consumer Protection Act of 2009, was reported out of the Committee on Financial Services on the afternoon of December 2, 2009. H.R. 4173 (the "Financial Reform Bill") was passed by the House on December 11, 2009. On December 10, 2009, Representative Price held a fundraiser for his campaign committee called the "Financial Services Industry Luncheon" that appeared to solicit entities or individuals registered to lobby on the Financial Reform Bill. Further, Representative Price's professional fundraiser offered one-on-one meetings between Representative Price and entities registered to lobby on the Financial Reform Bill in December 2009.

If Representative Price solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors or the appearance that the contributions were linked to an official act, then he may have violated House Rules and Standards of Conduct.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Standards of Official Conduct further review the above allegations because there is substantial reason to believe that Representative Price solicited or accepted contributions at the fundraiser he held on December 10, 2009, in a manner which gave the appearance that special treatment or access was provided to donors or that contributions were linked to an official act.

VOTES IN THE AFFIRMATIVE: 4

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 1

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Leo Wise, Staff Director & Chief Counsel.

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 10-8839

I. INTRODUCTION 4

A. Summary of Allegations 4

B. Jurisdictional Statement 4

C. Procedural History 5

D. Summary of Investigative Activity 5

II. REPRESENTATIVE PRICE'S FUNDRAISING EVENTS 6

A. House Precedent, Rules, and Standards of Conduct 6

B. Position of Influence 9

C. Timing of Fundraising Event 9

D. Nature of Fundraising Event 11

E. Presence of Key Staff 18

F. Limited Number of Attendees 18

III. CONCLUSION 18

IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS 19

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 10-8839

On August 27, 2010, the Board of the Office of Congressional Ethics (the "Board") adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*). The Board notes that these findings do not constitute a determination that a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. There is substantial reason to believe that Representative Thomas Price solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors or that the contributions were linked to an official act.

2. The Board notes that, among other facts, Representative Price held a fundraising event titled "Financial Services Luncheon" on December 10, 2009, the day before the House voted on the Financial Reform Bill. All but three of the sixteen individuals who attended that event represented entities that were registered to lobby on the bill. The Board further notes that Representative Price is a member of the Financial Services Committee, is the Deputy Ranking Member on the Subcommittee on Capital Markets, Insurance and Government Sponsored Entities and introduced eight amendments to the Financial Reform Bill during markup.

B. Jurisdictional Statement

3. The allegations that were the subject of this review concern Representative Price, a Member of the United States House of Representatives from the 6th District of Georgia. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics ("OCE") directs that, "[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this

resolution."[1] The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. <u>Procedural History</u>

4. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on May 24, 2010. The preliminary review commenced on May 25, 2010.[2] The preliminary review was scheduled to end on June 23, 2010.

5. At least three members of the Board voted to initiate a second-phase review in this matter on June 21, 2010. The second-phase review commenced on June 24, 2010.[3] The second-phase review was scheduled to end on August 7, 2010.

6. The Board voted to extend the forty-five day second-phase review by an additional fourteen days, as provided by the Resolution, on July 29, 2010. Following the extension, the second-phase review was scheduled to end on August 21, 2010.[4]

7. Representative Price appeared before the Board and submitted a written statement, under Rule 9(B) of the OCE's Rules for the Conduct of Investigations, on August 27, 2010.[5]

8. The Board voted to refer the matter to the Committee on Standards of Official Conduct and adopted these findings on August 27, 2010.

9. This report and findings were transmitted to the Committee on Standards of Official Conduct on September 1, 2010.

D. <u>Summary of Investigative Activity</u>

10. The OCE's investigation required the collection of information from a number of sources.

---

[1] H. Res. 895, 110th Cong. §1(e) (2008) (as amended).
[2] A preliminary review is "requested" in writing by members of the Board of the OCE. The request for a preliminary review is "received" by the OCE on a date certain. According to H. Res. 895 of the 110th Congress (the "Resolution'), the timeframe for conducting a preliminary review is thirty days from the date of receipt of the Board's request.
[3] According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.
[4] *Id*. at § 1(c)(2)(A)(ii) (2008).
[5] Statement of the Honorable Tom Price, dated August 27, 2010 (Exhibit 1 at 10-8839_002-005). In addition, counsel for Representative Price submitted a letter to the Leo Wise, dated August 6, 2010, and Representative Price submitted a letter to Leo Wise, dated June 22, 2010 (Exhibit 2 at 10-8839_007-022).

11. The OCE requested and received documentary and, in some cases testimonial information, from the following sources:

    (1) Representative Price;

    (2) Representative Price's Chief of Staff;

    (3) Representative Price's Legislative Assistant;

    (4) Representative Price's Fundraiser; and

    (5) Chairman of the House Financial Services Committee.

12. The OCE requested and received documentary information from the following sources:

    (1) American Express

    (2) Astellas US LLC

    (3) Bank of America

    (4) Investment Company Institute

    (5) KPMG

    (6) National Association of Federal Credit Unions

    (7) Psychiatric Solutions Inc.

    (8) UBS

II. REPRESENTATIVE PRICE'S FUNDRAISING EVENTS

A. House Precedent, Rules, and Standards of Conduct

13. The House of Representatives intends that Members adhere to the standards of conduct stated in Rule 23 of the Rules of the House and other relevant Rules of the House in the House Ethics Manual, the Code of Ethics for Government Service, and various precedents of the House and the Committee on Standards of Official Conduct ("Standards Committee") in matters related to ethics. In establishing the OCE, the House charged the Board of the OCE with assisting it in the enforcement of these standards of conduct.

14. In this matter, as the citations below indicate, the Board reviewed the conduct at issue under the pertinent standards set out in the House Ethics Manual and the memorandum of the Chair and Ranking Member of the Standards Committee in the matter of Representative Tom DeLay ("Delay Report"). The cited sections in the House Ethics Manual and the DeLay Report, relates to the propriety of certain types of political fundraising activity conducted in proximity to pending business of the House and its committees. The Board respects the final authority of the Standards Committee in matters referred to it by the OCE for the Standards Committee to determine whether conduct apparently proscribed by this or other standards is deemed to be a violation. In this matter, as with all referrals to the Standards Committee for further review, the OCE Board reaches no conclusion that a violation has occurred but only determines if there is substantial reason to believe that a violation may have occurred.

15. The OCE Board sees its responsibility to assess the apparent applicability of standards of conduct to the facts and circumstances of the conduct adduced during its time-limited process and under its prescribed authority. It has done so in this matter. It would be inappropriate for the OCE Board to interpret the standard expressed in the DeLay matter differently than indicated by the precedents and writings of the Standards Committee.

16. *"It is probably not wrong for the campaign managers of a legislator . . . to request contributions from those for whom the legislator has done appreciable favors, but this should never be presented as a payment for the services rendered. Moreover, the possibility of such a contribution should never be suggested by the legislator or his staff at the time the favor is done. Furthermore, a decent interval of time should be allowed to lapse so that neither party will feel that there is a close connection between the two acts. The Standards Committee has long advised Members and staff that they should always exercise caution to avoid even the appearance that solicitations of campaign contributions are connected in any way with an action taken or to be taken in their official capacity."*[6]

17. *"[N]o solicitation of a campaign or political contribution may be linked to an action taken or to be taken by a Member or employee in his or her official capacity."*[7] *"In addition, a Member may not accept any contribution that is linked with any specific official action taken or to be taken by that Member."*[8]

[6] House Ethics Manual 147 (2008).
[7] *Id.*
[8] Memorandum of the Chairman and Ranking Minority Member, Recommendations for disposition of the complaint filed against Representative DeLay, http://ethics.house.gov/Investigations/Default.aspx?Section=18.

18. *"[T]he scope of the House standards of conduct in this area is broader than that of the criminal bribery statute . . . the House standards of conduct generally preclude any link between the solicitation or receipt of a contribution and a specific official action."*[9]

19. *"Put another way, there are fundraising activities that do not violate any criminal statute but may well violate House standards of conduct."*[10]

20. *"[T]here are certain proffered campaign contributions that must be declined, and certain fundraising opportunities that must be forgone, solely because they create an appearance of improper conduct."*[11]

21. *"The broad House standards of conduct in this area . . . are extremely important ones."*[12]

22. These standards were expressly addressed in the DeLay Report. In that matter, a June 2002 energy fundraiser was held for Representative DeLay, coordinated by a former DeLay staffer working as a lobbyist and various energy industry lobbyists. Five energy companies and their executives attended the event.[13] Three months later in September 2002, during a House-Senate conference over a broad-sweeping energy bill, Representative DeLay took part in the conference as an appointed conferee.

23. The Standards Committee specifically noted the following factors in finding that Representative DeLay's fundraising activity did not conform to House standards: (1) Representative DeLay's position of significant influence on certain legislation; (2) the timing[14] of the fundraiser in connection to certain legislative activity under consideration by the House; (3) the nature of the fundraising event; (4) the presence of key staff members at the event; and (5) the limited number of attendees in direct contact with both

---

[9] *Id*.
[10] *Id*.
[11] *Id*.
[12] *Id*.
[13] *Id*. As early as late April 2002, executives from a company that would later attend the June 2002 fundraising event informed the Standards Committee that they were aware of a summer fundraiser for Representative DeLay that could affect their business interests. Further, at the event, Representative DeLay, his legislative staffer focused on energy issues, and his staff counsel, engaged in direct contact with attendees, often discussing a broad range of energy policy issues. The Standards Committee, in finding that certain fundraising activity "did not conform to House standards," expressly found that "(1) neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and (2) Representative DeLay took no action with regard to Westar that would constitute an impermissible special favor." Thus, the Standards Committee's findings not only analyzed an appearance standard absent any finding of improper solicitation of campaign contributions, but it also did so regardless of the ultimate position Representative DeLay took on the energy bill.
[14] *Id*. The Standards Committee took a broad view of "timing" standards stating that "[i]n particular, there was the timing of the fundraiser, *i.e*., it took place just as the House-Senate conference on major energy legislation, H.R. 4, <u>was about to get underway</u>." (emphasis added.)

Representative DeLay and his staff.[15] In determining whether a matter warrants further review, the OCE compared conduct at issue to these factors as detailed below.

B. <u>Position of Influence</u>

24. Representative Price is a Member of the House Financial Services Committee. He is the Deputy Ranking Member of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises.

25. He also serves as the Chairman of the Republican Study Committee.

26. During the markup of the Financial Reform Bill in the House Financial Services Committee, Representative Price introduced approximately eight amendments.[16]

27. Following the markup, he also offered six amendments for the Financial Reform Bill to the Rules Committee.[17]

C. <u>Timing of Fundraising Event</u>

28. On December 10, 2009, Representative Price held a fundraiser at the Capitol Hill Club in Washington, DC.

[15] *Id.*
[16] Memorandum of Interview of Representative Price's Legislative Assistant, dated July 20,2010 ("Legislative Assistant MOI") (Exhibit 3 at 10-8839_025).
[17] Summary of Amendments Submitted to the Rules Committee for H.R. 4173 - Wall Street Reform and Consumer Protection Act of 2009, http://rules.house.gov/amendment_details.aspx?NewsID=4516.

29. The invitation for the fundraiser labeled the event a "Financial Services Industry Luncheon."[18]

YOU ARE CORDIALLY INVITED TO A
FINANCIAL SERVICES INDUSTRY LUNCHEON WITH

CONGRESSMAN
TOM PRICE, M.D.

WITH SPECIAL GUEST

CONGRESSMAN SPENCER BACHUS
RANKING MEMBER COMMITTEE ON FINANCIAL SERVICES

THURSDAY, DECEMBER 10, 2009
NOON

CAPITOL HILL CLUB
300 FIRST STREET, SE
WASHINGTON, DC 20003

$2,500/PAC Host
$1,000/PAC or $500/Personal

PLEASE RSVP TO
ASHLEE REID MOREHOUSE
AT 202-341[redacted] OR BY EMAIL
[redacted]@TOMPRICE.COM

PLEASE MAKE CHECKS PAYABLE TO
PRICE FOR CONGRESS
P.O. BOX 425
ROSWELL, GA 30077

Paid for by Price for Congress

Not printed at government expense.
Federal law requires Price for Congress to use its best efforts to obtain and report the name, mailing address, occupation and employer for each individual whose contribution aggregates $200 or more in an election cycle. Contributions to Price for Congress are not tax deductible for federal income tax purposes. Contributions from foreign nationals and corporations are prohibited.

30. The day after the Financial Services Luncheon, December 11, 2009, the House of Representatives voted on the Financial Reform Bill.

31. According to Representative Price's Fundraiser, she began planning this event in late September or October 2009.[19] According to Representative Price's Legislative Assistant, the Financial Services Committee's first markups on legislation that was ultimately

[18] Invitation to December 10, 2009 Financial Services Industry Luncheon (Exhibit 4 at 10-8839_027).
[19] Memorandum of Interview of Representative Price's Fundraiser, dated July 20, 2010 ("Fundraiser MOI") (Exhibit 5 at 10-8839_031).

consolidated into the Financial Reform Bill, began in September 2009.[20] Based on information that the Fundraiser provided to the OCE, the finalized invitation for the December 10th luncheon was first distributed on November 3, 2009.[21]

32. The Board notes that the Chairman of the Financial Services Committee told the OCE that Members would have known in November 2009 that the Financial Reform Bill would be out of committee and on the House floor for a final vote in December 2009.[22]

D. <u>Nature of Fundraising Event</u>

33. According to Representative Price, his fundraiser is responsible for scheduling and organizing his campaign fundraising events in Washington, DC.[23]

34. Representative Price's Fundraiser told the OCE that she decided to have a fundraising event tailored to the financial services industry because Representative Price is on the Financial Services Committee.

[20] Legislative Assistant MOI (Exhibit 3 at 10-8839_024).
[21] Email from Representative Price's Fundraiser to Edward Hill and Paul Kangas, dated November 3, 2009 (Exhibit 6 at 10-8839_034). The Board notes that in the DeLay Report, the Standards Committee found that Representative DeLay's June 2002 fundraiser had an appearance of impropriety, even though it had been planned over one month in advance.
[22] Memorandum of Interview of Chairman of the Financial Services Committee, dated July 29, 2010 (Exhibit 8 at 10-8839_041).
[23] Memorandum of Interview of Representative Price, dated July 29, 2010 (Exhibit 7 at 10-8839_038).

35. The Fundraiser worked with at least two lobbyists representing organizations registered to lobby on the Financial Reform Bill to organize the event and solicit contributions.[24] In an email from the Fundraiser to representatives for the Bank of America and the Property Casualty Insurers Association of America that finalizes the date for the Financial Services Industry Luncheon, she thanks the two hosts "for helping round up [their] colleagues for this event."[25]

From: Ashlee Reid <[redacted]@tomprice.com>
Sent: Tuesday, November 3, 2009 9:30 PM (GMT)
To: Hill, Edward J <[redacted]@bankofamerica.com>; [redacted]@pciaa.net
Subject: Price/Bachus Financial Services Event 12/10
Attach: 12 10 09 FS Lunch Invite.pdf

Hey guys!
Thanks so much for helping round up your colleagues for this event. I really think we're going to hit it out of the park!!
I am VERY sorry that it has taken so long to get a date on the books...Price and Bachus are tough to schedule ;)
We settled on Dec 10th for Lunch so hopefully this won't disrupt any family/holiday plans in the evenings. I also don't anticipate practically ANY events being at the same time...so I hope it'll be great!

THANK you again!
-ashlee

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341[redacted]

36. The Fundraiser told the OCE that she distributed the invitation to financial services industry organizations that she selected from a larger database of past and potential donors to Representative Price's campaign.[26]

[24] Email from Representative Price's Fundraiser to Edward Hill and Paul Kangas, dated November 3, 2009 (Exhibit 6 at 10-8839_034).
[25] *Id.*
[26] Fundraiser MOI (Exhibit 5 at 10-8839_031).

37. According to the attendee list for the luncheon that Representative Price provided to the OCE, twenty organizations planned to attend. Of the twenty organizations listed on the attendee list[27], seventeen were registered to lobby on the Financial Reform Bill.[28] The three remaining organizations were registered lobby on other legislation pending before the Financial Services Committee: Marsh & McLennan Companies, Inc.; Morongo Band of Mission Indians; and Pace LLP.[29]

From: Ashlee Reid [redacted]@tomprice.com]
Sent: Thursday, December 10, 2009 11:16 AM
To: [redacted]@pciaa.net'
Subject: RE: Reminder: Price/Bachus Lunch today

Great list- can always be better ;) let me know if there is any last minute folks you know of that want to come....

Organization	First	Last
American Express	Bobby	Thomson
American Financial Services Association	Matt	Gannon
Bank of America	Ed	Hill
Citi	Maura	Soloman
Credit Suisse	Mike	Moran
CUNA	Tom	Gannon
Fierce, Isakowitz & Blalock	Mike	Chappell
Financial Services Roundtable	Scott	Talbot
Independent Insurance Agents & Brokers of America	Charles	Symington
Investment Company Institute	Dean	Sackett
JP Morgan Chase	Steve	Patterson
Managed Funds Association	David	Landers
Marsh & McLennan Companies, Inc.	Erick	Gustafson
Morgan Stanley	Josh	Wilsusen
Morongo Band of Mission Indians	Damon	Sandoval
National Association of Federal Credit Unions	Dan	Berger
Pace LLP	Scott	Dacey
Property Casualty Insurers Association of America	Paul	Kangas
SIFMA	Liz	Varley
Wells Fargo	Dan	Archer

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341[redacted]

From: [redacted]@pciaa.net [redacted]@pciaa.net]
Sent: Thursday, December 10, 2009 10:58 AM
To: Ashlee Reid
Subject: Re: Reminder: Price/Bachus Lunch today

Thanks Ashlee - what's the final RSVP list look like?

[27] Email from Representative Price's Fundraiser to Paul Kangas, dated December 10, 2009 (Exhibit 9 at 10-8839_043).
[28] *See* Lobbyist Disclosure Database, U.S. House of Representatives, available at http://lobbyingdisclosure.house.gov/index.html.
[29] *Id.*

38. On December 9, 2009, the Fundraiser asked one of the lobbyists hosting the event to contact a list of financial services industry companies to attend the Financial Services Industry Luncheon the next day.[30] Specifically, the Fundraiser requested that the Bank of America lobbyist contact HSBC, Wachovia, Morgan Stanley, Checkfree, American Financial Services Association and Mutual of Omaha.

From: Ashlee Reid [redacted]@tomprice.com]
Sent: Wednesday, December 09, 2009 10:59 AM
To: 'Hill, Edward J'
Subject: RE: Price/Bachus FS Lunch

Wells hasn't given any

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341[redacted]

From: Hill, Edward J [[redacted]@bankofamerica.com]
Sent: Wednesday, December 09, 2009 10:40 AM
To: Ashlee Reid
Subject: RE: Price/Bachus FS Lunch

Wachovia was bought by Wells, has Wells been helpful?

I don't know M of O pr Checkfree but will check w/ AFSA, MS, HSBC, and Wells.

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Wednesday, December 09, 2009 10:39 AM
To: Hill, Edward J
Subject: RE: Price/Bachus FS Lunch

These folks were huge for Price last year and I haven't received an answer from them on this lunch....
HSBC
Wachovia
Morgan Stanley
Checkfree
American Financial Services Association
Mutual of Omaha

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341[redacted]

From: Hill, Edward J [[redacted]@bankofamerica.com]
Sent: Wednesday, December 09, 2009 10:18 AM
To: Ashlee Reid
Subject: RE: Price/Bachus FS Lunch

Need me to call anyone else in particular?

[30] Email from Representative Price's Campaign Fundraiser to Edward Hill, dated December 9, 2009 (Exhibit 10 at 10-8839_047).

39. Also on December 9, 2009, the Fundraiser sent an email to another campaign fundraiser with a list of financial services industry organizations that should be contacted to attend Representative Price's lunch the next day.[31] Specifically, the Fundraiser listed the following companies for "targeted follow ups": New York Life; NAIPA; TransUnion; Lincoln National; ICBA; Assurant; and NAMIC.[32]

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Wednesday, December 09, 2009 10:53 AM
To: 'Jennifer Bogart'
Subject: RE: bachus/price 12-10

I've called thru my list and the hosts are reaching out again as well today.
Here are some folks who were big for Price last cycle and I haven't heard from for this lunch:
New York Life
NAIPA
TransUnion
Lincoln National
ICBA
Assurant
NAMIC

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

From: Jennifer Bogart [[redacted]@bogartassociates.com]
Sent: Tuesday, December 08, 2009 9:26 AM
To: Ashlee Reid
Subject: RE: bachus/price 12-10

This has gone out to the list. Let me know if you receive any additional RSVPs. I will do a couple of ind targeted follow ups tomorrow

40. In addition, during the week before the Financial Services Industry Luncheon, the Fundraiser arranged one-on-one meetings between Representative Price and potential campaign contributors.[33]

41. One potential campaign contributor for which the Fundraiser scheduled a meeting with Representative Price was the Investment Company Institute. On December 1, 2009, Representative Price had a one-on-one meeting with a representative for the Investment

[31] Email from Representative Price's Fundraiser to Jennifer Bogart, dated December 9, 2009 (Exhibit 11 at 10-8839_050); Fundraiser MOI (Exhibit 5 at 10-8839_032).
[32] *Id.*
[33] Email from Representative Price's Fundraiser to Anna Beth Strong, dated November 13, 2009. (Exhibit 12 at 10-8839_053).

Company Institute, which was attended by Representative Price's Chief of Staff and Fundraiser.[34]

42. The Fundraiser told the OCE that the one-on-one meeting was not a fundraising event.[35]

43. Representative Price's Chief of Staff told the OCE that the one-on-one meeting was a fundraising event. He also explained that the "FR Mtg" note on Representative Price's calendar for the meeting indicates that it was a fundraising meeting.[36]

Subject:	FR Mtg with Dean Sackett, Investment Company Institute
Location:	CHC Grille
Start:	Tue 12/1/2009 5:00 PM
End:	Tue 12/1/2009 5:30 PM
Recurrence:	(none)
Organizer:	McGinley, Matt
Categories:	Must Attend
Staff: Matt, Ashlee	
Location: CHC Grille	
Contact: Ashlee	

[34] Memorandum of Interview of Representative Price's Chief of Staff ("Chief of Staff MOI") (Exhibit 13 at 10-8839_056); Fundraiser MOI (Exhibit 5 at 10-8839_030).
[35] Fundraiser MOI (Exhibit 5 at 10-8839_030).
[36] Chief of Staff MOI (Exhibit 13 at 10-8839_056).

44. The scheduling of the one-on-one meeting appears to have been finalized in an email from the Fundraiser to the Investment Company Institute, where the Campaign Fundraiser provides a reminder for a "1-1 meeting with Price on Dec 1st." This reminder was sent after the Investment Company Institute agreed to attend the December 10th Financial Services Industry Luncheon.[37]

From: Ashlee Reid Morehouse [redacted]@tomprice.com]
Sent: Tuesday, November 17, 2009 7:40 PM
To: Sackett, Dean
Subject: Re: Price/Bachus Industry Luncheon 12/10

Great!
Also- did you get my email about a 1-1 meeting with Price on Dec 1st...are you available 5pm or 5:30pm? He'd love to sit down then if possible

Date: Tue, 17 Nov 2009 19:19:47 -0500
To: <[redacted]@tomprice.com>
Subject: Re: Price/Bachus Industry Luncheon 12/10

This looks great. I will be there absent a conflict you should get a formal RSVP through our Pac.

Dean R. Sackett III
The Investment Company Institute
From my BlackBerry Wireless Handheld

From: Ashlee Reid <[redacted]@tomprice.com>
To: [redacted]@tomprice.com <[redacted]@tomprice.com>
Sent: Tue Nov 17 17:07:05 2009
Subject: Price/Bachus Industry Luncheon 12/10

Good afternoon,
Please join **Congressman Tom Price, M.D.** with special guest **Ranking Member Spencer Bachus** for a financial services industry luncheon on **Thursday, December 10th at Noon at the Capitol Hill Club..** I hope you will be able to attend- please let me know if I can save you a seat.

[37] Email from Representative Price's Fundraiser to Dean Sackett, dated November 17, 2009. (Exhibit 14 at 10-8839_060).

45. According to an email from the Fundraiser to Representative Price's scheduler, one-on-one meetings were also scheduled on December 1st for Clark and Weinstock and an entity called "ACA".[38] Clark and Weinstock is a firm registered to lobby on the Financial Reform Bill.[39]

> **From:** Ashlee Reid Morehouse <[redacted]@tomprice.com>
> **To:** Strong, Anna Beth
> **Sent:** Fri Nov 13 16:16:12 2009
> **Subject:** Dec 1st
>
> hey!
> The firm moved things around- so we are back ON for Lunch with Clark & Weinstock at Noon on Dec 1st.
>
> if it is OK with you- I'd like to use a few of his half hour chunks in the late afternoon to make up a couple of the cancelled meetings. I'm pretty sure we only have 2 - ACA & ICI- OK with you?

E. Presence of Key Staff

46. Representative Price's Chief of Staff attended the December 10th fundraiser.[40]

47. Representative Price's Legislative Assistant, who is responsible for financial services issues, did not attend the December 10th fundraiser.[41]

F. Limited Number of Attendees

48. On the day of the Financial Services Industry Luncheon, twenty individuals representing twenty separate organizations indicated that they would attend.[42]

49. According to the Fundraiser, approximately sixteen individuals attended.[43] She stated that the following four people on the attendee list did not attend: Mike Moran (Credit Suisse), Steve Patterson (JP Morgan Chase), Liz Varley (SIFMA), and Dan Archer (Wells Fargo).[44]

III. CONCLUSION

50. In conclusion, based on the evidence available to the OCE, Representative Price held a Financial Services Luncheon on December 10, 2009, which was the day before the House vote on the Financial Reform Bill. Representative Price is a Member of the House Financial Services Committee and Deputy Ranking Member of the Subcommittee on

[38] Email from Representative Price's Fundraiser to Anna Beth Strong, dated November 13, 2009.
[39] *See* Lobbyist Disclosure Database, U.S. House of Representatives, available at http://lobbyingdisclosure.house.gov/index.html.
[40] Fundraiser MOI (Exhibit 5 at 10-8839_031).
[41] Legislative Assistant MOI (Exhibit 3 at 10-8839_025).
[42] Email from Representative Price's Fundraiser to Paul Kangas, dated December 10, 2009.
[43] Fundraiser MOI (Exhibit 5 at 10-8839_032).
[44] *Id.*

Capitol Markets, Insurance and Government Sponsored Enterprises. Representative Price's Fundraiser solicited organizations that were registered to lobby on the Financial Reform Bill for contributions to attend this event during the markup of the legislation and two days before the vote. Thirteen of the sixteen individuals who attended the event represented organizations registered to lobby on the Financial Reform Bill. The attendees had access to Representative Price and his Chief of Staff. In addition, the Fundraiser offered at least one of the campaign contributors one-on-one access with Representative Price and his Chief of Staff the week before the event, which the donor accepted.

51. For these reasons, The Board recommends that the Standards Committee further review the above allegations because there is substantial reason to believe that Representative Price solicited or accepted contributions at the fundraiser he held on December 10, 2009, in a manner which gave the appearance that special treatment or access was provided to donors or that contributions were linked to an official act.

IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS

52. In every instance, the OCE asked the recipient of an OCE Request for Information to identify any information they withheld and the reason they were withholding it. However, absent the authority to subpoena the evidence in possession of the witness, it is impossible for the OCE to verify if information was withheld, but not documented.

53. The OCE included with its Request for Information, a "Request for Information Certification" document that asked those identified by the OCE to "certify that I have provided the Office of Congressional Ethics all information requested in the Request for Information, dated [June 1, 2010], and if I have not provided a requested document or certain information, then I have identified the document or information that was not available or withheld and why it was not available or withheld. This certification is given subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act)."

54. Of the eight third party entities discussed above, the following returned the certification:

    (1) Astellas US LLC

55. The following third party provided documents but did not return the certification:

    (1) Bank of America

56. The following third parties informed the OCE that they would not be providing all of the information requested or did not provide all of the information requested:

    (1) American Express

    (2) Investment Company Institute

    (3) KPMG

    (4) National Association of Federal Credit Unions

    (5) Psychiatric Solutions

    (6) UBS

EXHIBIT 1

Statement of the Honorable Tom Price
Office of Congressional Ethics
August 27, 2010

- Thank you for your service. We all have difficult jobs – today is my 27th wedding anniversary – and explaining to my wife why I needed to come to Washington today was a challenge – but I don't envy your job at all.

- I appreciate the opportunity to come before you today and present what will hopefully be a more personal perspective on this "review." I think we oftentimes, in this political arena, lose a recognition of the real world affects of what we do.

- I'm a physician, an orthopaedic surgeon. I spent over 20 years taking care of patients – in an environment that encourages cooperation, not confrontation – unlike the political process.

- During my medical career, I embraced the importance of thoroughness, process, diligence, and integrity – for it was with those attributes that I was able to help my patients most. When I entered the political arena, I strived to transfer those attributes and qualities to my work in this different venue.

- So I must admit – that when I first received notification of this review – I was dumbfounded and perplexed. In my public life, I have bent over backwards in an effort to comply with all identifiable rules regarding my various responsibilities, and to ensure that those working for me do so as well. This process has been especially difficult because no one has been able to tell me precisely what the allegations are. Without a clear statement about exactly what I'm alleged to have done wrong, I find myself hamstrung in responding to or presenting the most pertinent information that would allow you the opportunity to make the most responsible recommendation.

- As near as I'm able to determine, the question at hand has to do with the temporal relationship, or timing, between fundraising activities from December 2 – 11, 2009 and votes in the House, and the potential affect of fundraising on a specific vote on financial regulation on December 11, 2009. It's extremely important to state that my vote, on any Bill, has never been – nor will it ever be – for sale, and I did not vote on the financial regulation bill, or do anything else in connection with that bill, in exchange for a campaign contribution. -- As a result, I can only presume that the focus of this review centers on whether there is an appearance that I may have done so.

10-8839_002

- As you're reviewing the facts in this matter, I ask that you look at the entire picture and consider all the facts, and evaluate those facts in light of the relevant standards and practice. So, what are the facts?

- You have in your possession a letter from me, a letter from my counsel, various pertinent documents, and information gleaned from interviews by your staff with my chief of staff, legislative assistant, fundraiser, and me. If I were in your seat, I would appreciate a distillation of that information into a concise summary that provides clarity and also reminds you of the potential consequences of your action later this afternoon.

- First, during my four terms as a state senator and now in my third term in the House, I have insisted upon a clear separation between the policy side of my operation and the political side.

- I hire a professional on the political, non-official side, to coordinate and carry out my fundraising events – she is primarily responsible and in control of when events are scheduled based on when I am Washington, D.C., where they are held, and who is invited to participate. Our events are scheduled at least weeks, and oftentimes months, before they occur – and such is the case in this matter.

- Second, I – especially in the minority party – have no ability to control the speaker and majority leader's scheduling of votes on the House floor, or the committee chairman's scheduling of votes in committee. Part of my sense about the unbelievable nature of this accusation was the notion that <u>we</u> somehow know when a vote is going to actually happen. It simply isn't the case. We never know when a vote will occur with certainty – and there have been a number of occasions when at the very last moment, during debate or following a vote on a motion to recommit, the bill is pulled from consideration and the final vote is postponed.

- Recall, please, the example of the healthcare bill, something near and dear to my heart. Remember that it was the stated goal of the president and speaker to have the vote in the House before the end of July 2009, before the August recess, with a final bill on the president's desk by October of last year. The initial House floor vote didn't occur until November 2009 and the vote on the final bill didn't happen until March of this year – almost a half year behind schedule. And we in the minority party didn't know about those votes actually happening until the day they occurred. To suggest that I could plan any fundraising activities around a specific vote on a specific piece of legislation is absurd. This was certainly the case with the financial regulation bill that is the subject of this review – the itemization of the timeline on this legislation you already have in information previously submitted to your staff.

- Third, my position on the financial regulation bill was clearly stated and known by anyone with even a cursory knowledge of financial services matters. I actively participated in the formulation, and was an original co-sponsor, of our (Republican Financial Services Committee members) alternative solution that was introduced in the House as HR 3310 on July 23, 2009, over five months before the timeframe under consideration in this review. The notion that my perspective or posture on this matter was in doubt (or play) is preposterous. The specific proposals in our alternative solution, HR 3310, were not included in any manner in their final bill brought to the floor. My vote – a NO vote – was never in question.

- Fourth, most of you have served in a representative capacity – and I suspect that your experience was like mine has been – that those who supported your campaign financially do so to demonstrate their support of your position on issues, not the other way around. I don't support any position in exchange for a contribution. That's simply not how I do business. Never has been; never will be.

- Fifth, the contributions to our campaign under your review are legal contributions from legal organizations and we have complied with all disclosure and reporting requirements. Any responsibilities we have for transparency have been followed to a "T."

- For these reasons, no reasonable person or thoughtful observer can believe there was a violation or even the appearance of impropriety by my staff or me.

- Finally, I think it is important to briefly touch on the legislation that formed the Office of Congressional Ethics. As you know, that bill passed the House by one vote. Many of us at the time were extremely concerned about the potential for misuse of what ideally should be an important adjunct for appropriate behavior by members of Congress.

- The fact that an anonymous accuser, at least one not known to me, can wreak havoc in anyone's life is truly an injustice that should be chilling to every fair minded American. Even if you conclude – as you should – that I have done nothing wrong, my reputation at home has already been tarnished. The stress to me and my family is real. The money required to defend myself is significant. The public's and press's knowledge of this process has resulted in headlines in hometown newspapers in font larger than necessary highlighting: Price Under Investigation For Contributions. So, more than enough damage has already been done prior to the outcome of this review.

- This whole ordeal has the appearance to some members, that if this case were to move forward with an adverse recommendation, then the speaker, any speaker, by virtue of their exclusive ability to set the time of any given vote on a specific bill, and with the public information available regarding the time and place of fundraising activities for any particular member – that the speaker would have the ability to target, solely for political purposes, any member or members. That opportunity is the type of political retribution that has not been possible here in the United States to date. It is my hope and prayer that we do not travel down that road.

- Yours is not an easy task. I thank you for your service. I appeal to your sense of responsibility, fairness, and decency.

- In summary, because: 1) I have separated my legislative work from my political work; 2) I am unable to control, in any way, the scheduling of official House votes and activities; 3) my public position on the matter in question has never been in doubt; 4) I do not, and will not, violate my sacred responsibility to my constituents and I refuse to exchange any vote for any financial consideration; 5) we have followed the letter of the law in our reporting and disclosure of contributions; and 6) because propriety and fairness dictate, I respectfully ask that you recommend dismissal – and that no further action be taken in this matter.

- I wish you all the very best – and Godspeed in your deliberations. Thank you.

EXHIBIT 2

TOM PRICE, M.D.
6TH DISTRICT, GEORGIA

WASHINGTON, DC OFFICE:
424 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4501
FAX: (202) 225-4656

DISTRICT OFFICES:
3730 ROSWELL ROAD, SUITE 50
MARIETTA, GA 30062
(770) 565-4990
FAX: (770) 565-7570

100 NORTH STREET, SUITE 150
CANTON, GA 30114
(678) 493-6176

www.house.gov/tomprice

Congress of the United States
House of Representatives

COMMITTEE ON
FINANCIAL SERVICES
SUBCOMMITTEES:
CAPITAL MARKETS
DEPUTY RANKING MEMBER
DOMESTIC MONETARY POLICY AND TECHNOLOGY
FINANCIAL INSTITUTIONS AND CONSUMER CREDIT

COMMITTEE ON
EDUCATION AND LABOR
SUBCOMMITTEES:
WORKFORCE PROTECTIONS
HEALTH, EMPLOYMENT, LABOR AND PENSIONS
RANKING MEMBER

REPUBLICAN STUDY COMMITTEE
CHAIRMAN

DEPUTY WHIP

June 22, 2010

Leo Wise, Esquire
Staff Director and Chief Counsel
Office of Congressional Ethics
425 3rd Street, SW
Suite 1110
Washington, D.C. 20024

Re: Response to Review No. 10-8839 -- The Honorable Tom Price

Dear Mr. Wise:

This responds to the initiation of a Preliminary Review, I received from the Office of Congressional Ethics ("Notification") on May 25, 2010. The investigation concerns whether I "solicited or accepted" campaign contributions from eight Political Action Committees ("PACs") registered with the Federal Election Commission ("FEC") "in exchange for or because of an official act," specifically H.R. 4173, also known as the "Wall Street Bailout Bill." The allegations contained in the Notification are without merit for the reasons set forth below, and I respectfully request that the OCE dismiss this matter.

Introduction

Throughout my service in the House of Representatives (and the Georgia Legislature before that), I have consistently and repeatedly voiced my opposition to, and voted against, legislative attempts to increase the size of government, including H.R. 4173. For your convenience, my legislative record on this issue is detailed below. There is nothing different in my vote against this bill, as illustrated by the multiple amendments I filed in the Financial Services Committee ("FSC") to change it, and the dozens of other votes I have taken in my career.

Moreover, the legislative schedule changes on an hourly and daily basis. It is nearly impossible to be certain when specific pieces of legislation will come up for a vote in Committee or on the House floor. As every Member is well aware, the timing of many votes in Committee and on the House floor are not set on a regular schedule. Rather, they are the result of negotiations that, in some instances, fall apart at the last minute and cause the vote to be postponed. H.R. 4173 and

PRINTED ON RECYCLED PAPER

its many components were no different than any other piece of major controversial piece of legislation in this regard.

In addition, the Federal Election Campaign Act permits federal candidates, including me, to accept contributions into their campaign accounts from PACs registered with the FEC. I, along with the overwhelming majority of my fellow Members, have always done that. All eight of the PACs listed in your letter are properly registered with the FEC and their contributions were properly disclosed to the FEC in my campaign's public disclosure reports. Six of the PACs have given to my previous campaigns for Congress. Congress was in session during the nine-day period of interest to you, and I held some fundraisers during that period. These fundraisers were scheduled weeks in advance and were not timed to coincide with the votes in Committee or on the House floor with respect to H.R. 4173.

This submission includes documents that are pertinent to resolving this matter.

Consistent Record of Opposing Taxpayer Bailout Bills

For your convenience, I have summarized my voting record and the public statements I have released on the issue of financial services reform during the past few years. This information is organized by year and demonstrates that I have consistently opposed government intrusion in the financial marketplace and favored market-based solutions for the financial crisis. Attached to this letter are copies of the press statements for your convenience.

H.R. 4173

H.R. 4173. As an initial matter, H.R. 4173, otherwise known as the "Wall Street Bailout Bill," is composed of the legislation discussed below. My opposition to legislation providing for bailouts and greater intervention by the federal government in the financial services sector began in March of 2007 and continues to this day. In my opinion, this legislation is just another government takeover of the financial services industry.

It must be noted that the Notification does not accurately describe the time frame for the consideration of H.R. 4173. Specifically, your letter states "H.R. 4173…was reported out of the Financial Services Committee ("FSC") on December 2, 2009." This is not the case. The final version of H.R. 4173 was never reported out of the FSC. H.R. 4173 was introduced and referred to all committees of jurisdiction, including the FSC, on December 2, 2009. This legislation was brought straight to the floor without any committee action. The bill passed the House on December 11, 2009, at 2:28 p.m.

Uncertain Floor Schedule. In addition, please note that the House legislative schedule is always in flux. Almost every major piece of legislation the House Democrats have tried to schedule for a vote in the 111th Congress has been changed.[1] H.R. 4173 is no different. The Democrats experienced multiple issues getting the various portions of this bill passed in Committee and the entire piece of legislation on the House floor. This is important because the committee and House floor schedules are always in flux when this happens. Copies of emails from the Minority Whip's office regarding the scheduling and re-scheduling of votes are attached for your convenience.

The *Wall Street Journal* reported that on November 20, 2009, "the Congressional Black Caucus *forced the House to shelve its revamp of financial-sector regulation for two weeks.*" (emphasis added). Then on December 2, 2009, the *Associated Press* reported that "[a]lready postponed once, the committee's bill could face another delay" because of the Congressional Black Caucus. On December 10, 2010, the day before the bill actually came up for a vote, the *Boston Herald,* reported that "Rep. Barney Frank yesterday was trying to stitch together last-minute compromises before a final vote on a financial regulatory bill that could have a huge impact on firms in Massachusetts." The article goes on to say that "[t]he wrangling *delayed an expected vote yesterday* on the 1,300-page bill." (emphasis added). So even up to the day before the vote, it was not clear whether the Democrats had the votes and whether they would bring the bill to the House floor on December 11, 2009. The final bill passed on the House floor only by 11 votes (223-202)[2] on December 11, 2009.

Pertinent Financial Services Issues Addressed in the 110th Congress

2007. During March 21-28, 2007, the FSC marked up H.R. 1257, the "Shareholder Vote on Executive Compensation Act." This legislation provided for the micromanagement of how private companies recruit and retain quality individuals. During that markup, I offered multiple amendments in an effort to correct this misguided legislation. None were adopted and I

---

[1] Other bills have experienced similar scheduling problems – a common occurrence in this Congress. "The DISCLOSE Act" legislative history: May 29, 2010, *The Hill,* "Democrats…had planned to pass it by Memorial Day…leaders were forced to punt the vote until after recess." On June 17, 2010, *Politico,* "had scheduled a Friday vote…but after complaints from the conservative Blue Dogs and the Congressional Black Caucus, Pelosi was forced to pull the bill on Thursday night." The "COMPETES Act" legislative history: May 28, 2010, *Education Week,* "Democrats, who hold a majority in the House, to delay final vote." On May 29, 2010, *The Hill,* "the Democratic leadership pulled the legislation." "D.C. Voting Rights Act" legislative History: April 21, 2010, *Roll Call,* "Majority Leader Steny Hoyer (D-MD) announced last week that a vote on the House floor was imminent, only to announce Tuesday that he has was pulling the legislation from the calendar." Health care legislative history: March 17, 2010, *Associated Press,* "last-minute snags related to the costs delayed the formal release of the legislation."

[2] It must be noted that the bipartisan vote was against the bill with 175 Republicans and 27 Democrats voting NO.

ultimately opposed this legislation which passed out of committee.[3] The final legislation passed the House 269-134 without my support. Ultimately, this legislation did not become law because the Senate failed to act.

On November 6-8, 2007, the FSC marked up H.R. 3915, the "Mortgage Reform and Anti-Predatory Lending Act of 2007." Again, I offered an amendment to correct this flawed legislation at the committee level and on the floor. This amendment was intended to apply the legislation only to subprime loans. The amendment failed to be adopted. Ultimately, I opposed this legislation both at the FSC and on the floor. This legislation did not become law because the Senate failed to act.

2008. In September of 2008, I opposed and voiced my strong opposition to "TARP I," the legislation that put taxpayers on the hook for a $700 billion Wall Street bailout.[4] This legislation failed and the Democrats brought it up again for a vote on October 3, 2008. Once again, I voted against this legislation because it was not the right solution for the problem.[5]

On October 21, 2008, I voice my continued concern during a FSC hearing about the "direct federal intervention in individual mortgages, broad overreach by the Federal Reserve, unlimited use of taxpayer dollars, and steps to nationalize banks" and offered a positive solution of "eliminating previously destructive regulatory actions, clos[ing the] gaps in the regulatory framework, increas[ing] transparency, and enhanc[ing] market integrity and innovation."[6]

On November 12, 2008, I also opposed the idea of a "Cram Down" proposal that was before the FSC.[7]

On November 18, 2008, Democrats proposed a $25 billion taxpayer-funded bailout of the automakers. I opposed this proposal and advocated for a return to pro-growth market principles.[8]

---

[3] Price Amendment (001) failed 26-35; Price voting YES. Price Amendment (008) failed 27-32-1; Price voting YES. Price Amendment (011) failed 20-42-1; Price voting YES.

[4] September 29, 2008, press release, "Rep. Price Stands Up for Taxpayers and Principles."

[5] October 3, 2008, press release, "Rep. Price on the Emergency Economic Stabilization Act of 2008."

[6] October 21, 2008, press release, "Rep. Price Advocates Positive Reforms of Our Financial System."

[7] November 12, 2008, press release, "Rep. Price Advocates for Responsible Government Policies Regarding our Mortgage Markets."

[8] November 18, 2008, press release, "Rep. Price Warns Against Continuing Down Road to Federal Intervention."

On December 3, 2008, I issued a statement underscoring the need for an exit strategy from the continued bailouts of financial institutions. This statement supported FDIC Chair Sheila Bair's position that bailouts could be used as a crutch by financial institutions if they are not allowed to fail.[9]

On December 11, 2008, I opposed the $14 billion bailout to the automakers and the creation of a new "car czar."[10]

On December 19, 2008, I issued another statement regarding my disappointment that the $13.4 billion of the automaker bailout would come from TARP funds.[11]

Pertinent Financial Services Issues Addressed in the 111th Congress

2009. On February 10, 2009, I issued a statement opposing Treasury Secretary Geithner's plan to increase the role of the federal government in the financial markets. The plan created up to a $2 trillion commitment to save failing financial institutions and the authority to create a "bad bank" to absorb toxic assets, and granted the federal government the authority to determine which private institutions should benefit from this new initiative (e.g., the government picking winners and losers).[12]

On February 24, 2009, I issued a statement opposing the government's bailout of Citibank.[13]

On March 17, 2009, I issued a statement discussing AIG's reckless decision to use $165 million of its bailout funds (out of the roughly $170 billion they received) for employee bonuses.[14]

On March 18, 2009, I issued a statement opposing the Treasury Secretary's offer to give AIG $29.8 billion instead of $30 Billion.[15]

---

[9] December 3, 2008, press release, "Rep. Price Underscores Call for Exit Strategy to Financial Bailouts by FDIC Chair."

[10] December 11, 2008, press release, "Rep. Price Statement on the Auto Bailout."

[11] December 19, 2008, press release, "Rep. Price Denounces Auto Bailout with TARP Funds."

[12] February 10, 2009, press release, "Chairman Price Statement on Treasury's Financial Plan Announcement."

[13] February 24, 2009, press release, "Government Intervention Not the Answer to Citi's Problems."

[14] March 17, 2009, press release, "Price: While You Are At It, Get the Other $170 Billion Back."

On March 19, 2009, I issued a statement criticizing the continued bailouts of private companies and legislation imposing a retroactive 90% tax on bonuses for companies that have received more than $5 billion in TARP funds.[16]

On March 23, 2009, I issued another statement opposing the Administration's plan to use $100 billion in taxpayer money to leverage purchases up to $1 trillion in toxic securities and loans.[17]

On March 25, 2009, I issued a statement opposing legislation to set CEO bonuses and salaries.[18]

On April 28-29, 2009, the FSC marked up H.R. 1728, the "Mortgage Reform and Anti-Predatory Lending Act." This legislation did not become law in the 110th Congress because it failed to be acted upon in the Senate (formally know as H.R. 3915). Once again, I voted against this legislation at the committee level and also when it came to the House floor for final passage. I also offered an amendment to strike the bill's limitation on the use of arbitration for pre-dispute claims. I offered another one to move the effective date of the legislation so that the Federal Reserve could conduct a study concerning the legislation's effect on the availability of credit and mortgages. Both amendments failed at the committee level. I offered the Federal Reserve amendment on the floor, which failed as well.

On July 28, 2009, the FSC marked up H.R. 3269, the "Corporate and Financial Institution Compensation Fairness Act of 2009." The committee adopted my amendment to prohibit "claw backs" on compensation. On committee passage, I voted against this legislation because it was still very flawed. On the House floor, Chairman Frank offered an amendment to strike my amendment and it passed 242-178. I voted against final passage of this legislation.

On September 14, 2009, I issued a statement advocating that the Administration should embrace sound free market economic principles.[19]

---

[15] March 18, 2009, press release. "Giethner to AIG: I'll Show You! Treasury Secretary Only Offer AIG $29.8 Billion instead of a full $30 Billion."

[16] March 19, 2009, press release, "The Bailouts Continue: Bonus Bill a Political Bailout for Democrats."

[17] March 23, 2009, press release, "Geithner Plan a Bad Deal for Taxpayers."

[18] March 25, 2009, press release, "How to Avoid Executive Bonus Controversy: Get Government Out of the Bailout Business."

[19] September 14, 2009, press release, "Financial System Reform Should Embrace Principle. President Seeks to Perpetuate "Too Big To Fail" System that Created Crash."

On September 18, 2009, I issued a release criticizing the Administration's proposal on private sector pay. Markets should be setting salaries, not bureaucrats.[20]

On September 25, 2009, prior to a FSC hearing on transparency and oversight of the Federal Reserve, I issued a statement explaining that the Federal Reserve had exceeded its authority by proposing a plan to control the compensation of private sector employees. [21]

During the month of October 2009, I issued a series of releases with the theme "remembering when": (i) the White House did not have a $700 billion slush fund; (ii) the taxpayers did not own the two major mortgage underwriters, Fannie Mae and Freddie Mac; (iii) the government did not control AIG, a private insurance company; and (iv) the government did not own two American auto manufacturers – GM and Chrysler.[22]

On October 15, 2009, the FSC marked up H.R. 3795, the "Derivative Markets Act." Once again, I offered an amendment to improve this legislation. My amendment would have harmonized existing SEC and Commodity Futures Trading Commission rules and regulations. The amendment was rejected and I voted against final passage in committee.

On October 22, 2009, H.R. 3126, the "Consumer Financial Protection Agency ("CFPA") Act," was considered by the FSC. I offered three amendments regarding the CFPA's scope (exempt health care professionals, student loan providers and ERISA pension plans from the CFPA) that were rejected. I voted against committee passage.

On October 27, 2009, I voted for H.R. 3818, the "Private Fund Investment Advisers Registration Act," a non-controversial piece of legislation. The bill passed out of committee 67-1.

On October 28, 2009, I did not vote on H.R. 3890, the "Accountability and Transparency in Rating Agencies Act" due to a doctor's appointment.

---

[20] September 18, 2009, press release, "Price Blasts Pervasive Plan to Control Private Sector Pay."

[21] September 25, 2009, press release, "Price Demands Answers on Fed Overreach."

[22] October 12, 2009, press release, "Remember When…the White House Didn't have a $700 Billion Slush Fund?"; October 13, 2009, press release, "Remember When…Taxpayers Didn't Own Two Major Mortgage Underwriters?"; October 14, 2009, press release, "Remember When…the Government Didn't Control A Major Insurance Company?"; and October 15, 2009, press release, "Remember When…Taxpayers Didn't Own Two American Auto Manufacturers?"

On November 4, 2009, I offered an amendment in committee to H.R. 3817, the "Investor Protection Act," seeking to strike the section of the legislation that limited the mandatory arbitration clause. This amendment failed and I voted against final committee passage.

H.R. 2609, the "Federal Insurance Office Act," a non-controversial piece of legislation passed by voice vote out of the FSC.

On December 2, 2009, the FSC marked up H.R. 3996, the "Financial Stability Improvement Act." I voted against this legislation at the committee level.

On December 4, 2009, I issued a press release opposing the use of TARP funds for "non-stimulus II."[23]

On December 11, 2009, I issued a statement on H.R. 4173. I opposed the legislation because it would solidify the financial system's problems and reinforce the bailout culture.[24]

On December 30, 2009, I called on Chairman Frank to hold prompt hearings to examine the Administration's exit strategy for the automakers bailout program after the Administration announced that the federal government will take a larger ownership stake in GMAC.[25]

2010. On January 21, 2010, I responded to President Obama's plan to break up large banks to limit risk in the market. I opposed this plan because the federal government should not decide the appropriate level of risk in the private sector. Markets should determine risk, not bureaucrats.[26]

On February 1, 2010, I issued a statement responding to the report released by Neil Barofsky, the Special Inspector General of TARP. The report demonstrated how TARP was a failure on multiple fronts.[27]

---

[23] December 4, 2009, press release, "TARP & Stimulus II, a Reckless Combination."

[24] December 11, 2009, press release, "Price Statement on Passage of Permanent Bailout Bill."

[25] December 30, 2009, press release, "Price Statement on Latest Obama Bailout. The Bailout Train Is Clearly Not Losing Steam."

[26] January 21, 2010, press release, "Price Statement on Obama Plan for Greater Government Intervention into Financial Markets."

[27] February 1, 2010, press release, "Risk of Future Bailouts Increased by TARP."

On February 24, 2010, I issued a statement supporting legislation requiring an accurate accounting of Fannie Mae's and Freddie Mac's liabilities since the taxpayers are on the hook for their mistakes (potential liability of $400 billion by 2020).[28]

On March 15, 2010, I issued a statement opposing Senator Dodd's financial services reform legislation. It discussed why Senator's Dodd's proposal would result in permanent bailouts, far-reaching powers for Washington over the private-sector economy, and how the legislation ignores the problem of Fannie Mae and Freddie Mac – the root cause of our financial crisis. The CFPA portion of the legislation also creates a new government agency doing very little to help consumers. Republicans offered a positive pro-growth solution in H.R. 3310, which has been rejected by the Democrats up to this point.[29]

On April 13, 2010, I issued a statement asking the White House to consider legislation which I helped author (H.R. 3310) that will eliminate bailouts and too-big-to-fail, fix Fannie Mae and Freddie Mac, and consolidate the regulatory agencies while strengthening consumer protection.[30]

On April 21, 2010, I issued a statement discussing how Senator Dodd's and Chairman Frank's legislation completely ignores the true cause of the financial meltdown – Fannie Mae and Freddie Mac.[31]

On April 27, 2010, I issued a statement highlighting that Senate Democrats voted twice in 24 hours to preserve the bailout culture. Instead of ending the culture of bailouts, reforming Fannie Mae and Freddie Mac, Democrats continue to push for a political economy.[32]

On May 5, 2010, I issued a statement responding to the announcement that Freddie Mac suffered a net loss of another $6.7 billion in the first quarter of 2010 after losing $72 billion over the last two years.[33]

---

[28] February 24, 2010, press release, "Stop the Fannie and Freddie Accounting Fraud. The Burden of Their Bailout Should Be On the Books."

[29] March 15, 2010, press release, "Price Statement on Dodd Proposal."

[30] April 13, 2010, press release, "Will Dems Ignore the House GOP Plan for Financial Reform?"

[31] April 21, 2010, press release, "Bailouts of Omission. Democrats' Plans Ignore Fannie Mae and Freddie Mac."

[32] April 27, 2010, press release, "Democrats Vote for Bailouts Twice in 24 Hours."

[33] May 5, 2010, press release, "More Losses at Freddie Mac Means More Bailouts. Will Democrats Force Taxpayers to Keep Footing the Bill?"

On May 7 and May 12, 2010, I issued two statements warning the Administration and Congressional Democrats not to export $50 billion in U.S. taxpayer funds to Europe through the IMF.[34]

PAC Contributions

As stated above, federal campaign finance law permits federal candidates, including me, to accept contributions into their campaign accounts from PACs registered with and reporting to the FEC. The contributions received by my campaign from the PACs identified in your May 25, 2010 letter complied with federal law and were properly disclosed in my campaign's FEC disclosure reports. No PAC contribution exceeded the $5,000 per election limit to my campaign. For the reasons listed below, these contributions were not "solicited or accepted . . . in exchange for or because of an official act." Copies of my campaign's FEC reports are attached for your convenience.

First, December of each odd-numbered year, including 2009, is an important fundraising period for campaigns and leadership PACs. Campaigns, including my own, host fundraisers during this time frame to boost their year-end fundraising totals. A campaign's political opponents and the media scrutinize its year-end fundraising totals. This causes each campaign to strive to post the best fundraising numbers possible. Leadership PACs also host fundraisers in December because the contribution limits to these committees are on a calendar year basis, not an election cycle basis. This means that each leadership PAC will try to raise as much money as possible before the new calendar year contribution limits are triggered. Accordingly, campaigns and leadership PACs raise as much money as possible in December for political and fundraising reasons, not because the fundraising activities are timed to coincide with votes on the legislative calendar.

Second, six of the eight PACs identified in your letter have a history of supporting my campaign. The American Express Company PAC has contributed to my campaign since February 2008. Bank of America PAC has contributed to my campaign since 2005, and the National Association of Federal Credit Unions PAC began contributing to my campaign in 2004. The Investment Company Institute PAC, UBS PAC and KPMG PAC all began contributing to my campaign in 2006. Astellas US LLC PAC and Psychiatric Solutions PAC, neither of which is connected to the financial services sector, contributed to my campaign for the first time in December 2009. In fact, the contributions received from these eight PACs constitute a small percentage of the funds raised by my campaign. The 2008 Post-General FEC Report discloses that my campaign raised approximately $1,580,000, and my campaign's 2009 Year-End FEC Report discloses that my campaign raised approximately $1,078,000.

---

[34] May 7, 2010, press release, "Don't Export Bailouts, End them. Heed the Warning of Europe's Debt Woes." May 12, 2010, press release, "Price on EuroTARP: 'the Bailout Brigade Just Can't Stop.'"

Third, my campaign and leadership PAC retain the services of a professional fundraiser. The services are paid for by my campaign and leadership PAC, respectively, depending on the services performed for each committee. Her duties include setting our fundraising event schedule for each committee, drafting and distributing invitations, and otherwise managing the fundraising activities of each committee. She does not work for my congressional office and is not compensated with any official funds.

Finally, each fundraising event held by my campaign between December 1 and 10, 2009, was scheduled weeks in advance by our fundraiser. Specifically, each fundraiser was scheduled approximately five to seven weeks before the event, except for one that was scheduled approximately two weeks before the event. We have included in the documents provided a log of when these events went on the schedule. None of the fundraisers was scheduled to coincide with the Committee or House votes on H.R. 4173. We did not even know when the legislation would be scheduled for a vote on the House floor because of last minute negotiations within the Democratic caucus.

Conclusion

Accordingly, the contributions my campaign received from the PACs identified in your May 25, 2010, letter complied with federal campaign finance law and the House Ethics Rules. As stated before, I have not changed or taken a vote because of any campaign contribution. My legislative and policy positions reflect the views of my constituents and are based on what I believe is best for my constituents and our country.

Thus, based on the uncertainty of the schedule and the consistency of my votes, there is no basis for proceeding with this matter.

I trust this submission and the enclosed documents answer your questions. I respectfully request that the OCE dismiss this matter in a timely fashion.

If you have any questions please contact William McGinley of Patton Boggs LLP at (202) 457-[redacted], who is assisting with my efforts to address the OCE's review.

Sincerely,

Tom Price, M.C.

PATTON BOGGS LLP
ATTORNEYS AT LAW

2550 M Street, NW
Washington, DC 20037
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

August 6, 2010

William J. McGinley
202-457-[redacted]
[redacted]@pattonboggs.com

Leo Wise, Esquire
Staff Director & Chief Counsel
Office of Congressional Ethics
425 3rd Street, SW
Suite 110
Washington, DC 20024

Re: The Honorable Thomas Price
Initiation of Preliminary Review: Review No. 10-8839 ("Notification")
Request for Information: Review No. 10-8839 ("RFI")

Dear Mr. Wise:

On behalf of the Honorable Thomas Price, we are writing to supplement the information submitted to the Office of Congressional Ethics ("OCE") with regard to the above-referenced matter. Representative Price has cooperated with your office by producing hundreds of pages of documents during the Preliminary Review, as well as making himself and members of his Congressional and campaign staff available for interviews with your office.

The record demonstrates that Representative Price and his staff have acted legally, ethically and appropriately with respect to the matters your office is investigating, and that their actions do not even give the appearance of impropriety. Moreover, the record demonstrates that Representative Price did not solicit or accept contributions in exchange for, or because of, any official act related to H.R. 4173, or create the appearance that contributions to his campaign or leadership PAC were linked to any official act.

Three facts stand out in this matter: (1) Representative Price has consistently opposed H.R. 4173 and similar legislation; (2) Representative Price has been consistently supported by those who contributed to him during the period in question; and (3) as a Member of the Minority, Representative Price has absolutely no control over the House schedule.

Representative Price's Consistent Voting Record. On June 22, 2010, Representative Price submitted a letter to your office detailing his long-standing opposition to legislative attempts to increase the size of government, including H.R. 4173. Importantly, every Republican voted against H.R. 4173, so the votes on this piece of legislation were not in question. Representative Price has consistently opposed such legislative efforts from March 2007 to the present, including H.R. 1257, the Shareholder Vote on Executive Compensation Act, H.R. 3915, the Mortgage

Reform and Anti-Predatory Lending Act of 2007, TARP-I, Cram Down legislation, the taxpayer funded bailout of the automakers, the government's bailout of Citibank, legislation to set CEO bonuses and salaries, and others. Representative Price's policy positions, public statements and voting record on these issues have been consistent and have not changed. There is no credible basis for even suggesting that he ever changed his public policy positions or cast a vote because of any contribution. Representative Price's policy positions reflect his views and the views of his constituents and are based on what he believes are in the best interests of his constituents and our country.

The PACs Listed In The Notification Have A Consistent History Of Contributing To Representative Price. As stated in Representative Price's June 22, 2010 letter, six of the eight PACs identified in the Notification have a history of supporting his campaign. The American Express Company PAC has contributed to the campaign since February 2008. Bank of America PAC has contributed to the campaign since 2005, and the National Association of Federal Credit Unions PAC began contributing to the campaign in 2004. The Investment Company Institute PAC, UBS PAC and KPMG PAC all began contributing to the campaign in 2006. Astellas US LLC PAC and Psychiatric Solutions PAC, neither of which is connected to the financial services sector, contributed to the campaign for the first time in December 2009. Moreover, the contributions received from these eight PACs constitute only a small percentage of the funds raised by the campaign. The 2008 Post-General FEC Report discloses that the campaign raised approximately $1,580,000, and the campaign's 2009 Year-End FEC Report discloses that it raised approximately $1,078,000.

The Legislative Schedule Is Constantly In Flux. In addition, the OCE received evidence in this matter concerning the reality of the legislative calendar – a calendar that is controlled by the Democratic Majority and that is constantly changing without any consultation with Representative Price.

As detailed in Representative Price's June 22, 2010 letter and according to testimony in this matter, the Committee and House legislative schedules are always in flux and, in some instances, change on a daily or hourly basis. They are the result of negotiations that may fall apart at the last minute and cause a vote to be postponed. H.R. 4173 was no different. The Democratic Majority experienced multiple issues getting various portions of this bill passed in Committee and the entire piece of legislation on the House floor.[1] As a member of the Republican Minority,

[1] Other bills have experienced similar scheduling problems – a common occurrence in this Congress. "The DISCLOSE Act" legislative history: May 29, 2010, *The Hill*, "Democrats...had planned to pass it by Memorial Day...leaders were forced to punt the vote until after recess." On June 17, 2010, *Politico*, "had scheduled a Friday vote...but after complaints from the conservative Blue Dogs and the Congressional Black Caucus, Pelosi was forced to pull the bill on Thursday night." The "COMPETES Act" legislative history: May 28, 2010, *Education Week*, "Democrats, who hold a majority in the House, to delay final vote." On May 29, 2010, *The Hill*, "the Democratic leadership pulled the legislation." "D.C. Voting Rights Act" legislative History: April 21, 2010, *Roll Call*, "Majority

Representative Price does not participate in the Democratic Majority's decision-making process regarding the legislative schedule. As a result, events are scheduled in advance of knowing the legislative calendar. To say that a Member, especially a Member of the Minority, must cancel an event if a vote is scheduled would give the Majority's leaders the power to control their political opponents' ability to raise funds.

Representative Price Maintains Appropriate Separation Between Legislative and Campaign Staff. Representative Price follows the House Ethics Rules and protocols in maintaining the appropriate firewall between his legislative and campaign staff. His official staff includes legislative assistants who assist him with his Committee work, including vote recommendations and research on legislative issues, a scheduler, and other office personnel. The legislative staff members play no role in the planning of fundraising events and do not solicit contributions or attend fundraising events. His Chief of Staff is responsible for managing the official office, but is not primarily responsible for any legislative issues. The Chief of Staff assists the campaign and leadership PAC as a volunteer and on his own time. His voluntary attendance at fundraising events is for the limited purpose of staffing Representative Price.

Representative Price's campaign staff includes a professional fundraiser in Washington, D.C. who is responsible for organizing local events. The fundraising staff decides all aspects of Representative Price's fundraising events, including the type of event (breakfast, lunch or dinner), location, who to invite, drafting of the event invitation, and other event details. The fundraising staff schedules the events weeks, if not months, in advance and after checking with the scheduler to determine his available dates and times for the events. The fundraising staff is unaware of what particular legislative issues may be pending before Representative Price and such considerations are not a factor in scheduling an event. None of the fundraising events held during December 2009 were scheduled to coincide with House votes on H.R. 4173.

To the extent the Congressman may have met with individuals or companies in the financial services industry in December 2009 and before was of no consequence to how he would vote if, in fact, H.R. 4173 was going to be presented then. Moreover, cancelling fundraising events poses a number of challenges that make such a last-minute decision difficult.

More specifically, the December 10, 2009 Financial Services Luncheon was a fundraising event that had been scheduled by Representative Bachus's campaign as part of his efforts to assist his fellow Republicans. The event was postponed a number of times during the year. Certainly, no

---

Leader Steny Hoyer (D-MD) announced last week that a vote on the House floor was imminent, only to announce Tuesday that he has was pulling the legislation from the calendar." Health care legislative history: March 17, 2010, *Associated Press,* "last-minute snags related to the costs delayed the formal release of the legislation."

one could have known when it was scheduled, more than one month before, that a vote on H.R. 4173 would take place the next day after the event.

The Legal Standards Support Dismissing This Matter. Nothing in the record suggests Representative Price engaged in illegal *quid pro quo* activity, or that the December 2009 fundraising events created any appearance issues. Moreover, there is no factual or legal basis for the OCE to find that substantial reason exists in this matter to refer it to the Standards Committee for further investigation.

It is important to keep in mind that "[a]ny allegation of a conflict of interest is a very serious matter, for it attacks the integrity and bona fides of the person charged. As the [American Bar Association] has advised, a charge of a conflict of interest 'should be viewed with caution ....'" Ronald D. Rotunda, *Alleged Conflicts of Interest Because of the "Appearance of Impropriety,"* 33 Hofstra L. Rev. 1141 (2005) (citations omitted).

Drawing from analogous circumstances where courts are asked to decide appearance of impropriety cases, courts typically evaluate such cases from the perspective "of a reasonable observer who is informed of all the surrounding facts and circumstances." *In re Sherwin-Williams Co.*, 607 F.3d 474, 477 (7th Cir. Wis. 2010) (citing *Cheney v. United States Dist. Court*, 541 U.S. 913, 924 (2004) (Scalia, J., in chambers)). Indeed, courts recognize that a risk of bias can be perceived by focusing on only one aspect of the story. *Id.* In addition to being well-informed about the surrounding facts and circumstances, courts define a reasonable person as a "thoughtful observer." *Id.* Finally, a reasonable person is able to appreciate the significance of the facts in light of relevant standards and practice and can discern whether any appearance of impropriety is merely an illusion. *Id.* (relying on *Cheney, 541 U.S. at 924 and In re Mason, 916 F.2d 384, 387 (7th Cir. 1990)* (concluding no appearance of bias created by fact that district judge had, before appointment to bench, made political contribution to party in case before him; judges with political ties regularly cast those interests aside and resolve cases on facts and law). OCE should keep such standards in mind when evaluating the conduct here. We respectfully submit that under these standards no reasonable person or thoughtful observer can conclude that there is any appearance of impropriety in this case.

Conclusion. Representative Price's legislative and policy positions are based on what he believes to be best for his constituents and our country. As far back as 2007, Representative Price opposed legislative attempts to expand the role of government in the financial services industry which culminated in his opposition to H.R. 4173.

No facts have emerged to suggest that Representative Price acted against his own principles. Nor that Representative Price acted in a manner that suggests the appearance of impropriety. Rather, Representative Price and his staff have acted legally, ethically and appropriately in this matter. Accordingly, we respectfully request that the OCE recommend dismissal in this matter.

Sincerely,

Benjamin L. Ginsberg
William J. McGinley
Christina G. Sarchio

cc: Kedric L. Payne, Esquire
Investigative Counsel
Office of Congressional Ethics

EXHIBIT 3

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Thomas Price's Legislative Assistant
REVIEW No.:	10-8839
DATE:	July 20, 2010
LOCATION:	Patton Boggs 2550 M Street, NW Washington, DC 20515
TIME:	5:00 p.m. to 5:30 p.m. (approximately)
PARTICIPANTS:	Kedric L. Payne Elizabeth A. Horton William J. McGinley Christina G. Sarchio

SUMMARY: Representative Price's Legislative Assistant was interviewed pursuant to Review No. 10-8839. The OCE requested an interview with Representative Price's Legislative Assistant (the "witness") on July 20, 2010, and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. She signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness has been a Legislative Assistant for Representative Thomas Price since he hired her in April 2009.

3. Prior to working for Representative Price, she was a Legislative Assistant for Representative Thaddeus McCotter.

4. In Representative Price's office, she is primarily responsible for assisting him with his work on the House Financial Services Committee. She is also responsible for legislative issues involving the environment, energy, and transportation.

5. The witness' responsibilities related to the Financial Services Committee include preparing binders for hearings, monitoring media coverage, attending hearings and mark-ups, drafting amendments, and meeting with lobbyists.

6. With respect to the Financial Reform Bill of 2009, the witness remembers that the first mark-up began in September and ended in December.

7. She estimated that Representative Price offered approximately eight amendments to the bill when it was in the Financial Services Committee. The amendments were drafted by either her or legislative counsel.

8. During this time period, she met with various parties interested in the legislation, including constituents and lobbyists representing companies and trade associations.

9. She estimated that she had four to ten meetings per week with such parties and daily calls.

10. The witness was shown and email from John Savercool to her, dated December 7, 2009. (Price 0141).

11. The witness explained that Mr. Savercool was a lobbyist for UBS who she contacted to request a meet and greet.

12. She requested a meeting with him because she did not know him and he was in the financial services industry.

13. She never met him because he canceled the scheduled meeting.

14. The witness told the OCE that she routinely reaches out to companies in the financial services industry. She may reach out to them because they are mentioned in the news or it is suggested that she meet with the companies by Representative Price, staff, or constituents. Representative Price's Chief of Staff, Matt McGinley, has asked her to make such contacts.

15. She stated that she has no role in Representative Price's campaign. She only recalls attending one fundraising event, which occurred in late spring 2009. She recalled attending the event because a person representing a constituent company attended and she wanted to greet the person.

16. She is not asked to attend fundraisers.

17. The witness is aware of Representative Price's December 10, 2009 fundraising event, but she did not attend.

This memorandum was prepared on August 18, 2010, based on the notes that the OCE staff prepared during the interview with the witness on July 20, 2010. I certify that this memorandum contains all pertinent matter discussed with the witness on July 20, 2010.

Kedric L. Payne
Investigative Counsel

EXHIBIT 4

You are cordially invited to a Financial Services Industry luncheon with

Congressman Tom Price, M.D.

With Special Guest

Congressman Spencer Bachus

Ranking Member Committee on Financial Services

Thursday, December 10, 2009

Noon

Capitol Hill Club
300 First Street, SE
Washington, DC 20003

$2,500/PAC Host
$1,000/PAC or $500/Personal

Please RSVP to
Ashlee Reid Morehouse
at 202-341-[redacted] or by email
[redacted]@tomprice.com

Please make checks payable to
Price for Congress
P.O. Box 425
Roswell, GA 30077

Paid for by Price for Congress

Not printed at government expense.
Federal law requires Price for Congress to use its best efforts to obtain and report the name, mailing address, occupation and employer for each individual whose contribution aggregates $200 or more in an election cycle. Contributions to Price for Congress are not tax deductible for federal income tax purposes. Contributions from foreign nationals and corporations are prohibited.

EXHIBIT 5

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Thomas Price's Fundraiser
REVIEW No.:	10-8839
DATE:	July 20, 2010
LOCATION:	Patton Boggs 2550 M Street, NW Washington, DC 20515
TIME:	3:30 p.m. to 4:30 p.m. (approximately)
PARTICIPANTS:	Kedric L. Payne Elizabeth A. Horton William J. McGinley Christina G. Sarchio

SUMMARY: Representative Thomas Price's Fundraiser was interviewed pursuant to Review No. 10-8839. The OCE requested an interview with Representative Price's Fundraiser (the "witness") on July 20, 2010, and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. She signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is the sole proprietor of Reid Political Consulting, which is a campaign consulting company founded in 2006. She is the owner and only employee.

3. The company has three clients, including Representative Thomas Price.

4. The witness began working for Representative Price in August 2009. She assists his campaign with fundraising and donor outreach.

5. In general, she begins planning fundraisers for Representative Price by first contacting his scheduler. She contacts the scheduler at the beginning of each calendar quarter to request dates when Representative Price is available.

6. She stated that Representative Price is not involved in determining the schedule of fundraising events.

7. Based on Representative Price's availability, the witness plans fundraisers that are breakfasts, lunches, or dinners.

8. She then creates an invitation and distributes it. She distributes the invitation to a database of donors that she created based on potential donors and past donors to Representative Price's campaign.

9. The witness estimated that the database consists of approximately 5,000 people.

10. She told the OCE that most invitations are sent to the entire database, but invitations for smaller events are not sent to the entire list. For such smaller events, the hosting donor may decide to only invite certain people.

11. The witness stated that the invitations are usually sent six to seven weeks in advance of the event. She begins following up with those invited a week after the initial distribution of the invitation. She follows up every day and every week until she has enough attendees for an event.

12. The witness told the OCE that she follows up with the entire list of people in the database and usually conducts the follow up in alphabetical order.

13. Representative Price's Chief of Staff, Matt McGinley, assists her with follow-up calls. Representative Price has not assisted her with making any follow-up calls.

14. She explained that Mr. McGinley attends the fundraising events, but no other staff attends.

15. The witness was shown an email from her to Anna Beth Strong, dated November 17, 2009 (Price 0188), which refers to a meeting on December 1 with Dean Sackett of the Investment Company Institute. She told the OCE that this was a meet and greet with Representative Price, Mr. McGinley, and her. She stated that this was not a fundraiser.

16. She told the OCE that she arranged and attended the meeting because she asked Mr. Sackett to let her know if he wanted to meet Representative Price.

17. She explained that her role at the meeting was only to introduce Mr. Sackett to Representative Price.

18. She sent an email months earlier to her database of approximately 5,000 people asking the recipients to let her know if anyone would like to get to know Representative Price and meet him.

19. She recalled that Representative Price had a fundraiser during the evening on December 1, 2009 at the Murphy townhouse. This event was planned a few months in advance, but an invitation was not sent out to the entire database because the hosts wanted to invite a small group of their friends. Approximately twelve people attended this event.

20. The witness stated that Mr. McGinley attended this fundraiser. The fundraiser was not for a particular industry.

21. She remembered the fundraiser that Representative Price had on December 2, 2009 at the Capitol Hill Club. She believed that it was planned in October of 2009. She stated that the invitation was sent to the entire database and that Representative Price did not have any role in deciding who was invited.

22. Mr. McGinley did not assist with follow-up calls, but he attended the event.

23. The witness estimated that approximately ten people attended the event and it was not for any particular industry.

24. The witness did not remember Representative Price's December 3, 2009 fundraiser that was held at the Capitol Hill Club.

25. She remembered Representative Price's December 10, 2009 fundraiser that was called the Financial Services Industry Luncheon and held at the Capitol Hill Club.

26. She stated that the date for the fundraiser was determined based on the available dates that she received from Representative Price's scheduler in October or late September 2009.

27. The event focused on the financial services industry because Representative Price and the special guest, Representative Bachus, are on the House Financial Services Committee.

28. The witness compiled the invitation list by reviewing her entire database and selecting financial services organizations. She estimated that those that were invited were less than half of the number of the entire database.

29. Representative Price did not assist with inviting people to this event. Mr. McGinley did not assist with inviting people to this event; however, he did attend the event.

30. She believed that she only made one round of follow-up calls to the invite list during the week before the event.

31. The witness was shown an email from her to Edward J. Hill concerning the Financial Services Industry Luncheon, dated December 9, 2009. (Price 0219-0220). She explained to the OCE that she has known Mr. Hill since 2006 and that he is employed with Bank of America in the Government Affairs group.

32. She told the OCE that she sent Mr. Hill the email, which listed the following six financial service entities that she wanted him to invite to the December 10th event: HSBC, Wachovia, Morgan Stanley, Checkfree, American Financial Services Association, and

Mutual of Omaha. She asked him to contact the entities because she assumed that he knew people affiliated with the entities.

33. The witness was shown an email from her to Jennifer Bogart concerning the Financial Services Industry Luncheon, dated December 9, 2009. (Price 0217). She explained to the OCE that Ms. Bogart is a fundraiser for Representative Bachus and that she worked with Ms. Bogart to organize the Financial Services Industry Luncheon.

34. She told the OCE that she sent Ms. Bogart the email that listed the following financial services entities that she wanted Ms. Bogart to invite to the December 10th event: New York Life, NAIFA, TransUnion, Lincoln National, ICBA, Assurant, and NAMIC. The witness asked Ms. Bogart to contact these entities because she thought that Ms. Bogart knew people affiliated with the entities.

35. The witness was shown an email from her to Paul Kangas that listed individuals who planned to attend the Financial Services Industry Luncheon, dated December 10, 2009 (Price 0234). She recalled that the following people on the list did not attend the lunch: Mike Moran (Credit Suisse); Steve Paterson (JP Morgan Chase); Liz Varley (SIFMA); and Dan Archer (Wells Fargo).

36. The witness stated that she was not aware that a vote on the financial reform bill was scheduled on the day of the Financial Services Industry Luncheon until ten minutes before the end of the lunch. At that time, people attending the event began leaving and discussing the vote.

This memorandum was prepared on August 18, 2010, based on the notes that the OCE staff prepared during the interview with the witness on July 20, 2010. I certify that this memorandum contains all pertinent matter discussed with the witness on July 20, 2010.

Kedric L. Payne
Investigative Counsel

EXHIBIT 6

From: Ashlee Reid <[redacted]@tomprice.com>
Sent: Tuesday, November 3, 2009 9:30 PM (GMT)
To: Hill, Edward J <[redacted]@bankofamerica.com>; [redacted]@pciaa.net
Subject: Price/Bachus Financial Services Event 12/10
Attach: 12 10 09 FS Lunch Invite.pdf

Hey guys!
Thanks so much for helping round up your colleagues for this event. I really think we're going to hit it out of the park!!
I am VERY sorry that it has taken so long to get a date on the books...Price and Bachus are tough to schedule ;)
We settled on Dec 10th for Lunch so hopefully this won't disrupt any family/holiday plans in the evenings. I also don't anticipate practically ANY events being at the same time...so I hope it'll be great!

THANK you again!
-ashlee

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.34[redacted]

YOU ARE CORDIALLY INVITED TO A
FINANCIAL SERVICES INDUSTRY LUNCHEON WITH

CONGRESSMAN TOM PRICE, M.D.

WITH SPECIAL GUEST

CONGRESSMAN SPENCER BACHUS

RANKING MEMBER COMMITTEE ON FINANCIAL SERVICES

THURSDAY, DECEMBER 10, 2009
NOON

CAPITOL HILL CLUB
300 FIRST STREET, SE
WASHINGTON, DC 20003

$2,500/PAC Host
$1,000/PAC or $500/Personal

PLEASE RSVP TO
ASHLEE REID MOREHOUSE
AT 202-341-[redacted] OR BY EMAIL
[redacted]@TOMPRICE.COM

PLEASE MAKE CHECKS PAYABLE TO
PRICE FOR CONGRESS
P.O. BOX 425
ROSWELL, GA 30077

Paid for by Price for Congress

Not printed at government expense.

Federal law requires Price for Congress to use its best efforts to obtain and report the name, mailing address, occupation and employer for each individual whose contribution aggregates $200 or more in an election cycle. Contributions to Price for Congress are not tax deductible for federal income tax purposes. Contributions from foreign nationals and corporations are prohibited.

EXHIBIT 7

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Thomas Price
REVIEW No.:	10-8839
DATE:	July 29, 2010
LOCATION:	424 Cannon HOB Washington, DC 20515
TIME:	12:30 p.m. to 12:50 p.m. (approximately)
PARTICIPANTS:	Kedric L. Payne Paul J. Solis William J. McGinley Christina G. Sarchio

SUMMARY: Representative Thomas Price is a Member of the United States House of Representatives and represents the 6th District of Georgia. He was interviewed pursuant to Review No. 10-8839. The OCE requested an interview with Representative Price on July 29, 2010, and he consented to an interview. Representative Price (the "witness") made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness explained that in general he has no role in arranging fundraising events for his campaign. He is not involved in determining the date, location, size, or attendees of fundraising events for his campaign.

3. He hired Ashlee Reid Morehouse as his fundraiser to handle arranging such events. She has been employed with his campaign since the summer of 2009.

4. The witness told the OCE that he does not give Ms. Morehouse any instruction about arranging fundraising events. He does not instruct her on the date, frequency, or attendees, of fundraising events. In addition, he does not give her instructions about ethics rules.

5. He discussed certain goals with Ms. Morehouse at the time that he interviewed her for the fundraiser position. He set aggregate goals of contributions that were to be received during the campaign cycle.

6. He had a similar conversation with his Chief of Staff, Matt McGinley, about fundraising goals during the campaign cycle. He does not ask Mr. McGinley or other staff to attend fundraising events.

7. The witness said that Mr. McGinley occasionally attends fundraisers for the purpose of providing him transportation. He said that Mr. McGinley may or may not stay at the events.

8. The witness told the OCE that he did not have any role in arranging the fundraising event on December 10, 2009, called the Financial Services Industry Luncheon.

9. He does not know why the event was called the Financial Services Industry Luncheon. Ms. Morehouse determines the name for fundraising events.

10. He did not make any calls to invite anyone to this event. He does not make fundraising calls in Washington, DC. He makes fundraising calls in his district, but he did not make any such calls for this event.

11. He does not remember who attended this event. He typically knows who attends an event by reviewing his calendar. He usually reviews his calendar the night before or the morning of an event. He does not know who on his staff has access to his calendar other than the scheduler and Mr. McGinley.

12. He is not sure of the staff in his office that Ms. Morehouse contacts other than the scheduler.

This memorandum was prepared on August 18, 2010, based on the notes that the OCE staff prepared during the interview with Representative Price on July 29, 2010. I certify that this memorandum contains all pertinent matter discussed with Representative Price on July 29, 2010.

Kedric L. Payne
Investigative Counsel

EXHIBIT 8

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

In Re:	Chairman of the House Financial Services Committee
Review #s:	10-3055; 10-4283; 10-6002; 10-6028; 10-6421; 10-7308; 10-8839; 10-9353
Date:	July 29, 2010
Location:	Rayburn HOB
Time:	5:00 p.m. – 5:15 p.m. (approximate)
Participants:	Paul Solis
	Nate Wright

Summary: The witness is the Chairman of the House Financial Services Committee. We requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and signed the written acknowledgement of the warning, which will be placed in the case file in this review. The witness consented to an interview on July 29, 2010.

2. The witness told the OCE that nearly 90 percent of the work of the Financial Services Committee in 2009 was focused on the financial reform bill that was voted on in December. The committee held nearly twenty hearings and eight markups on various chapters of the financial reform bill.

3. The witness said that the schedule for when the bill would be voted on was constantly being talked about. The witness stated that certainly by November, Members knew that the bill would be up for a vote in December. Members would know exactly the date of the vote a week in advance. For a hearing, Members would generally receive notice a week in advance. For a markup, Members would generally receive notice a week or two in advance.

4. The witness stated that he canceled several fundraisers around key dates of the financial reform bill to avoid the perception of influence.

I prepared this Memorandum of Interview on August 2, 2010 after interviewing the witness on July 29, 2010 based on the notes staff prepared during the interview. I certify that this memorandum contains all pertinent matter discussed with the witness on July 29, 2010.

Nate Wright
Analyst

EXHIBIT 9

Ashlee Reid Morehouse

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Thursday, December 10, 2009 11:16 AM
To: [redacted]@pciaa.net'
Subject: RE: Reminder: Price/Bachus Lunch today

Great list- can always be better ;) let me know if there is any last minute folks you know of that want to come....

Organization	First	Last
American Express	Bobby	Thomson
American Financial Services Association	Matt	Gannon
Bank of America	Ed	Hill
Citi	Maura	Soloman
Credit Suisse	Mike	Moran
CUNA	Tom	Gannon
Fierce, Isakowitz & Blalock	Mike	Chappell
Financial Services Roundtable	Scott	Talbot
Independent Insurance Agents & Brokers of America	Charles	Symington
Investment Company Institute	Dean	Sackett
JP Morgan Chase	Steve	Patterson
Managed Funds Association	David	Landers
Marsh & McLennan Companies, Inc.	Erick	Gustafson
Morgan Stanley	Josh	Wilsusen
Morongo Band of Mission Indians	Damon	Sandoval
National Association of Federal Credit Unions	Dan	Berger
Pace LLP	Scott	Dacey
Property Casualty Insurers Association of America	Paul	Kangas
SIFMA	Liz	Varley
Wells Fargo	Dan	Archer

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

From: [redacted]@pciaa.net [[redacted]@pciaa.net]
Sent: Thursday, December 10, 2009 10:58 AM
To: Ashlee Reid
Subject: Re: Reminder: Price/Bachus Lunch today

Thanks Ashlee - what's the final RSVP list look like?

Paul M. Kangas
Assistant Vice President, Federal Government Relations

224

Property Casualty Insurers Association of America
444 North Capitol Street, NW
Suite 801
Washington, DC 20001
(202) 639-[redacted]

From: "Ashlee Reid" <ashlee@tomprice.com>
To: [redacted]@pciaa.net>
Date: 12/10/2009 10:21 AM
Subject: Reminder: Price/Bachus Lunch today

Good morning-
This is just a reminder, we look forward to seeing you at lunch today with Congressman Tom Price, M.D. and Ranking Member Spencer Bachus! We will be on the **3rd Floor in the Bolton Room**. Please contact me if your plans have changed, questions, or special requests.
See you soon,
-ashlee

Ashlee Reid Marehouse
Tom Price for Congress
Direct: 202.341[redacted]

You are cordially invited to a
Financial Services Industry luncheon with

Congressman Tom Price, M.D.

With Special Guest

Congressman Spencer Bachus
Ranking Member Committee on Financial Services

Thursday, December 10, 2009

Noon

Capitol Hill Club
300 First Street, SE
Washington, DC 20003

225

$2,500/PAC Host
$1,000/PAC or $500/Personal

Please RSVP to
Ashlee Reid Morehouse
at 202-341-[redacted] or by email
[redacted]@tomprice.com

Please make checks payable to

Price for Congress
P.O. Box 425
Roswell, GA 30077

Paid for by Price for Congress

Not printed at government expense.
Federal law requires Price for Congress to use its best efforts to obtain and report the name, mailing address, occupation and employer for each individual whose contribution aggregates $200 or more in an election cycle. Contributions to Price for Congress are not tax deductible for federal income tax purposes. Contributions from foreign nationals and corporations are prohibited.

EXHIBIT 10

208

Ashlee Reid Morehouse

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Wednesday, December 09, 2009 10:59 AM
To: 'Hill, Edward J'
Subject: RE: Price/Bachus FS Lunch

Wells hasn't given any

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

From: Hill, Edward J [[redacted]@bankofamerica.com]
Sent: Wednesday, December 09, 2009 10:40 AM
To: Ashlee Reid
Subject: RE: Price/Bachus FS Lunch

Wachovia was bought by Wells, has Wells been helpful?

I don't know M of O pr Checkfree but will check w/ AFSA, MS, HSBC, and Wells.

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Wednesday, December 09, 2009 10:39 AM
To: Hill, Edward J
Subject: RE: Price/Bachus FS Lunch

These folks were huge for Price last year and I haven't received an answer from them on this lunch....
HSBC
Wachovia
Morgan Stanley
Checkfree
American Financial Services Association
Mutual of Omaha

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

From: Hill, Edward J [[redacted]@bankofamerica.com]
Sent: Wednesday, December 09, 2009 10:18 AM
To: Ashlee Reid
Subject: RE: Price/Bachus FS Lunch

Need me to call anyone else in particular?

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Wednesday, December 09, 2009 10:09 AM
To: Hill, Edward J
Subject: Re: Price/Bachus FS Lunch

Ed-
FS Roundtable says they will probably be able to contribute to the lunch if a member is hosting/helping/participating....can you ask them?

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Friday, December 04, 2009 11:30 AM
To: '[redacted]@bankofamerica.com'
Subject: Price/Bachus FS Lunch

Hi Ed!
Good to see you the other night. Attached is the invite for the luncheon next week in case you need it. Please circulate to your colleagues and I hope this will be a great event to close out the quarter for TP!
I've sent it out a few weeks ago and followed up with calls. I'll be making another round of calls today and Monday, but as you know- it always means more to come from a colleague.
Thanks again so much for you help on this event!
-ashlee

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

EXHIBIT 11

206

Ashlee Reid Morehouse

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Wednesday, December 09, 2009 10:53 AM
To: 'Jennifer Bogart'
Subject: RE: bachus/price 12-10

I've called thru my list and the hosts are reaching out again as well today.
Here are some folks who were big for Price last cycle and I haven't heard from for this lunch:
New York Life
NAIFA
TransUnion
Lincoln National
ICBA
Assurant
NAMIC

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

From: Jennifer Bogart [[redacted]@bogartassociates.com]
Sent: Tuesday, December 08, 2009 9:26 AM
To: Ashlee Reid
Subject: RE: bachus/price 12-10

This has gone out to the list. Let me know if you receive any additional RSVPs. I will do a couple of ind targeted follow ups tomorrow

---

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Tue 12/8/2009 8:55 AM
To: Jennifer Bogart
Subject: RE: bachus/price 12-10

Sure- its attached!
Also- Israel moved our room and we'll be in the Bolton Room- 3rd Floor

---

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

From: Jennifer Bogart [[redacted]@bogartassociates.com]
Sent: Tuesday, December 08, 2009 8:11 AM
To: Ashlee Reid
Subject: RE: bachus/price 12-10

Can you send me this invite in a word format?

207

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Mon 12/7/2009 3:42 PM
To: Jennifer Bogart
Subject: bachus/price 12-10

Hi Jen!
I spoke with Warren Friday and as you may know we have a fundraising lunch with Bachus on Thursday. I DO NOT want to make more work for you, but if you happen to come across any financial services folks who want to attend this luncheon, I wanted to make sure you have the invite and information. This will hopefully be Dr. Price's largest event this quarter.

As always- anyone that you push our way is greatly appreciated!

Thanks Jen,
-ashlee

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

EXHIBIT 12

177

Ashlee Reid Morehouse

From: Ashlee Reid [[redacted]@tomprice.com]
Sent: Tuesday, November 17, 2009 10:41 PM
To: 'Strong, Anna Beth'
Subject: RE: Dec 1st

Dean Sackett with Investment Company Institute at 5pm on Dec 1st at CHC grill

THANKS ABI

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

From: Strong, Anna Beth [[redacted]@mail.house.gov]
Sent: Friday, November 13, 2009 4:43 PM
To: ashlee@tomprice.com
Subject: Re: Dec 1st

Also, for the afternoon slots we have 4pm-6:30pm open.

Anna Beth Strong
Executive Assistant
Congressman Tom Price (GA-6)
424 Cannon Building
Washington, DC 20515
T# 202-225-[redacted]
F# 202-225-4656

From: Ashlee Reid Morehouse <[redacted]@tomprice.com>
To: Strong, Anna Beth
Sent: Fri Nov 13 16:16:12 2009
Subject: Dec 1st

hey!
The firm moved things around- so we are back ON for Lunch with Clark & Weinstock at Noon on Dec 1st.

if it is OK with you- I'd like to use a few of his half hour chunks in the late afternoon to make up a couple of the cancelled meetings. I'm pretty sure we only have 2 - ACA & ICI- OK with you?

Ashlee Reid Morehouse
Tom Price for Congress
202.341.[redacted] direct

EXHIBIT 13

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Thomas Price's Chief of Staff
REVIEW NO.:	10-8839
DATE:	July 28, 2010
LOCATION:	Patton Boggs 2550 M Street NW Washington, DC 20037
TIME:	10:15 a.m. to 11:15 a.m. (approximate)
PARTICIPANTS:	Omar S. Ashmawy Kedric L. Payne William J. McGinley Christina G. Sarchio

Summary: Representative Thomas Price's Chief of Staff was interviewed pursuant to Review No. 10-8839. The OCE requested an interview with Representative Price's Chief of Staff (the "witness") on July 28, 2010, and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and signed the written acknowledgement of the warning, which will be placed in the case file in this review. The witness consented to an interview on July 28, 2010.

2. The witness has been the Chief of Staff for Representative Price for almost six years. The witness told the OCE that his primary responsibility as the Chief of Staff was to oversee the office operations in Washington, DC and the district. The Legislative Director, the Press Secretary and the District Director report directly to the witness.

3. The witness does not specifically have any legislative duties and is not responsible for any particular legislative issues.

4. Regarding the financial reform bill, the witness had no particular duties. He did not remember if he attended any meetings regarding the legislation, but it is possible that he did attend such meetings. The Legislative Assistant ("LA") responsible for financial services issues, Ellen Gwaltney, performed all of the work. She did not discuss any financial reform related issues or matters with the witness.

5. The witness did not remember asking the LA to reach out to particular companies for information about financial reform. When asked if he was aware that she performed this outreach, the witness stated that he was aware that the LA needed to be the best LA possible and that included gathering information from anyone impacted by the

legislation. The kind of information that she gathered generally concerned whether the legislation would have a positive or negative impact on the companies.

6. It is possible that the witness asked the LA to contact particular companies. How the witness decided which company to tell the LA to contact depended on a number of issues. The witness has been working for the Congressman for almost six years and knows who the Member's constituent companies are and what might affect them.

7. All the witness' activities with Representative Price's campaign are on a voluntary basis.

8. Representative Price has a Washington, DC based fundraiser, Ashlee Reid. The witness would not say that Ms. Reid has a main contact in the office. She deals mostly with the scheduler. She also deals with the witness.

9. The witness' interaction with the fundraiser is for the purpose of scheduling events. She "rarely" will ask the witness to contact people for contributions. Otherwise, the witness does not have any other involvement in fundraiser for the Congressman.

10. The witness has solicited contributions from individuals on occasion without being asked by Ms. Reid. He has solicited individuals in person and over email. The Congressman does not instruct the witness as to who to solicit.

11. The witness attends "pretty much all" of Representative Price's fundraisers held in Washington, DC. His role at the fundraisers is "mostly just to drive." The Congressman has never asked the witness to attend a fundraiser.

12. When Ms. Reid fundraiser contacts the witness to solicit contributions rarely. The witness did not know why she asks him to contact specific people and stated that maybe it was because he had a relationship with someone that she did not.

13. The witness was shown a document related to a December 1, 2009 fundraiser. (Price 0014).

14. The abbreviation "FR" means fundraiser. The witness knows Mr. Dean Sackett. He has known him for about a year and "sees him around." Mr. Sackett works for the Investment Company Institute. The witness attended the fundraiser, as did Ms. Reid. When asked if it was common to have a fundraiser with only one person, the witness replied, "it can be." The witness "did not really have" a role at the fundraiser and did not take notes. He did not remember what was discussed with Mr. Sackett. When asked how it was decided to do a one-person fundraiser with Mr. Sackett, the witness stated that he did not know, but often it is because the person cannot come to an event so the Member takes fifteen minutes with the person.

15. The witness was shown another document concerning a December 1, 2009 fundraiser at the Murphy townhouse. (Price 0013).

16. The witness attended the event. He did not remember if the list was an accurate representation of who attended the event. The witness did not know how the invitees

were selected. The witness described the event as a dinner at the Murphy townhouse that took place from 6:30 to 8:30 p.m. He did not remember making calls to solicit anyone for this event, but it was possible that he did. The witness emphasized that it was very rare that Ms. Reid asks him to make phone calls.

17. The witness was shown a document related to December 2, 2009 breakfast fundraiser at the Capitol Hill Club. (Price 0015).

18. The witness assumed that he attended. He did not remember if the attendee list was a complete list of those who attended. He did not know how the invitees were selected and did not remember if he contacted anyone to solicit a contribution.

19. There are no documents from the witness' files contained in Representative Price's response to the OCE Request for Information because the witness did not find any. He regularly deletes his emails in order to stay under the mailbox size limitations.

20. The witness was shown a document related to a December 3, 2009 fundraiser at the Capitol Hill Club. (Price 0016).

21. He assumed that he attended. He did not remember if the list of attendees was accurate, but assumed it was "reasonably accurate." The invitees were selected by Ms. Reid.

22. The witness has never instructed Ms. Reid to have a fundraiser with a particular industry focus or theme.

23. The witness was shown a document related to Representative Price's December 10, 2009 financial services industry luncheon. (Price 0017).

24. The event was planned six to eight weeks prior. Ms. Reid made the decision to call it a "financial services" luncheon. The Congressman did not ask for the fundraiser. The witness stated "I can't emphasize enough, it is Ashley who decides."

25. The witness assumed that he attended the event, but did not remember going. He also assumed the list of attendees was accurate. The witness had no role in planning the event and had no specific recollection of calling anyone to solicit for the event.

26. When asked why they held the fundraiser with a vote pending on financial reform legislation, the witness stated that it was really hard to know when the Democrats were going to bring a vote to the floor. When asked, did he know when the vote was going to happen, the witness replied, "Who knows." He said that because the "Democrats had a habit of yanking votes." This was especially the case with controversial ones. The witness gave the health care reform legislation as an example. He did not remember financial reform legislation being any different.

27. The witness did not know when the final vote on financial reform was going to take place. When asked if he know on the day of the vote, the witness replied "No. You don't know with these guys."

28. When asked if there was any consideration given to the timing of fundraiser and votes, the witness stated that it was hard for him to "accept the premise of the question because they have yanked votes so many times." "It's like crying wolf . . . is the wolf going to show up that day?" The witness stated that they were not going to cancel a fundraiser when they did not know when the vote was going to happen.

29. The witness was asked whether his office would consider the timing of a fundraiser if he knew when a vote was going to take place. The witness replied that he could not answer a hypothetical and that the hypothetical supposes a world that does not exist.

30. The witness was asked if there was a policy in the office to consider the timing of fundraisers and votes. The witness replied that he was not aware of one and that the office would not have a policy because the world it assumes does not exist.

I prepared this Memorandum of Interview on July 29, 2010 after interviewing the witness on July 28, 2010 based on the notes staff prepared during the interview. I certify that this memorandum contains all pertinent matter discussed with the witness on July 28, 2010.

Omar S. Ashmawy
Investigative Counsel

EXHIBIT 14

182

Ashlee Reid Morehouse

From: Sackett, Dean [[redacted]@ici.org]
Sent: Tuesday, November 17, 2009 9:29 PM
To: [redacted]@tomprice.com
Subject: RE: Price/Bachus Industry Luncheon 12/10

Done - thanks

From: Ashlee Reid Morehouse [[redacted]@tomprice.com]
Sent: Tuesday, November 17, 2009 9:26 PM
To: Sackett, Dean
Subject: Re: Price/Bachus Industry Luncheon 12/10

Great-Let plan on 5pm on Dec 1st at CHC Grille.

Ashlee Reid Morehouse
Price for Congress
202.341.[redacted]
-- via bb--

From: "Sackett, Dean" <[redacted]@ici.org>
Date: Tue, 17 Nov 2009 21:04:30 -0500
To: <ashlee@tomprice.com>
Subject: RE: Price/Bachus Industry Luncheon 12/10

Ashlee,

Either time works December 1 -- just let me know. Thanks for your help.

Dean

From: Ashlee Reid Morehouse [[redacted]@tomprice.com]
Sent: Tuesday, November 17, 2009 7:40 PM
To: Sackett, Dean
Subject: Re: Price/Bachus Industry Luncheon 12/10

Great!
Also- did you get my email about a 1-1 meeting with Price on Dec 1st...are you available 5pm or 5:30pm? He'd love to sit down then if possible

Ashlee Reid Morehouse
Price for Congress
202.341.[redacted]
-- via bb--

From: "Sackett, Dean" <[redacted]@ici.org>

183

Date: Tue, 17 Nov 2009 19:19:47 -0500
To: <[redacted]@tomprice.com>
Subject: Re: Price/Bachus Industry Luncheon 12/10

This looks great. I will be there absent a conflict you should get a formal RSVP through our Pac.

Dean R. Sackett III
The Investment Company Institute
From my BlackBerry Wireless Handheld

From: Ashlee Reid <[redacted]@tomprice.com>
To: [redacted]@tomprice.com <[redacted]@tomprice.com>
Sent: Tue Nov 17 17:07:05 2009
Subject: Price/Bachus Industry Luncheon 12/10

Good afternoon,
Please join **Congressman Tom Price, M.D.** with special guest **Ranking Member Spencer Bachus** for a financial services industry luncheon on **Thursday, December 10th at Noon at the Capitol Hill Club..** I hope you will be able to attend- please let me know if I can save you a seat.

Thank you for your continued support of Congressman Price as he serves on the **Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises; Subcommittee on Financial Institutions and Consumer Credit; & Subcommittee on Domestic Monetary Policy and Technology.**

I look forward to hearing from you,
ashlee

Ashlee Reid Morehouse
Tom Price for Congress
Direct: 202.341.[redacted]

YOU ARE CORDIALLY INVITED TO A FINANCIAL SERVICES INDUSTRY LUNCHEON WITH

CONGRESSMAN TOM PRICE, M.D.

WITH SPECIAL GUEST

184

Congressman Spencer Bachus

Ranking Member Committee on Financial Services

Thursday, December 10, 2009

Noon

Capitol Hill Club
300 First Street, SE
Washington, DC 20003

$2,500/PAC Host
$1,000/PAC or $500/Personal

Please RSVP to
Ashlee Reid Morehouse
at 202-341-[redacted] or by email
[redacted]@TOMPRICE.COM

Please make checks payable to
Price for Congress
P.O. Box 425
Roswell, GA 30077

185

Paid for by Price for Congress

Not printed at government expense.

Federal law requires Price for Congress to use its best efforts to obtain and report the name, mailing address, occupation and employer for each individual whose contribution aggregates $200 or more in an election cycle. Contributions to Price for Congress are not tax deductible for federal income tax purposes. Contributions from foreign nationals and corporations are prohibited.

Appendix E

Michael E. Toner
Direct (202) 675-6175
michael.toner@bryancave.com

RECEIVED
2010 SEP 27 PM 4:00
COMMITTEE ON STANDARDS

Bryan Cave LLP
1155 F Street N.W.
Washington, D.C. 20004
Tel (202) 508-6000
Fax (202) 508-6200
www.bryancave.com

Bryan Cave Offices
Atlanta
Charlotte
Chicago
Dallas
Hamburg
Hong Kong
Irvine
Jefferson City
Kansas City
London
Los Angeles
Milan
New York
Paris
Phoenix
San Francisco
Shanghai
St. Louis
Washington, DC

Bryan Cave International Trade
A TRADE CONSULTING SUBSIDIARY OF NON-LAWYER PROFESSIONALS
www.bryancavetrade.com
Bangkok
Beijing
Jakarta
Kuala Lumpur
Manila
Shanghai
Singapore
Tokyo

Bryan Cave Strategies
A GOVERNMENT RELATIONS AND POLITICAL AFFAIRS SUBSIDIARY
www.bryancavestrategies.com
Washington, DC
St. Louis

September 27, 2010

PERSONAL AND CONFIDENTIAL

VIA HAND-DELIVERY

The Honorable Zoe Lofgren, Chairman
The Honorable Jo Bonner, Ranking Member
U.S. House of Representatives
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Re: Response to Office of Congressional Ethics Review No. 10-4283

Dear Chairwoman Lofgren and Ranking Member Bonner:

This office represents Representative John Campbell in the above-referenced matter and was notified on September 10, 2010 that the Office of Congressional Ethics ("OCE") had referred this matter to the House Committee on Standards of Official Conduct ("Committee") for further review.

OCE alleges in its referral report that Representative Campbell's fundraising activities—specifically three fundraising events held in October and December 2009 as well as a number of "one-on-one" meetings—gave the appearance that special treatment or access was provided to donors or gave the appearance that contributions were linked to an official act. *See generally* Office of Congressional Ethics Report No. 10-4283 ("OCE Report").

However, OCE's allegations have no basis in law or fact. As is detailed below, the OCE Report contains specious allegations and OCE fails to provide any credible evidence that a violation of House standards of conduct has occurred. Accordingly, for the reasons set forth herein, the Committee should promptly dismiss the OCE referral.[1]

[1] Representative Campbell is also submitting a personal letter to the Committee under separate cover.

I. Procedural History

On May 24, 2010, at least two members of the Board of the Office of Congressional Ethics ("Board") signed a written request for OCE to commence a preliminary review into the fundraising activities of Representative John Campbell. This review originated within OCE and was not the result of any complaints to OCE. On June 21, 2010, at least three members of the Board voted to initiate a second-phase review of Representative Campbell's fundraising activities. The second-phase review, which included a 14-day extension, ended on August 21, 2010 with the Board failing to take any action by the deadline. In apparent violation of OCE and House rules, and despite the fact that the deadline for action had already expired, the Board convened on August 27, 2010 to consider this matter. Five OCE Board members voted to find that there was "substantial reason to believe" that Representative Campbell solicited or accepted contributions in a manner which gave the appearance that special treatment or access was provided to donors or the appearance that contributions were linked to an official act. *See* OCE Report at 5.

II. Factual Background

The facts which OCE discovered during the course of its preliminary and second-phase reviews, in which Representative Campbell, his official staff, and campaign fundraising consultant willingly and openly participated, demonstrate convincingly that Representative Campbell's fundraising activities in no way gave the appearance that special treatment or access was provided to donors or the appearance that contributions were linked to an official act. The following undisputed facts appear in the OCE Report:

- Representative Campbell is assigned to the Financial Services Committee. He does not hold any leadership positions on the committee or in any subcommittees. *See id.* at 9.

- Representative Campbell and his campaign committee hired a professional political fundraising consultant to manage all campaign fundraising in Washington, DC beginning in early 2009. Since that time, the fundraising consultant has handled all aspects of fundraising for Representative Campbell, including deciding when and where to hold events, who to invite, and all other fundraising logistics. *See* OCE Report, Exhibit 1 at 0002.

- Representative Campbell "has almost no involvement in the planning of fundraising events" and is "completely detached." "He has no role in picking dates for the fundraisers. He does not know when they are until he looks at his calendar. At most, he might look at his calendar a week ahead, but because it changes frequently he typically only looks at it the day before." *Id.* at 0002-03.

- Neither Representative Campbell nor his official staff make fundraising calls. *See id.* at 0003.

- The extent of Representative Campbell's role in fundraising has been to make appearances at events and meet with the fundraising consultant on not more than a quarterly basis. *See* OCE Report, Exhibit 1 at 0003; OCE Report, Exhibit 2 at 0008.

- The fundraising consultant described Representative Campbell as being "very hands off compared to other clients" and further stated that fundraising is "on the back burner" with Representative Campbell. *See* OCE Report, Exhibit 1 at 0008.

- Representative Campbell's official staff has no role in fundraising other than coordinating scheduling matters with the fundraising consultant and attending fundraising events at their discretion. Representative Campbell does not require his staff to attend fundraising events, but he also does not prohibit them from attending. Fundraising events appear on Representative Campbell's calendar, to which his staff has access, and staff may attend on their own time if they desire to do so. *See* OCE Report, Exhibit 1 at 0003.

- The fundraising consultant typically invites between 500–2,500 individuals to each fundraising event for Representative Campbell. *See* OCE Report at 10. The fundraising consultant does not limit invitations to a particular industry or subset of individuals. *See* OCE Report, Exhibit 2 at 0007.

- Representative Campbell's fundraising events are scheduled at least six weeks in advance, and the fundraising consultant prefers to schedule events 2 – 3 months in advance. *See id.* at 0006. Events involving another Member of Congress in addition to Representative Campbell are typically scheduled between 8 – 12 weeks in advance because of the need to coordinate busy schedules. *See* OCE Report at 10; *see also* OCE Report, Exhibit 2 at 0007.

- Upon the fundraising consultant's request, Representative Campbell's official scheduler provides a list of dates on which the Congressman is available for fundraising events. The fundraising consultant then determines the exact date and time for events and notifies the official scheduler to hold that time for an event. Either the day before or the day of an event, the fundraising consultant emails the names of the attendees to Representative Campbell's chief of staff in preparation for the event. *See id.* at 0006; *see also* OCE Report, Exhibit 13 at 0099.

- On October 21, 2009, Representative Campbell held a fundraising dinner. The event invitation stated that it was a "Financial Services Dinner." *See* OCE Report at 11. Given Representative Campbell's service on the Financial Services Committee, it was not unusual that nearly all of the 17 attendees were from the financial services community. *See id.* at 12. This event was most likely scheduled no later than when Congress returned from the August 2009 recess or in early September 2009.

- On December 9, 2009, Representative Campbell held a fundraising luncheon featuring fellow California Representative Devin Nunes. *See id.* at 14. Although six PACs from the financial services community contributed to the event, not all of the PACs' representatives attended the event. *See id.* at 15. This event was most likely scheduled no later than early October 2009 and may have been scheduled as early as mid- to late-September 2009. *See* OCE Report, Exhibit 2 at 0007.

- On December 9, 2009, Representative Campbell held a wine tasting fundraising reception in the evening featuring Representative Eric Cantor, the Minority Whip. *See* OCE Report at 16. Of the eight PACs that contributed to the event, only four PACs directly represented the financial services community. *Id.* at 17. This event was most likely scheduled in early- to mid-September 2009 due to the Minority Whip's busy schedule. *See* OCE Report, Exhibit 2 at 0007.

III. There is No Basis in Law or Fact to Support a Finding that Representative Campbell Solicited or Accepted Contributions in a Manner Which Gave the Appearance that Special Treatment or Access was Provided to Donors or in a Manner Which Gave the Appearance that Contributions Were Linked to an Official Act

As is outlined in detail below, neither the facts nor the law support OCE's finding that there is "substantial reason to believe" that Representative Campbell's fundraising activities gave the appearance that special treatment or access was provided to donors or gave the appearance that contributions were linked to an official act.

In its report, OCE relies heavily on a memorandum of the Chair and Ranking Member of the Committee in the matter of Representative Tom DeLay ("TD Report").[2] In the TD Report, the Committee stated that:

> [T]he scope of the House standards of conduct in this area is broader than that of the criminal bribery statute. In this regard, the bribery statute is violated only where it is shown that there was a "quid pro quo," i.e., a specific intent to give or receive something of value in exchange for an official act.
>
> In contrast, the House standards of conduct generally preclude <u>any</u> link between the solicitation or receipt of a contribution and a specific official action. Thus, for example, the Committee has stated that where a constituent simply encloses a campaign contribution in a

[2] The publicly available version of the TD Report does not include numbered pages. All citations herein to the pages of the TD Report are based upon our own page numbering.

> letter requesting casework assistance, the Member should return the contribution.

TD Report at 7 (citations omitted) (emphasis in original).

However, the Committee has emphasized that:

> The history of Committee enforcement actions, as well as our own personal experience, indicate that with rare exception, Members do not violate the basic prohibitions that apply in this area, i.e., Members do not enter into agreements, either explicit or implicit, to trade their votes or other official actions for campaign contributions, and Members do not take a particular official action merely because a campaign donor has requested them to do so.

Id. at 21 (emphasis in original).

The Committee has likewise made clear that:

> [S]o long as the current campaign finance system is in place, individuals and organizations seeking legislation or some other official action from House Members will make campaign contributions to those Members, and some of the time those Members will take the action sought by those persons. And whenever this occurs, there will be some who will claim that those actions were the result of corruption, and that governmental actions are being bought and sold for campaign contributions.
>
> With the current campaign finance system, it is not possible to preclude such claims from being made. However, if Members comply with the applicable standards on soliciting and accepting contributions, it is possible at least to mitigate any valid concerns that may be raised by those activities.

Id.

Although OCE's referral states that there is a "substantial reason to believe that Representative Campbell solicited or accepted contributions in a manner which gave the appearance . . . that contributions were linked to an official act," OCE Report at 1, OCE fails to provide any factual information to substantiate this allegation. OCE Report's notes that Representative Campbell authored six amendments to the financial regulation reform bill, *see id.* at 9, but does not identify any facts that show or even imply the appearance that these official acts were

linked to a contribution, let alone demonstrate an actual link between these official acts and any contributions.

In limiting what constitutes an activity that creates the appearance that special treatment or access was provided to contributors, the Committee in the TD Report emphasized five attributes of the Member's fundraising activities which gave rise to the appearance that special treatment or access was provided to contributors: the Member's position of influence, the timing of fundraising events, the nature of the fundraising events, the presence of key staff, and the limited number of attendees. *See* TD Report at 14-15.

OCE's referral is based primarily on the attempted application of these five attributes to Representative Campbell's fundraising activities. However, as is demonstrated below, Representative Campbell's fundraising activities at issue did not possess these attributes, and when Representative Campbell's fundraising activities are considered as a whole, there is no reason to believe that any of Representative Campbell's fundraising activities created the appearance that special treatment or access was provided to contributors.

A. Position of Influence

OCE alleges that Representative Campbell was in a position of influence with respect to the financial regulation reform bill, and that this influence created the appearance that special treatment or access was being provided to contributors, given that Representative Campbell was assigned to the Financial Services Committee and authored a total of six amendments to the financial regulation reform bill, three of which were introduced in committee and three of which were introduced on the House floor. *See* OCE Report at 9.

Contrary to the premise of the OCE referral, Representative Campbell was in no more of a position of influence concerning the financial regulation reform bill than any other Member of Congress. Like all Members of Congress, Representative Campbell is assigned to committees and subcommittees. All committees discuss, amend, and mark up bills on a continuous basis. All Representatives author and introduce amendments to bills, most often in committee and sometimes on the House floor. Representative Campbell did not hold any major leadership positions. Instead, he was a minority party member of a committee that voted along party lines for and against the financial regulation reform bill.

Considering that the final financial regulation reform bill was an amalgamation of multiple bills and underwent scores of amendments, as well as nearly 20 hearings and eight mark-ups, it is not surprising that Congressman Campbell, as a member of the Financial Services Committee, introduced six amendments concerning the legislation. OCE is unable to provide any credible link between these amendments and entities from the financial services community who contributed to Congressman Campbell's campaign committee because no such link exists.

B. Timing of Fundraising Events

OCE alleges that Representative Campbell's fundraising events were knowingly timed to coincide with the financial regulation reform bill's committee mark-up and final House floor vote and that this lent to the appearance that special treatment or access was being provided to contributors. *Id.* at 9-10. In summarizing an interview with the Chairman of the Financial Services Committee, OCE stated:

> The witness said that the schedule for when the bill would be voted on was constantly being talked about. The witness stated that certainly by November, Members knew that the bill would be up for a vote in December. Members would know exactly the date of the vote a week in advance. For a hearing, Members would generally receive notice a week in advance. For a markup, Members would generally receive notice a week or two in advance.

OCE Report, Exhibit 3 at 0010.

However, OCE during its interview apparently did not ask the Chairman of the Financial Services Committee the following highly relevant questions, including (1) whether committee votes concerning the financial regulation reform bill were ever rescheduled or delayed, (2) whether the full House vote was ever rescheduled or delayed, and (3) whether there was ever uncertainty as to the ultimate result on the House floor, thereby creating uncertainty as to when the full House vote would occur.

In fact, media reports at the time indicated that there was considerable uncertainty concerning the timing and outcome of the full House vote on the financial regulation reform bill as late as December 9, 2009. For example, the *Associated Press* reported the following on December 9, 2009:

> Democratic congressional leaders and Obama administration officials quelled a moderate-Democratic revolt late Wednesday <u>that had threatened to delay debate on a vast overhaul of regulations governing Wall Street</u>.
>
> Top House Democrats and Treasury Department officials huddled in Speaker Nancy Pelosi's offices into the evening. At issue were amendments that moderates sought to change some of the bill's tougher provisions. . . .

> Without assurances that their changes would get a vote, moderates had threatened to withhold their support for letting the bill proceed, congressional officials said.

Jim Kuhnhenn, *Bank Regulation Debate Moves Forward in House*, Assoc. Press, Dec. 9, 2009, *available at* http://www.signonsandiego.com/news/2009/dec/09/bank-regulation-debate-moves-forward-in-house (Exhibit A) (emphasis added).

OCE in its report focuses on three fundraising events held on behalf of Representative Campbell: a dinner held on October 21, 2009; a luncheon featuring Representative Devin Nunes held on December 9, 2009; and a wine tasting event featuring Representative Eric Cantor held on December 9, 2009. *See* OCE Report at 9-10. The Financial Services Committee marked up the financial regulation reform bill on October 22, 2009 and the full House voted on the final bill on December 11, 2009. *Id.*

Representative Campbell's fundraising events were planned weeks and even months in advance and without any knowledge of when the committee mark-up or House floor final vote would occur on the financial regulation reform bill. The October 21, 2009 fundraising luncheon was most likely scheduled no later than when Congress returned from the August 2009 recess, or in early September 2009. *See* OCE Report, Exhibit 2 at 0006-07. Both of the December 9, 2009 fundraising events were most likely scheduled no later than in early October 2009 and may have been scheduled in mid- to late-September 2009. *Id.* The event featuring Representative Cantor most likely was scheduled even earlier because the Minority Whip's schedule is quite full and requires several months advance notice. *Id.*

OCE contends that Representative Campbell, his staff, and his fundraising consultant must have been aware that the financial regulation reform bill would be voted on sometime in December 2009 and must have had this knowledge sometime in November 2009. *See* OCE Report at 10. This implausible allegation, evidently derived solely from an interview with the Chair of the Financial Services Committee, is utterly baseless. First, the undisputed evidence is that Representative Campbell's fundraising consultant decided when the fundraising events at issue would be held and testified in this matter that he is aware of the House calendar only in terms of when the House is in session and on recess. Second, despite the fact that the Financial Services Committee marked up and reported the financial regulation reform bill to the full House on October 22, 2009, no one on Capitol Hill knew with any degree of certainty when the final vote would occur on the legislation. In fact, many Representatives and congressional staffers believed that there was a strong chance that the final vote would not occur before Christmas because the Democratic House leadership was

threatening to adjourn the day before Christmas and resume the day after Christmas if the final vote had not yet occurred.[3]

OCE also contends that Representative Campbell should have cancelled the fundraising events at issue once he became aware of the date for the committee mark-up and the final House floor vote on the financial regulation reform bill. Again, during the fall of 2009 no one on Capitol Hill knew with any degree of certainty when the mark-up would be completed and when the final floor vote would occur on the bill. Media reports indicate that in the days leading up to a possible floor vote that the Democratic leadership was still unsure if they had sufficient votes for passage and whether they were going to proceed with the final vote. *See* Exhibit A.

Representative Campbell, his staff, and his fundraising consultant had no way of knowing that the fundraising events at issue would occur shortly before the committee mark-up of the financial regulation reform bill and the bill's final passage and OCE has provided no credible evidence to the contrary.

C. Nature of Fundraising Events

OCE alleges that Representative Campbell's fundraising activities gave the appearance that special treatment or access was provided to contributors simply because Representative Campbell is assigned to the Financial Services Committee and because a majority of Representative Campbell's PAC contributions originate from the financial services industry. *See generally* OCE Report at 9-20. Naturally, federal PACs often contribute to Members of Congress who are assigned to committees that may work on bills affecting their industry. The Committee has previously recognized this unremarkable fact and has made clear that "[a]s a general matter, fundraisers directed to a particular industry or to others sharing a particular federal interest are permissible, and at such events Members are free to talk about their record and positions on issues of interest to attendees." TD Report at 14.

In his interview with OCE, Representative Campbell's fundraising consultant testified that he and other fundraising consultants occasionally state on invitations that an event is a "financial services dinner" or "energy dinner" because doing so is an established fundraising technique and helps make an event sound different, makes the event stand out, and encourages the invitees to speak with their colleagues about the possibility of attending the event.[4] Emails obtained by OCE

---

[3] Both Representative Campbell's chief of staff and legislative assistant stated in their OCE interviews that when the financial regulation reform bill would leave committee and when the financial regulation reform bill would be considered by the full House was a constant subject of speculation. Revealingly, OCE declined to include these statements in its interview memoranda.

[4] In his interview with OCE, Representative Campbell's fundraising consultant made this statement. OCE declined to include this statement in its interview memorandum.

demonstrate that this established and prevalent fundraising technique does garner attention because colleagues in the financial services industry asked each other whether they should attend such an event. *See* OCE Report, Exhibit 11 at 0075.

The evidence in this matter indicates that at Representative Campbell's fundraising events, the discussion typically focuses on political matters that cannot be discussed in the official office. *See* OCE Report, Exhibit 1 at 0003. Attendees are interested in hearing Representative Campbell's thoughts on both the California gubernatorial and U.S. Senate races as well as whether Representative Campbell believes that Republicans will be able to regain control of the House after this November's election. *See id.* Representative Campbell also frequently discusses his family and his car collection. *See id.* There may be some discussion of major pieces of legislation pending in either the House and the Senate, but the substance of this discussion is at a "50,000 foot level" and focuses on why Republicans think a bill is good or bad for the country. *See id.*

Although the October 21, 2009 event invitation stated that it was a "financial services dinner," the topic of discussion did not focus on financial services and instead followed the typical pattern of other Representative Campbell fundraising events outlined above. *See* OCE Report, Exhibit 2 at 0007. OCE has provided no evidence to contradict this conclusion. At the December 9, 2009 fundraising luncheon featuring Representative Devin Nunes, Representative Nunes was the primary speaker and the discussion most likely focused on California politics because Representative Nunes is also from California,[5] and OCE has produced no evidence to the contrary. At the December 9, 2009 wine tasting event featuring Representative Eric Cantor, the Minority Whip was the sole speaker and gave his standard pro-Republican stump speech,[6] and OCE once again produced no evidence to the contrary.

Representative Campbell's fundraising events were in no way focused or limited to a particular industry, including the financial services industry. The fundraising events at issue did not vary in nature from those of any other Member of Congress. There is nothing about the nature of the fundraising events at issue that would create the appearance that special treatment or access was provided to contributors.

D. Presence of Key Staff

OCE alleges that the presence of Representative Campbell's chief of staff and legislative assistant at the fundraising events at issue lent to the appearance that special treatment or access was provided to contributors. *See* OCE Report at 20-21.

---

[5] In his interview with OCE, Representative Campbell testified accordingly. Once again, OCE declined to include this statement in its interview memorandum.

[6] In his interview with OCE, Representative Campbell testified accordingly. Notably, OCE declined to include this statement in its interview memorandum.

In her interview with OCE, Representative Campbell's chief of staff stated that she attends nearly all fundraising events held in Washington for the same reasons that she attends all other meetings between Representative Campbell and outside entities.[7] At fundraising events, Representative Campbell's chief of staff does not have an official role and speaks with various attendees until the event begins. *See* OCE Report, Exhibit 13 at 0100. Concerning the fundraising events at issue, Representative Campbell's chief of staff testified that "[t]here was no industry focus" to the events and stated that she did not recall speaking with any attendees regarding the financial regulation reform bill or any other official matters. *See id.*

In his interview with OCE, Representative Campbell's legislative assistant stated that he attends approximately 75% of all fundraising events held in Washington primarily for personal reasons, such as networking, socializing with any attendees he knows, and having a complimentary meal. *See* OCE Report, Exhibit 14 at 0103-04. Regarding the fundraising events at issue, Representative Campbell's legislative assistant testified that there was no industry focus to the events. *See id.*

The undisputed evidence is that Representative Campbell does not require any of his staff—including his chief of staff and legislative assistant—to attend any of his fundraising events. *See* OCE Report, Exhibit 1 at 0003. Instead, Representative Campbell's policy is that his staff may attend such events at their discretion. The dates, times, and locations of fundraising events are posted on Representative Campbell's official calendar, to which his staff has access, and the lists of attendees are added to the calendar the day before or the day of the event. *See* OCE Report, Exhibit 13 at 0100; *see also* OCE Report, Exhibit 14 at 0103.

E. Limited Number of Attendees

OCE alleges that the "limited number" of attendees at the three fundraising events at issue and the one-on-one meetings created the appearance that special treatment or access was provided to contributors. *See* OCE Report at 19, 21.

Representative Campbell's fundraising events were not designed to be small and limited. The undisputed evidence in this matter is that Representative Campbell's fundraising consultant invited between 500-2,500 people to each of Representative Campbell's fundraising events, did not limit the number of attendees, and did not send invitations only to a particular industry or to limited subsets of individuals. *See* OCE Report, Exhibit 2 at 0011-12. In his interview with OCE, the fundraising consultant stated that it is hard to convince invitees to attend and contribute to fundraising events such as Representative Campbell's because Republicans are currently in the minority in the House, and that a fundraising event is successful if even a half dozen individuals or

[7] In her interview with OCE, Representative Campbell's chief of staff testified accordingly. OCE once again declined to include this statement in its interview memorandum.

PACs contribute. The fundraising consultant further stated that he recently received only nine positive responses after sending an invitation to 2,000 individuals. *See id.* at 0012.

At the October 21, 2009 dinner, 16 individuals or PACs contributed and nearly all attended the event. *See* OCE Report, Exhibit 5. By the fundraising consultant's professional standards, this was quite a large event. At the December 9, 2009 luncheon featuring Representative Devin Nunes, a half dozen individuals or PACs contributed but each contributor did not attend. *See* OCE Report, Exhibit 8. By the fundraising consultant's professional standards, this would have been an average-sized event had all of the contributors attended. At the December 9, 2009 wine tasting event featuring Representative Eric Cantor, only eight individuals or PACs contributed but 12 attended, presumably because the event featured the Minority Whip. *See* OCE Report, Exhibit 10.

Emails obtained by OCE during its investigation indicate that the fundraising consultant and his business partner sent individual follow-up emails to past contributors and individuals whom the consultants had a professional relationship with in the hopes that the email recipients would attend another fundraising event on behalf of Representative Campbell. *See generally* OCE Report, Exhibit 11. In fact, OCE obtained an email from the fundraising consultant's business partner to a personal contact from outside the financial services industry in which the business partner asked the personal contact to stop by the wine tasting event featuring Representative Cantor because the business partner "just wanted to get a couple more bodies there" and that the business partner was not asking the personal contact for a contribution. OCE Report, Exhibit 11 at 0078.

Both Representative Campbell's fundraising consultant and the fundraising consultant's business partner worked extensively to identify interested contributors and attendees for Representative Campbell's fundraising events. They did not do anything to give the appearance that these fundraising events were limited in number to provide contributors with special access to Representative Campbell. If anything, the fundraising consultant's actions and the undisputed evidence in this matter demonstrate the opposite.

OCE also insinuates that the handful of "one-on-one" meetings between Representative Campbell and outside individuals arranged by his fundraising consultant created the appearance that special treatment or access was being provided to these individuals if they contributed. *See* OCE Report at 19. However, the vast majority of these one-on-one meetings were just meet and greets at which no contribution was made.[8] All one-on-one meetings were held off Capitol grounds, and Representative Campbell's campaign paid for the entire cost of the meetings to ensure full compliance with House rules and standards of conduct. Similar to larger events, the topic of conversation at the one-on-one meetings was primarily focused on political and personal matters and no official business was discussed. In addition, the one-on-one meetings were scheduled

[8] *See e.g.*, OCE Report, Exhibit 12 at 0095 (fundraising consultant email indicating that a proposed one-on-one meeting "is not a fundraiser, but rather just a 1-1 relationship-building meeting at the Capitol Hill Club"); OCE Report, Exhibit 12 at 0097 (indicating same).

irrespective of the timing of any legislation as evidenced by emails obtained by OCE. In these emails, an employee of Representative Campbell's fundraising consultant offered a host of available time slots for one-on-one meetings throughout November and December 2009 and was not focused on any particular time period. *See generally* OCE Report, Exhibit 12. Finally, there is no provision in the House ethics rules which states or even implies that fundraising events must contain a certain number of attendees to be conducted consistent with House rules and standards of conduct.

IV. Representative Campbell's Fundraising Activities are Routine Practices for Members of Congress and are Completely Permissible under House Ethics Rules

As was outlined above, Representative Campbell's fundraising activities gave no appearance that contributors received special treatment or access or that contributions were linked to official acts. In fact, one key aspect of Representative Campbell's fundraising activities is that Representative Campbell has gone to great lengths to strictly separate his campaign fundraising from official office activities and Representative Campbell is very uninvolved in the fundraising process. *See* OCE Report, Exhibit 1 at 0002-03.

Like Representative Campbell, most Members of Congress hire professional fundraising consultants to manage campaign fundraising. Member involvement in campaign fundraising varies greatly, but Representative Campbell has chosen to be "hands off," and the extent of Representative Campbell's involvement in his campaign fundraising activities is that he attends the events and meets with the fundraising consultant a few times a year. *See id.*; *see also* OCE Report, Exhibit 2 at 0007-08. While many congressional staff members may make phone calls or fundraise for the Member of Congress for which they work, Representative Campbell's staff's involvement in his fundraising activities is likewise limited to periodically attending fundraising events. *See* OCE Report, Exhibit 1 at 0003.

Like Representative Campbell's fundraising event invitations, many event invitations for other Members may state that an event is an industry dinner when, in fact, the event is open to all contributors who would like to attend. Like Representative Campbell's events, most Members of Congress will not limit their events to a specific number of attendees. Like Representative Campbell, most Members of Congress will plan their fundraising events at least six weeks in advance.

The undisputed evidence is that Representative Campbell's fundraising activities are similar to those conducted every day by other Members of Congress and are completely routine. In this regard, it is important to note that between October 21, 2009 and December 11, 2009, members of the House Financial Services Committee held a combined 109 fundraising events in the Washington, DC area. *See* Sunlight Foundation, *Party Time Blog*, http://politicalpartytime.org (Exhibit B) (listing Financial Services Committee fundraising events). During that same time period, the Chairman of the Financial Services Committee was the special guest and appeared on invitations for no fewer

than four fundraising events held on behalf of other Members of Congress, including a breakfast event held on the morning of December 10, 2009. *See* Sunlight Foundation, *Party Time Blog*, http://politicalpartytime.org (Exhibit C) (listing fundraising events at which Representative Frank was featured). In addition, the Chairman of the Financial Services Committee was the featured guest at a Democratic Congressional Campaign Committee ("DCCC") event styled as a "Business Council Financial Services Breakfast" held on September 23, 2009, during which time the Financial Services Committee was crafting and developing specific provisions of the financial regulation reform bill. *See* Sunlight Foundation, *Party Time Blog*, http://politicalpartytime.org (Exhibit D) (listing DCCC fundraising events). Media reports further indicate that during the 10 days preceding the final House vote on the financial regulation reform bill, "three dozen members from the lead panel on the reform bill either held or attended fundraisers. So did about 250 House members." Editorial, *Our View on Campaign Finance: Big Votes Draw Big Money for a Compliant Congress*, USA Today, Aug. 4, 2010, *available at* http://www.usatoday.com/news/opinion/editorials/2010-08-04-editorial04_ST_N.htm.

As with Representative Campbell's fundraising events at issue, there is no indication that any of the foregoing fundraising events violated House rules or standards of conduct or were in any way inappropriate.

* * *

Representative Campbell's fundraising activities have been conducted consistent with the fundraising practices that Members of Congress have historically, routinely, and appropriately engaged in for decades fully consistent with all applicable House ethics rules and standards of conduct. Accordingly, Representative Campbell urges the Committee to promptly dismiss the OCE referral.

Respectfully submitted,

Michael E. Toner
Brandis L. Zehr
Counsel for Representative John Campbell

Declaration

I, Representative John Campbell, declare (certify, verify or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated September 27, 2010, relating to my response to the Report and Findings of the Office of Congressional Ethics, are true and correct.

Signature: John Campbell

Printed Name: JOHN CAMPBELL

Date: September 23, 2010

EXHIBIT A

RECEIVED
2010 SEP 29 AM 10: 03
COMMITTEE ON STANDARDS

SIGN ON SAN DIEGO

PRINT THIS

Bank regulation debate moves forward in House

By JIM KUHNHENN, Associated Press Writer,

Wednesday, December 9, 2009 at 4:02 p.m.

WASHINGTON — Democratic congressional leaders and Obama administration officials quelled a moderate-Democrat revolt late Wednesday that had threatened to delay debate on a vast overhaul of regulations governing Wall Street.

Top House Democrats and Treasury Department officials huddled in Speaker Nancy Pelosi's offices into the evening. At issue were amendments that moderates sought to change some of the bill's tougher provisions.

Under a new agreement, debate was expected to start late Wednesday, with amendments considered Thursday and Friday.

Of special importance was a change sought by Rep. Melissa Bean, D-Ill., that would eliminate states' ability to enforce tougher state consumer laws. The Obama administration wanted federal consumer finance rules to be a base, and to let states adopt stricter regulations.

Banks objected, saying they would have to meet a crazy-quilt of regulations.

"We're satisfied that we came to a good place on this," Bean said as she emerged from the meeting.

House Financial Services Committee Chairman Barney Frank, D-Mass., said the "differences have been narrowed."

The Democratic dispute centered on whether Democratic leaders would let moderates offer amendments on the House floor that would alter certain regulations, particularly ones governing consumer protections and complex derivatives trades.

Without assurances that their changes would get a vote, moderates had threatened to withhold their support for letting the bill proceed, congressional officials said.

Complicating the negotiations were changes already granted to liberals, and the likelihood they would get votes on some other of their preferences.

Democratic leaders feared that if some of the moderate amendments passed with Republican backing, the overall bill would lose appeal within the broader Democratic majority, thus imperiling its passage.

The Senate is not expected to act on its version of regulations until next year. Democrats wanted to make sure House amendments did not weaken their hand when they have to reconcile bills with the Senate.

As proposed, the House bill hits big banks hardest, a response to public anger at the notion that some institutions had grown too big to fail and pushed the nation's financial system to the brink of collapse.

If the bill casts the largest banks as villains, it casts consumers as victims and provides for a new federal agency with regulatory and enforcement powers to oversee the public's dealings with lenders.

An amendment to kill the consumer protection agency might still be offered, but Democrats did not expect it to pass.

Read the bill, H.R.4173, at http://thomas.loc.gov/

The Associated Press

Find this article at:
http://www.signonsandiego.com/news/2009/dec/09/bank-regulation-debate-moves-forward-in-house

☐ Check the box to include the list of links referenced in the article.

© Copyright 2007 Union-Tribune Publishing Co. • A Copley Newspaper Site

EXHIBIT B

Sunlight Foundation's

Today is September 23rd

PARTY TIME

Documenting the Political Partying Circuit

BLOG WIDGETS ABOUT METHODOLOGY FAQ CONTACT

From the early hours of the morning until late in the evening, politicians are partying. Sunlight's PARTY TIME can help you find out who is partying, where and when.

PARTYFINDER™
Beneficiary
Find a Party!

Events By Committee Leadership PAC Events
Events by Congressional Leadership
Events by Committee Leadership Bulk Data

Search Hints

Parties by Committee

House Committee on Financial Services
(985 parties since 2009)

Committee Members: Barney Frank (Chair), Spencer Bachus (Ranking Member), Gary Ackerman, John Adler, Joe Baca, Michele Bachmann, Gresham Barrett, Melissa Bean, Judy Biggert, John Campbell, Shelley Moore Capito, Michael Capuano, Andre Carson, Michael Castle, Travis Childers, William Clay, Emanuel Cleaver, Joe Donnelly, Steve Driehaus, Keith Ellison, Bill Foster, Scott Garrett, Jim Gerlach, Alan Grayson, Al Green, Luis Gutierrez, Jeb Hensarling, Jim Himes, Ruben Hinojosa, Paul Hodes, Lynn Jenkins, Walter Jones, Paul Kanjorski, Mary Jo Kilroy, Pete King, Ron Klein, Suzanne Kosmas, Leonard Lance, Chris Lee, Frank Lucas, Stephen Lynch, Dan Maffei, Carolyn Maloney, Don Manzullo, Kenny Marchant, Carolyn McCarthy, Kevin McCarthy, Thad McCotter, Patrick McHenry, Gregory Meeks, Gary Miller, Brad Miller, Walt Minnick, Dennis Moore, Gwen Moore, Randy Neugebauer, Ron Paul, Erik Paulsen, Edwin (Ed) Perlmutter, Gary Peters, Bill Posey, Tom Price, Adam Putnam, Ed Royce, David Scott, Brad Sherman, Jackie Speier, Nydia Velazquez, Maxine Waters, Melvin Watt, Charles Wilson

Feb. 3rd, 2010 (6:00PM - 7:30PM) View Invitation

Reception
For: Rep. Paul Hodes (D, NH-2)
Hosted By: Americans for the Arts Action Fund PAC

Feb. 2nd, 2010 (12:00PM - 1:00PM) View Invitation

Luncheon @ Bistro Bis
For: Rep. Bill Foster (D, IL-14)

Jan. 27th, 2010 (6:00PM - 7:30PM) View Invitation

Reception
For: Rep. Paul Hodes (D, NH-2)
Hosted By: Americans for the Arts Action Fund PAC

Jan. 27th, 2010 (5:00PM - 6:30PM) View Invitation

Dinner @ Art and Soul
For: Rep. Melissa Bean (D, IL-8)

Hosted By: Monique Frazier Julie Slocum

Jan. 27th, 2010 (5:00PM -) View Invitation

Reception @ Cornerstone Government Affairs

For: Rep. Jim Gerlach (R, PA-6)

Jan. 27th, 2010 (5:00PM -) View Invitation

Kick-Off Reception

For: Rep. Jim Gerlach (R, PA-6)

Jan. 27th, 2010 (12:00PM - 1:30PM) View Invitation

Luncheon @ National Democratic Club Townhouse

For: Rep. Keith Ellison (D, MN-5)

Jan. 27th, 2010 (9:00AM - 10:00AM) View Invitation

Breakfast @ National Democratic Club

For: Rep. David Scott (D, GA-13)

Jan. 27th, 2010 (8:30AM - 9:30AM) View Invitation

Breakfast Reception @ 21st Century Townhouse

For: Rep. Charles Wilson (D, OH-6)

Hosted By: Jocelyn Hong

Jan. 26th, 2010 (5:30PM - 6:30PM) View Invitation

50th Birthday Celebration @ Associated General Contractors (AGC) of America Townhouse

For: Rep. Frank Lucas (OK-3)

Jan. 22nd, 2010 (12:00PM -) View Invitation

Luncheon @ Charlie Palmer Steak

For: Rep. John Campbell (R, CA-48)

Jan. 21st, 2010 (6:30PM - 8:30PM) View Invitation

Reception @ The Home of Carolyn Maloney

For: Rep. Carolyn Maloney (D, NY-14)

Jan. 21st, 2010 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club

For: Rep. Thad McCotter (R, MI-11)

Jan. 21st, 2010 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club

For: Rep. Thad McCotter (R, MI-11)

Jan. 21st, 2010 (8:30AM - 10:00AM) View Invitation

Eggs, Policy and Politics Breakfast @ Caucus Room

For: Rep. Gregory Meeks (D, NY-6)

Jan. 20th, 2010 (5:30PM - 7:30PM) View Invitation

Birthday Reception @ 21st Century Townhouse

For: Rep. Joe Baca (D, CA-43)

Jan. 20th, 2010 (12:00PM - 1:00PM) View Invitation

Lunch @ Hunan Dynasty

For: Rep. Gary Ackerman (D, NY-5)

Jan. 19th, 2010 (5:30PM - 6:30PM) View Invitation

Reception @ Capitol Hill Club

For: Erik Paulsen (R, MN-3)

Jan. 13th, 2010 (12:00PM -) View Invitation

Taste of Italy Luncheon @ Trattoria Alberto of Capitol Hill

For: Bill Posey (R, FL-15)

Jan. 13th, 2010 (8:30AM - 9:30AM) View Invitation

Breakfast @ Hotel George

For: Rep. Melissa Bean (D, IL-8)

Jan. 12th, 2010 (12:00PM - 1:00PM) View Invitation

Luncheon @ Hotel George

For: Rep. Bill Foster (D, IL-14)

Dec. 15th, 2009 (7:00PM -) View Invitation

Dinner @ Johnny's Half Shell

For: Rep. Michael Castle (R, DE-0)

Dec. 15th, 2009 (6:00PM -) View Invitation

A Christmas Carol @ Ford' Theater

For: Bill Posey (R, FL-15)

Dec. 12th, 2009 (7:00PM - 10:00PM) View Invitation

Wizards vs Pacers Basketball @ Verizon Center
For: Rep. Andre Carson (D, IN-7)

Dec. 11th, 2009 (-) View Invitation
Holiday Weekend in New York @ TBD
For: Rep. Carolyn Maloney (D, NY-14)

Dec. 10th, 2009 (6:00PM - 8:00PM) View Invitation
Reception @ The Home of Robert Raben
For: Rep. Luis Gutierrez (D, IL-4)

Dec. 10th, 2009 (6:00PM - 7:30PM) View Invitation
Cocktails, Hors d'oevres, & Discussion @ Strategic Healthcare Townhouse
For: Rep. Charles Wilson (D, OH-6)

Dec. 10th, 2009 (1:00PM -) View Invitation
Late Lunch and Political Briefing @ Sonoma Restaurant and Wine Bar
For: Leonard Lance (R, NJ-7)
Hosted By: Ed Gillespie

Dec. 10th, 2009 (12:00PM -) View Invitation
Financial Services Luncheon @ Capitol Hill Club
For: Rep. Tom Price (R, GA-6)

Dec. 10th, 2009 (8:30AM - 9:30AM) View Invitation
Breakfast @ Bistro Bis
For: Walt Minnick (D, ID-1)

Dec. 9th, 2009 (5:30PM - 7:00PM) View Invitation
Reception @ Billy Goat Tavern
For: Rep. Paul Hodes (D, NH-2)

Dec. 9th, 2009 (5:30PM - 7:30PM) View Invitation
Holiday Reception @ TBD
For: Rep. Chris Lee (R, NY-26)

Dec. 9th, 2009 (5:30PM - 7:30PM) View Invitation
Reception Featuring Bojangles' Fried Chicken and Krispy Kreme Doughnuts @ Democratic National Headquarters
For: Rep. Melvin Watt (D, NC-12)

Dec. 9th, 2009 (5:00PM - 7:00PM) View Invitation

Evening Reception @ Honeywell International

For: Rep. Melissa Bean (D, IL-8)

Dec. 9th, 2009 (5:00PM -) View Invitation

California Wine Tasting @ The Home of Christopher Perkins and Fleming "Mike" Legg

For: Rep. John Campbell (R, CA-48)

Dec. 9th, 2009 (4:00PM - 5:30PM) View Invitation

Holiday Treats and Coffee @ Capitol Hill Club

For: Rep. Don Manzullo (R, IL-16)

Dec. 9th, 2009 (12:00PM - 1:00PM) View Invitation

@ Capitol Hill Club

For: Rep. John Campbell (R, CA-48)

Dec. 9th, 2009 (12:00PM - 1:30PM) View Invitation

Luncheon @ Honeywell International

For: Rep. Keith Ellison (D, MN-5)

Dec. 9th, 2009 (8:30AM -) View Invitation

Last Call Breakfast @ Capitol Hill Club

For: Rep. Frank Lucas (OK-3)

Dec. 9th, 2009 (8:30AM -) View Invitation

Breakfast @ The Williams & Jensen Townhouse

For: Rep. Nydia Velazquez (D, NY-12)

Dec. 9th, 2009 (8:00AM - 9:00AM) View Invitation

Breakfast @ Sonoma Restaurant and Wine Bar

For: Rep. Bill Foster (D, IL-14)

Dec. 9th, 2009 (8:00AM - 9:00AM) View Invitation

Michigan Breakfast @ Phoenix Park Hotel

For: Rep. Gary Peters (D, MI-9)

Dec. 8th, 2009 (6:30PM - 8:30PM) View Invitation

Reception @ The Home of Carolyn Maloney

For: Rep. Carolyn Maloney (D, NY-14)

Dec. 8th, 2009 (6:00PM - 7:30PM) View Invitation

Cocktails & Hors d'oeuvres @ Tortilla Coast

For: Mary Jo Kilroy (D, OH-15)

Dec. 8th, 2009 (6:00PM - 7:30PM) View Invitation

Reception @ The Liaison Hotel

For: Rep. Dennis Moore (D, KS-3)

Hosted By: Andy Lewin Tony Podesta Tim Glassco

Dec. 8th, 2009 (12:00PM - 1:00PM) View Invitation

Lunch @ Capitol Hill Club

For: Rep. John Campbell (R, CA-48)

Dec. 8th, 2009 (9:00AM - 10:00AM) View Invitation

Breakfast @ National Democratic Club Townhouse

For: Joe Donnelly (D, IN-2)

Dec. 7th, 2009 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club

For: Rep. Gresham Barrett (R, SC-3)

Dec. 3rd, 2009 (7:00PM -) View Invitation

Florida Panthers v. Washington Capitals @ Verizon Center

For: Rep. Ron Klein (D, FL-22)

Dec. 3rd, 2009 (6:00PM - 8:30PM) View Invitation

Small Dinner @ 701 Restaurant

For: Rep. Gary Peters (D, MI-9)

<< Previous Page 9 of 20 Next >>

Get Your Party On!

UPCOMING FUNDRAISING EVENTS

Sept. 23	Reception For: Rep. Bruce Braley (D, IA-1)
Sept. 23	Breakfast @ Capitol Hill Club For: Steve Fincher (R, TN-08)
Sept. 23	Breakfast @ Tortilla Coast For: Rep. John Salazar (D, CO-3)
Sept. 23	Breakfast @ Capitol Hill Club For: Rep. Michael Turner (R, OH-3)
Sept. 23	Breakfast Reception For: Rep. Chris Carney (D, PA-10)

View More Events

What A Party!

RECENT FUNDRAISING EVENTS

Sept. 22	Dinner @ Charlie Palmer Steak For: Rep. Steve Israel (D, NY-2)
Sept. 22	@ Art and Soul For: We The People PAC
Sept. 22	Dinner @ Bistro Bis For: Rep. Daniel Lipinski (D, IL-3)
Sept. 22	Washington State Wine Tasting Reception For: Rep. Jay Inslee (D, WA-1)
Sept. 22	DCCC 3rd Quarter PAC Reception @ Union Station For: DCCC

View More Events

Founded in 2006, the Sunlight Foundation supports, develops and deploys new Internet technologies to make information about Congress and the federal government more accessible to the American people. Through its projects and grant-making, Sunlight serves as a catalyst to create greater political transparency and to foster more openness and accountability in government. Visit SunlightFoundation.com to learn more.

Sunlight Foundation's

Today is September 23rd

PARTY TIME

Documenting the Political Partying Circuit

BLOG WIDGETS ABOUT METHODOLOGY FAQ CONTACT

From the early hours of the morning until late in the evening, politicians are partying. Sunlight's PARTY TIME can help you find out who is partying, where and when.

PARTYFINDER™

Beneficiary

Find a Party!

Events By Committee Leadership PAC Events
Events by Congressional Leadership
Events by Committee Leadership Bulk Data

Search Hints

Parties by Committee

House Committee on Financial Services
(985 parties since 2009)

Committee Members: Barney Frank (Chair), Spencer Bachus (Ranking Member), Gary Ackerman, John Adler, Joe Baca, Michele Bachmann, Gresham Barrett, Melissa Bean, Judy Biggert, John Campbell, Shelley Moore Capito, Michael Capuano, Andre Carson, Michael Castle, Travis Childers, William Clay, Emanuel Cleaver, Joe Donnelly, Steve Driehaus, Keith Ellison, Bill Foster, Scott Garrett, Jim Gerlach, Alan Grayson, Al Green, Luis Gutierrez, Jeb Hensarling, Jim Himes, Ruben Hinojosa, Paul Hodes, Lynn Jenkins, Walter Jones, Paul Kanjorski, Mary Jo Kilroy, Pete King, Ron Klein, Suzanne Kosmas, Leonard Lance, Chris Lee, Frank Lucas, Stephen Lynch, Dan Maffei, Carolyn Maloney, Don Manzullo, Kenny Marchant, Carolyn McCarthy, Kevin McCarthy, Thad McCotter, Patrick McHenry, Gregory Meeks, Gary Miller, Brad Miller, Walt Minnick, Dennis Moore, Gwen Moore, Randy Neugebauer, Ron Paul, Erik Paulsen, Edwin (Ed) Perlmutter, Gary Peters, Bill Posey, Tom Price, Adam Putnam, Ed Royce, David Scott, Brad Sherman, Jackie Speier, Nydia Velazquez, Maxine Waters, Melvin Watt, Charles Wilson

Dec. 3rd, 2009 (5:30PM - 7:00PM) View Invitation

Holiday Wine Tasting @ Eris Group Townhouse

For: Rep. Scott Garrett (R, NJ-5)

Dec. 3rd, 2009 (5:30PM - 7:30PM) View Invitation

Holiday Reception @ The Monocle Restaurant

For: Rep. Paul Kanjorski (D, PA-11)

Dec. 3rd, 2009 (12:00PM -) View Invitation

Luncheon @ Capitol Hill Club

For: Rep. Pete King (R, NY-3)

Dec. 2nd, 2009 (7:00PM - 8:00PM) View Invitation

Wizards vs. Bucks Basketball @ Verizon Center

For: Rep. Gwen Moore (D, WI-4)

Dec. 2nd, 2009 (5:30PM - 7:30PM)

View Invitation

Event @ American Trucking Association

For: Rep. Chris Lee (R, NY-26)

Dec. 2nd, 2009 (5:00PM - 7:00PM) View Invitation

Reception @ Art and Soul

For: Jim Himes (D, CT-4)

Dec. 2nd, 2009 (8:30AM - 9:30AM) View Invitation

GOP Political Briefing and Breakfast @ National Republican Senatorial Committee

For: Rep. Ruben Hinojosa (D, TX-15)

Dec. 2nd, 2009 (8:00AM -) View Invitation

Breakfast @ Capitol Hill Club

For: Rep. Tom Price (R, GA-6)

Dec. 1st, 2009 (6:30PM - 8:00PM) View Invitation

Reception @ The Cunningham Home

For: Rep. Ron Klein (D, FL-22)

Dec. 1st, 2009 (6:00PM - 8:00PM) View Invitation

Reception @ The Home of John Weinfurter

For: Rep. Gwen Moore (D, WI-4)

Dec. 1st, 2009 (5:30PM - 7:30PM) View Invitation

Wii Tournament @ Entertainment Software Association

For: Rep. Patrick McHenry (R, NC-10)

Dec. 1st, 2009 (5:30PM - 7:00PM) View Invitation

Martini Tasting @ Bartlett & Bendall Townhouse

For: Rep. Jackie Speier (D, CA-12)

Hosted By: Distilled Spirits Council PAC

Dec. 1st, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast @ The Dutko Group

For: Rep. Edwin (Ed) Perlmutter (D, CO-7)

Hosted By: Mark Irion Mary Clare Fitzgerald Andy Scott Wright

Nov. 20th, 2009 (8:30AM -) View Invitation

Breakfast @ Johnny's Half Shell

For: Rep. Dennis Moore (D, KS-3)

Hosted By: Sam DePoy (ARDA-PAC) Robert Dibblee (REITPAC)

Nov. 19th, 2009 (5:00PM - 6:00PM) View Invitation

Reception @ Bistro Bis

For: Rep. Michael Castle (R, DE-0)

Hosted By: Angus Kelly Fred Dombo Steve Scango

Nov. 19th, 2009 (12:00PM -) View Invitation

Lunch @ On the Hill

For: Rep. John Campbell (R, CA-48)

Nov. 19th, 2009 (12:00PM - 1:00PM) View Invitation

Lunch @ TBD

For: Rep. John Campbell (R, CA-48)

Nov. 19th, 2009 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club

For: Leonard Lance (R, NJ-7)

Nov. 19th, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast @ Art and Soul

For: Rep. John Adler (D, NJ-3)

Nov. 19th, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast @ Offices of Porterfield, Lowenthal and Fetting, LLC

For: Rep. Paul Kanjorski (D, PA-11)

Hosted By: Andrew Lowenthal Dwight Fettig Kirsten Johnson-Obey

Nov. 19th, 2009 (8:30AM - 9:30AM) View Invitation

Frontline Financial Services Breakfast @ Caucus Room

For: Rep. Suzanne Kosmas (D, FL-24)

Nov. 19th, 2009 (8:30AM -) View Invitation

Breakfast @ Erickson & Co. Townhouse

For: Rep. Carolyn McCarthy (D, NY-4)

Nov. 19th, 2009 (8:30AM -) View Invitation

Green Eggs & Ham Breakfast @ TBD

For: Rep. Thad McCotter (R, MI-11)

Nov. 19th, 2009 (8:00AM - 9:00AM) View Invitation

Breakfast @ The Mott House

For: Rep. Paul Hodes (D, NH-2)

Nov. 18th, 2009 (8:30PM -) View Invitation

Reception @ The Home of Robert Raben

For: Rep. Melvin Watt (D, NC-12)

Hosted By: Robert Raben Courtney R. Snowden

Nov. 18th, 2009 (6:00PM - 8:00PM) View Invitation

Reception @ Art and Soul

For: Jim Himes (D, CT-4)

Nov. 18th, 2009 (5:30PM - 7:30PM) View Invitation

martini Tasting @ Bartlett & Bendall Townhouse

For: Rep. Jackie Speier (D, CA-12)

Hosted By: Distilled Spirits Council PAC

Nov. 18th, 2009 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club

For: Rep. Michele Bachmann (R, MN-6)

Nov. 18th, 2009 (12:00PM -) View Invitation

Luncheon @ Bistro Bis

For: Rep. Michael Capuano (D, MA-8)

Nov. 18th, 2009 (12:00PM -) View Invitation

Lunch @ Johnny's Half Shell

For: Rep. Kenny Marchant (R, TX-24)

Nov. 18th, 2009 (12:00PM - 1:00PM) View Invitation

Special Luncheon @ Capitol Hill Club

For: Rep. Ed Royce (R, CA-40)

Hosted By: Smitty Davis Suzanne Hutchinson

Nov. 18th, 2009 (11:30AM - 12:30PM) View Invitation

Health Plans, Medical Devices & Pensions Industry Luncheon @ Sonoma Restaurant and Wine Bar

For: Rep. Tom Price (R, GA-6)

Nov. 18th, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast @ Tortilla Coast
For: Rep. Andre Carson (D, IN-7)

Nov. 18th, 2009 (8:00AM -) View Invitation

Breakfast @ Patton Boggs LLP
For: Rep. Kevin McCarthy (R, CA-22)
Hosted By: Ben Ginsberg Ed Newberry Darryl Nirenberg Kevin O'Neill

Nov. 17th, 2009 (6:30PM -) View Invitation

Dinner @ Rupli Townhouse
For: Rep. Suzanne Kosmas (D, FL-24)

Nov. 17th, 2009 (5:30PM - 7:30PM) View Invitation

Tex-Mex Reception @ Tortilla Coast
For: Rep. Joe Baca (D, CA-43)

Nov. 17th, 2009 (5:30PM - 6:30PM) View Invitation

Reception @ Capitol Hill Club
For: Rep. Judy Biggert (R, IL-13)

Nov. 17th, 2009 (5:30PM - 7:00PM) View Invitation

Reception @ National Democratic Club Townhouse
For: Rep. Charles Wilson (D, OH-6)
Hosted By: James R. Hart Mary Anne Walsh

Nov. 17th, 2009 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club
For: Rep. Thad McCotter (R, MI-11)

Nov. 17th, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast @ Johnny's Half Shell
For: Rep. Suzanne Kosmas (D, FL-24)
Hosted By: Eddy Pauley

Nov. 17th, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast @ The Monocle Restaurant
For: Rep. Gregory Meeks (D, NY-6)
Hosted By: Suzanne Hutchinson Valerie Morse White

Nov. 16th, 2009 (5:00PM - 6:30PM) View Invitation

Reception @ National Democratic Club Townhouse
For: Rep. Brad Miller (D, NC-13)

Nov. 16th, 2009 (5:00PM - 6:30PM) View Invitation

Reception @ National Democratic Club Townhouse
For: Rep. Brad Miller (D, NC-13)

Nov. 15th, 2009 (11:00AM - 1:00PM) View Invitation

Sunday Brunch @ The Home of Patricia Klous and Roman Silberfeld
For: Rep. Brad Sherman (D, CA-27)

Nov. 12th, 2009 (5:00PM - 6:30PM) View Invitation

Reception @ Independent Insurance Agents & Brokers of America
For: Rep. Chris Lee (R, NY-26)

Nov. 5th, 2009 (5:30PM - 7:00PM) View Invitation

Reception @ The Home of John Weinfurter
For: Dan Maffei (D, NY-25)

Nov. 5th, 2009 (12:00PM - 2:00PM) View Invitation

Lunch @ Capitol Hill Club
For: Rep. John Campbell (R, CA-48)

Nov. 5th, 2009 (12:00PM - 2:00PM) View Invitation

Lunch @ Capitol Hill Club
For: Rep. John Campbell (R, CA-48)

Nov. 5th, 2009 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club
For: Leonard Lance (R, NJ-7)

Nov. 5th, 2009 (12:00PM -) View Invitation

Physician Industry Lunch @ Capitol Hill Club
For: Rep. Thad McCotter (R, MI-11)

<< Previous Page 10 of 20 Next >>

Get Your Party On!

UPCOMING FUNDRAISING EVENTS

Sept. 23 Reception
For: Rep. Bruce Braley (D, IA-1)

Sept. 23	Breakfast @ Capitol Hill Club For: Steve Fincher (R, TN-08)
Sept. 23	Breakfast @ Tortilla Coast For: Rep. John Salazar (D, CO-3)
Sept. 23	Breakfast @ Capitol Hill Club For: Rep. Michael Turner (R, OH-3)
Sept. 23	Breakfast Reception For: Rep. Chris Carney (D, PA-10)

View More Events

Got Invitations?
Send them to us!

What A Party!

RECENT FUNDRAISING EVENTS

Sept. 22	Dinner @ Charlie Palmer Steak For: Rep. Steve Israel (D, NY-2)
Sept. 22	@ Art and Soul For: We The People PAC
Sept. 22	Dinner @ Bistro Bis For: Rep. Daniel Lipinski (D, IL-3)
Sept. 22	Washington State Wine Tasting Reception For: Rep. Jay Inslee (D, WA-1)
Sept. 22	DCCC 3rd Quarter PAC Reception @ Union Station For: DCCC

View More Events

Sunlight Foundation

Founded in 2006, the Sunlight Foundation supports, develops and deploys new Internet technologies to make information about Congress and the federal government more accessible to the American people. Through its projects and grant-making, Sunlight serves as a catalyst to create greater political transparency and to foster more openness and accountability in government. Visit SunlightFoundation.com to learn more.

Sunlight Foundation's

Today is September 23rd

PARTY TIME

Documenting the Political Partying Circuit

BLOG WIDGETS ABOUT METHODOLOGY FAQ CONTACT

From the early hours of the morning until late in the evening, politicians are partying. Sunlight's PARTY TIME can help you find out who is partying, where and when.

PARTYFINDER™

Beneficiary

Find a Party!

Search Hints

Events By Committee Leadership PAC Events
Events by Congressional Leadership
Events by Committee Leadership Bulk Data

Parties by Committee

House Committee on Financial Services
(985 parties since 2009)

Committee Members: Barney Frank (Chair), Spencer Bachus (Ranking Member), Gary Ackerman, John Adler, Joe Baca, Michele Bachmann, Gresham Barrett, Melissa Bean, Judy Biggert, John Campbell, Shelley Moore Capito, Michael Capuano, Andre Carson, Michael Castle, Travis Childers, William Clay, Emanuel Cleaver, Joe Donnelly, Steve Driehaus, Keith Ellison, Bill Foster, Scott Garrett, Jim Gerlach, Alan Grayson, Al Green, Luis Gutierrez, Jeb Hensarling, Jim Himes, Ruben Hinojosa, Paul Hodes, Lynn Jenkins, Walter Jones, Paul Kanjorski, Mary Jo Kilroy, Pete King, Ron Klein, Suzanne Kosmas, Leonard Lance, Chris Lee, Frank Lucas, Stephen Lynch, Dan Maffei, Carolyn Maloney, Don Manzullo, Kenny Marchant, Carolyn McCarthy, Kevin McCarthy, Thad McCotter, Patrick McHenry, Gregory Meeks, Gary Miller, Brad Miller, Walt Minnick, Dennis Moore, Gwen Moore, Randy Neugebauer, Ron Paul, Erik Paulsen, Edwin (Ed) Perlmutter, Gary Peters, Bill Posey, Tom Price, Adam Putnam, Ed Royce, David Scott, Brad Sherman, Jackie Speier, Nydia Velazquez, Maxine Waters, Melvin Watt, Charles Wilson

Nov. 5th, 2009 (8:30AM -) View Invitation

Breakfast @ Tortilla Coast

For: Rep. Dennis Moore (D, KS-3)

Nov. 4th, 2009 (6:00PM - 7:30PM) View Invitation

Reception @ National Republican Senatorial Committee

For: Rep. Michael Castle (R, DE-0)

Nov. 4th, 2009 (6:00PM - 8:00PM) View Invitation

Reception @ Tortilla Coast

For: Rep. Al Green (D, TX-9)

Nov. 4th, 2009 (12:00PM -) View Invitation

Lunch @ TBD

For: Rep. Gresham Barrett (R, SC-3)

Nov. 4th, 2009 (12:00PM -)

View Invitation

Lunch @ Capitol Hill Club

For: Rep. Gresham Barrett (R, SC-3)

Nov. 2nd, 2009 (7:00PM - 8:30PM) View Invitation

Eastern North Carolina Fall Barbeque Dinner @ San Manuel Townhouse

For: Walter Jones (R, NC-3)

Nov. 2nd, 2009 (5:30PM - 7:00PM) View Invitation

Reception @ The Home of Georgette Mosbacher

For: Rep. Pete King (R, NY-3)

Nov. 2nd, 2009 (-) View Invitation

Reception @ Princeton Club of New York

For: Rep. Chris Lee (R, NY-26)

Oct. 30th, 2009 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club

For: Rep. John Campbell (R, CA-48)

Oct. 29th, 2009 (5:00PM - 7:00PM) View Invitation

55th Birthday Celebration @ National Democratic Club Townhouse

For: Rep. Brad Sherman (D, CA-27)

Oct. 29th, 2009 (12:00PM - 1:00PM) View Invitation

Lunch @ National Republican Congressional Committee

For: Rep. Lynn Jenkins (R, KS-2)

Oct. 29th, 2009 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club

For: Rep. Thad McCotter (R, MI-11)

Oct. 29th, 2009 (12:00PM -) View Invitation

Space Industry Lunch @ Capitol Hill Club

For: Bill Posey (R, FL-15)

Oct. 29th, 2009 (8:30AM -) View Invitation

Breakfast @ National Democratic Club

For: Rep. Steve Driehaus (D, OH-1)

Oct. 29th, 2009 (8:30AM - 9:30AM) View Invitation

Financial Services & Industry Breakfast @ The Office of USAA

For: Jim Himes (D, CT-4)

Hosted By: Visa USAAA

Oct. 29th, 2009 (8:30AM -) View Invitation

Breakfast @ Capitol Hill Club

For: Rep. Frank Lucas (OK-3)

Oct. 29th, 2009 (8:30AM -) View Invitation

Small Breakfast Series @ James J. Hill House

For: Rep. Frank Lucas (OK-3)

Oct. 29th, 2009 (8:30AM -) View Invitation

Breakfast @ Capitol Hill Club

For: Rep. Randy Neugebauer (R, TX-19)

Oct. 28th, 2009 (6:00PM - 7:30PM) View Invitation

Reception @ Bistro Bis

For: Dan Maffei (D, NY-25)

Oct. 28th, 2009 (6:00PM -) View Invitation

Cocktails and Dinner

For: Rep. Patrick McHenry (R, NC-10)

Oct. 28th, 2009 (5:30PM - 7:00PM) View Invitation

Reception @ Sonoma Restaurant and Wine Bar

For: Rep. Michael Capuano (D, MA-8)

Oct. 28th, 2009 (5:30PM - 7:00PM) View Invitation

Reception @ The Williams & Jensen Townhouse

For: Rep. Nydia Velazquez (D, NY-12)

Oct. 28th, 2009 (12:00PM -) View Invitation

Lunch @ Capitol Hill Club

For: Rep. Michele Bachmann (R, MN-6)

Oct. 28th, 2009 (12:00PM -) View Invitation

Lunch @ National Republican Congressional Committee

For: Rep. Lynn Jenkins (R, KS-2)

Oct. 28th, 2009 (8:00AM - 9:00AM) View Invitation

Breakfast @ Johnny's Half Shell

For: Rep. Travis Childers (D, MS-1)

Oct. 27th, 2009 (6:30PM - 8:30PM) View Invitation

Reception @ The Home of Carolyn Maloney

For: Rep. Carolyn Maloney (D, NY-14)

Hosted By: IBEW PAC International Union of Bricklayers and Allied Craftworkers

Oct. 27th, 2009 (5:30PM - 6:30PM) View Invitation

Reception @ Associated General Contractors (AGC) of America Townhouse

For: Rep. Tom Price (R, GA-6)

Oct. 27th, 2009 (5:00PM -) View Invitation

Reception

For: Rep. Thad McCotter (R, MI-11)

Oct. 27th, 2009 (12:00PM -) View Invitation

Banking Industry Lunch @ Tortilla Coast

For: Rep. Kenny Marchant (R, TX-24)

Oct. 27th, 2009 (12:00PM -) View Invitation

Lunch @ Sonoma Restaurant and Wine Bar

For: Rep. Patrick McHenry (R, NC-10)

Oct. 27th, 2009 (12:00PM -) View Invitation

Energy Industry Luncheon @ Capitol Hill Club

For: Rep. Tom Price (R, GA-6)

Oct. 22nd, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast @ Hotel George

For: Walt Minnick (D, ID-1)

Oct. 21st, 2009 (5:00PM - 6:30PM) View Invitation

Oktoberfest Reception @ Rupli Townhouse

For: Rep. Don Manzullo (R, IL-16)

Oct. 21st, 2009 (-) View Invitation

Lunch @ Capitol Hill Club

For: Leonard Lance (R, NJ-7)

Oct. 15th, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast @ Capitol Hill Club

For: Rep. Ed Royce (R, CA-40)

Oct. 11th, 2009 (-) View Invitation

Columbus Day Getaway @ Buckhorn Exchange

For: Rep. Gresham Barrett (R, SC-3)

Oct. 8th, 2009 (12:00PM -) View Invitation

@ Capitol Hill Club

For: Rep. Chris Lee (R, NY-26)

Oct. 8th, 2009 (12:00PM -) View Invitation

For: Rep. Patrick McHenry (R, NC-10)

Oct. 8th, 2009 (8:30AM -) View Invitation

Breakfast @ Capitol Hill Club

For: Rep. Frank Lucas (OK-3)

Oct. 7th, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast and Conversation @ The Williams & Jensen Townhouse

For: Rep. Jackie Speier (D, CA-12)

Oct. 3rd, 2009 (12:00PM - 3:00PM) View Invitation

2nd annual South Bend Weekend @ Notre Dame Stadium

For: Joe Donnelly (D, IN-2)

Oct. 1st, 2009 (8:30AM - 9:30AM) View Invitation

Breakfast and Discussion @ Bullfeathers of Capitol Hill

For: Mary Jo Kilroy (D, OH-15)

Oct. 1st, 2009 (8:30AM -) View Invitation

Health Care Providers Breakfast @ Capitol Hill Club

For: Rep. Thad McCotter (R, MI-11)

Sept. 30th, 2009 (8:30AM -) View Invitation

Breakfast @ Art and Soul

For: Rep. Edwin (Ed) Perlmutter (D, CO-7)

Hosted By: Louis Dupart

Sept. 30th, 2009 (-) View Invitation

Lunch @ Capitol Hill Club

For: Leonard Lance (R, NJ-7)

Sept. 29th, 2009 (6:30PM - 8:00PM) View Invitation

Reception @ 701 Restaurant

For: Rep. Gary Peters (D, MI-9)

Sept. 29th, 2009 (6:00PM - 8:00PM) View Invitation

Reception @ Sonoma Restaurant and Wine Bar

For: Rep. Gwen Moore (D, WI-4)

Sept. 29th, 2009 (5:30PM - 7:00PM) View Invitation

Reception

For: Rep. Dennis Moore (D, KS-3)

Sept. 29th, 2009 (12:00PM - 1:30PM) View Invitation

Luncheon @ National Democratic Club Townhouse

For: Rep. David Scott (D, GA-13)

Sept. 29th, 2009 (9:00AM - 1:30PM) View Invitation

1st Annual Shoot-Out @ Prince George's County Trap & Skeet Center

For: Rep. Travis Childers (D, MS-1)

<< Previous Page 11 of 20 Next >>

Get Your Party On!

UPCOMING FUNDRAISING EVENTS

Sept. 23	Reception For: Rep. Bruce Braley (D, IA-1)
Sept. 23	Breakfast @ Capitol Hill Club For: Steve Fincher (R, TN-08)
Sept. 23	Breakfast @ Tortilla Coast For: Rep. John Salazar (D, CO-3)
Sept. 23	Breakfast @ Capitol Hill Club For: Rep. Michael Turner (R, OH-3)
Sept. 23	Breakfast Reception For: Rep. Chris Carney (D, PA-10)

View More Events

What A Party!

RECENT FUNDRAISING EVENTS

Sept. 22	Dinner @ Charlie Palmer Steak For: Rep. Steve Israel (D, NY-2)
Sept. 22	@ Art and Soul For: We The People PAC
Sept. 22	Dinner @ Bistro Bis For: Rep. Daniel Lipinski (D, IL-3)
Sept. 22	Washington State Wine Tasting Reception For: Rep. Jay Inslee (D, WA-1)
Sept. 22	DCCC 3rd Quarter PAC Reception @ Union Station For: DCCC

View More Events

Founded in 2006, the Sunlight Foundation supports, develops and deploys new Internet technologies to make information about Congress and the federal government more accessible to the American people. Through its projects and grant-making, Sunlight serves as a catalyst to create greater political transparency and to foster more openness and accountability in government. Visit SunlightFoundation.com to learn more.

EXHIBIT C

Sunlight Foundation's

Today is September 23rd

PARTY TIME

Documenting the Political Partying Circuit

BLOG WIDGETS ABOUT METHODOLOGY FAQ CONTACT

From the early hours of the morning until late in the evening, politicians are partying. Sunlight's PARTY TIME can help you find out who is partying, where and when.

PARTYFINDER™

Other Lawmakers Mentioned | Barney Frank

Find a Party!

Events By Committee Leadership PAC Events
Events by Congressional Leadership
Events by Committee Leadership Bulk Data

PARTYFINDER™ Results for "Barney Frank" within Other_Members_of_Congress

Embed these results on your site/blog

Search Hints

July 20th, 2010 (5 p.m. - 6:30 p.m.) View Invitation

Reception for Stephene Moore (D, KS-03) at The Home of Bernie Robinson

July 9th, 2010 (8 a.m. - 9:30 a.m.) View Invitation

Breakfast Reception for Rep. Carolyn Maloney (D, NY-14) at Offices of Fulbright and Jaworski, LLP

July 1st, 2010 (8 a.m. - 9 a.m.) View Invitation

Reception for Rep. Alan Grayson (D, FL-8) at National Democratic Club Townhouse

June 7th, 2010 (1 p.m. - 2 p.m.) View Invitation

Lunch for Rep. Ron Klein (D, FL-22) at DLA Piper

Hosted by: Mac Bernstein Ken Robinson Charles Baker

May 20th, 2010 (8 a.m.) View Invitation

Small Private Breakfast for Rep. Debbie Halvorson (D, IL-11)

May 13th, 2010 (8 a.m.) View Invitation

Breakfast for Rep. Travis Childers (D, MS-1) at National Democratic Club

May 6th, 2010 (8 a.m. - 9 a.m.) View Invitation

DCCC Business Council Breakfast for Democratic Congressional Campaign Committee at Democratic National Headquarters

March 25th, 2010 (8:30 a.m. - 9:30 a.m.) View Invitation

Breakfast for John Carney (D, DE-01) at Sonoma Restaurant and Wine Bar

March 25th, 2010 (8 a.m. - 9 a.m.) View Invitation

Breakfast for Rep. Carolyn McCarthy (D, NY-4) at Tortilla Coast

March 24th, 2010 (6 p.m. - 8 p.m.) View Invitation

Reception for Rep. Paul Kanjorski (D, PA-11) at The Home of John Weinfurter

March 3rd, 2010 (6:30 p.m. - 8 p.m.) View Invitation

Evening Reception for Rep. Patrick Murphy (D, PA-8) at Rupli Townhouse

March 2nd, 2010 (7 p.m. - 9 p.m.) View Invitation

Dinner for Rep. Gwen Moore (D, WI-4) at The Home of John Weinfurter

Feb. 26th, 2010 View Invitation

Walt Disney World Weekend for Rep. Alan Grayson (D, FL-8) at Disney World

Feb. 25th, 2010 (8 a.m. - 9 a.m.) View Invitation

Breakfast Reception for Rep. John Adler (D, NJ-3) at Johnny's Half Shell

Feb. 24th, 2010 (5:30 p.m. - 7 p.m.) View Invitation

Happy Hour for Rep. Ruben Hinojosa (D, TX-15)

Feb. 3rd, 2010 (8 a.m. - 9 a.m.) View Invitation

DCCC Business Council Breakfast for Democratic Congressional Campaign Committee at Democratic National Headquarters

Jan. 12th, 2010 (5:30 p.m. - 7 p.m.) View Invitation

Reception for Martha Coakley (D, MA) at Sonoma Restaurant and Wine Bar

Hosted by: Steve Elmendorf Robert Raben Heather Podesta Tony Podesta David Castagnetti Susan Brophy Licy Do Canto Tom Hogan Carol Kenner Linda Singer

Dec. 10th, 2009 (8 a.m. - 9 a.m.) View Invitation

Breakfast for Rep. Gerry Connolly (D, VA-11) at Strategic Healthcare Townhouse

Dec. 2nd, 2009 (6 p.m. - 7:30 p.m.) View Invitation

Reception for Rep. Scott Murphy (D, NY-20) at The Home of Julie Domenick

Nov. 17th, 2009 (5:30 p.m. - 7:30 p.m.) View Invitation

50th Birthday Celebration for Rep. James McGovern (D, MA-3) at Top of the Hill

Oct. 29th, 2009 (5 p.m. - 7 p.m.) View Invitation

55th Birthday Celebration for Rep. Brad Sherman (D, CA-27) at National Democratic Club Townhouse

Oct. 6th, 2009 (6 p.m. - 8 p.m.) View Invitation

Reception for Rep. Albio Sires (D, NJ-13) at Rupli Townhouse

Sept. 24th, 2009 (7 p.m.) View Invitation

Dinner for Jim Himes (D, CT-4) at Charlie Palmer Steak

Sept. 23rd, 2009 (6 p.m. - 7:30 p.m.) View Invitation

50th Birthday Celebration for Eric Massa (D, NY-29) at The Home of JamiePericola & Mathilde Pericola

Sept. 23rd, 2009 (8 a.m. - 9 a.m.) View Invitation

DCCC Business Council Financial Services Breakfast for Democratic Congressional Campaign Committee at Democratic National Headquarters

Sept. 15th, 2009 (5:30 p.m. - 7 p.m.) View Invitation

California Wine Tutorial, Tasting and Take-away for Rep. Jackie Speier (D, CA-12) at Rupli Townhouse

Hosted by: Wine Institute

Sept. 10th, 2009 (8 a.m. - 9 a.m.) View Invitation

DCCC Frontline Members Reception for Rep. Travis Childers (D, MS-1) Dan Maffei (D, NY-25) Rep. John Adler (D, NJ-3) Rep. Gary Peters (D, MI-9) Mary Jo Kilroy (D, OH-15) Rep. Bill Foster (D, IL-14) Rep. Suzanne Kosmas (D, FL-24) Rep. Steve Driehaus (D, OH-1) Rep. Alan Grayson (D, FL-8) Walt Minnick (D, ID-1) Jim Himes (D, CT-4) at Offices of Energy Future Holdings

Sept. 10th, 2009 (8 a.m. - 9 a.m.) View Invitation

for Democratic Congressional Campaign Committee at Credit Union House

July 29th, 2009 (6 p.m. - 7:30 p.m.) View Invitation

Cocktail Reception for Rep. Paul Kanjorski (D, PA-11) at The Home of John Weinfurter

Hosted by: John Weinfurter

July 28th, 2009 (6:30 p.m. - 8:30 p.m.) View Invitation

Reception and Dinner for Rep. Charles Wilson (D, OH-6) at Johnny's Half Shell

July 20th, 2009 (1 p.m. - 2 p.m.) View Invitation

Financial Services Luncheon for Rep. Laura Richardson (D, CA-37) at National Democratic Club Townhouse

June 17th, 2009 (8 a.m. - 9 a.m.) View Invitation

Breakfast for Rep. Travis Childers (D, MS-1) at Johnny's Half Shell

June 16th, 2009 (8:30 a.m. - 9:30 a.m.) View Invitation

DCCC Business Council Breakfast for DCCC at Democratic National Headquarters

May 18th, 2009 View Invitation

Bruce Springsteen Concert for Democratic Congressional Campaign Committee at Verizon Center

Hosted by: American Resort Development Association PAC

Sept. 25th, 2008 (5:30 p.m. - 7:30 p.m.) View Invitation

Reception for Rep. Brad Sherman (D, CA-27) at Tortilla Coast

Sept. 24th, 2008 (5:30 p.m. - 7 p.m.) View Invitation

Reception for Martin Heinrich (D, NM-1) at Bistro Bis

Sept. 23rd, 2008 (8 a.m. - 9 a.m.) View Invitation

Breakfast for Rep. Nick Lampson (D, TX-22) at Sonoma Restaurant and Wine Bar

Sept. 16th, 2008 (7 p.m. - 9:30 p.m.) View Invitation

Eric Massa's 49th Birthday & 2008 Campaign for Congress for Eric Massa (D, NY-29) at Ronald Ginsburg's Home

Hosted by: Julie Domenick Steve Elmendorf Eric Lee John Weinfurter Robert Raben Joseph A. Racalto John P. Isa Kim Allman William Baldwin Elizabeth Birch Mark Bromley & David Salie Rob Cogorno Tom DePasquale William Derrough Joseph Falk Mark Glaze Karen Hermann & Susan LaBombard Jody Huckabee Chance Mitchell Justin Nelson James O'Hara RADM Dave Oliver, USN(Ret.) Eileen Pariese Todd Patterson Hilary Rosen Aubrey Sarvis Joseph Solmonese Tom Skancke Mary Snider RADM Dave Stone, USN (Ret.) Jeff Trammell Ambassador Thomas L. Siebert John Dalton

Sept. 16th, 2008 (8 a.m. - 9 a.m.) View Invitation

Breakfast for Rep. John Adler (D, NJ-3) at Securities Industry and Financial Markets Association (SIFMA)

Sept. 9th, 2008 (6 p.m. - 8:30 p.m.) View Invitation

Wine Tasting for Rep. Carolyn Maloney (D, NY-14) at Rupli Townhouse

Aug. 26th, 2008 (12 p.m. - 2 p.m.) View Invitation

Luncheon for GLBT Delegates at Sheraton Denver Hotel

Hosted by: Human Rights Campaign Gay and Lesbian Victory Fund

July 24th, 2008 (8 a.m. - 9 a.m.) View Invitation

Breakfast for Rep. Rosa DeLauro (D, CT-3) at Charlie Palmer Steak

June 27th, 2008 (8:30 a.m. - 9:30 a.m.) View Invitation

Breakfast for Rep. Travis Childers (D, MS-1) at Johnny's Half Shell

June 26th, 2008 (8:30 a.m.) View Invitation

Financial Services Breakfast for Rep. Andre Carson (D, IN-7) at Johnny's Half Shell

June 19th, 2008 (8 a.m. - 9 a.m.) View Invitation

Breakfast for Rep. Bill Foster (D, IL-14) at Sonoma Restaurant and Wine Bar

May 22nd, 2008 (8 a.m. - 9 a.m.) View Invitation

Breakfast Reception for Rep. Betty Sutton (D, OH-13) at The Monocle Restaurant

May 7th, 2008 (8 a.m.) View Invitation

Breakfast for Rep. Leonard Boswell (D, IA-3) at Hotel George

Dec. 11th, 2007 (7 p.m. - 9 p.m.) View Invitation

Evening Reception for Eric Massa (D, NY-29) at The Home of Julie Domenick

Hosted by: American Association for Justice PAC AFSCME PEOPLE IBEW PAC

Sept. 13th, 2006 (12:30 p.m. - 1:30 p.m.) View Invitation

Luncheon for Open Seat Candidates at Democratic National Headquarters

June 20th, 2006 (6 p.m. - 8 p.m.) View Invitation

open bar and appetizers for Sen. Bernie Sanders (I, VT) at Capitol City Brewing Company

Note: You may wonder why you often see repeat entries for the same party. Sometimes we receive the same invitation from more than one source. We are working on eliminating these duplicates.

Get Your Party On!

UPCOMING FUNDRAISING EVENTS

Sept. 23	Reception For: Rep. Bruce Braley (D, IA-1)
Sept. 23	Breakfast @ Capitol Hill Club For: Steve Fincher (R, TN-08)
Sept. 23	Breakfast @ Tortilla Coast For: Rep. John Salazar (D, CO-3)
Sept. 23	Breakfast @ Capitol Hill Club For: Rep. Michael Turner (R, OH-3)
Sept. 23	Breakfast Reception For: Rep. Chris Carney (D, PA-10)

View More Events

What A Party!

RECENT FUNDRAISING EVENTS

Sept. 22	Dinner @ Charlie Palmer Steak For: Rep. Steve Israel (D, NY-2)
Sept. 22	@ Art and Soul For: We The People PAC
Sept. 22	Dinner @ Bistro Bis For: Rep. Daniel Lipinski (D, IL-3)
Sept. 22	Washington State Wine Tasting Reception For: Rep. Jay Inslee (D, WA-1)
Sept. 22	DCCC 3rd Quarter PAC Reception @ Union Station For: DCCC

View More Events

Founded in 2006, the Sunlight Foundation supports, develops and deploys new Internet technologies to make information about Congress and the federal government more accessible to the American people. Through its projects and grant-making, Sunlight serves as a catalyst to create greater political transparency and to foster more openness and accountability in government. Visit SunlightFoundation.com to learn more.

You are Cordially Invited to Join Special Guest

Chairman Barney Frank

(MA-4)

Committee on Financial Services

For a Breakfast Honoring

Congressman Gerry Connolly

(VA-11)

Committee on Foreign Affairs

Committee on the Budget

Committee on Oversight and Government Reform

Thursday, December 10, 2009

8:00 – 9:00 AM

The Strategic Healthcare Townhouse

230 Second Street, SE

Washington, DC 20003

Suggested Contribution Levels:

$5000 ♦ $2500 ♦ $1000

Contributions may be sent to:

Connolly for Congress

729 15th Street NW, Third Floor

Washington, DC 20005

Please R.S.V.P. to Bhavna Pandit at (202) 737-5877 or bpandit@bonnergrp.com

or Monika Raj at (202) 683-2561 or mraj@bonnergrp.com

EXHIBIT D

9/21/09 5:00 pm - 9/21/09 6:30 pm	**Hon. Chet Edwards (TX-17)** Fundraising Reception: Democratic National Headquarters, Wasserman Room 430 S. Capitol Street SE, Washington, DC 200003 Contact: Taylor Beis at 202-347-3042 or Chet.Edwards@fraioliassociates.com Contribution: $5000 PAC Host, $2500 PAC Sponsor, $1000 PAC Guest, $500 Individual Guest Committee: Chet Edwards for Congress, P.O. Box 75214, Washington, DC 20013-5214
9/21/09 7:00 pm - 9/21/09 10:00 pm	***Hon. Raul Grijalva (AZ-07)** Southern Arizona Fall Fiesta: American Legion Hall Post #8 224 D Street SE, Washington, DC 20003 Contact: Danielle Neville at (202) 347-3042 or Raul.M.Grijalva@FraioliAssociates.com Contribution: $5000 Host, $2000 Sponsor, $1000 PAC, $500 Individual Committee: A Whole Lot of People for Grijalva Congressional Committee, P.O. Box 75214, Washington, DC 20013-5214
9/21/09 7:00 pm - 9/21/09 8:30 pm	**Hon. Allen Boyd (FL-02)** Dinner with Special Guests House Majority Leader Hon. Steny H. Hoyer, Hon. Joe Crowley and Hon. Mike Ross: Charlie Palmer Steak 101 Constitution Avenue NW, Washington, DC 20001 Contact: Justin Davey at 202-543-5777 or Justin@BoydforCongress.com Contribution: $2500 PAC Committee: Boyd for Congress, 236 Massachusetts Avenue NE, #603, Washington, DC 20002
9/22/09 8:00 am - 9/22/09 9:00 am	**Hon. Harry Teague (NM-02)** Energy Breakfast with Hon. Gene Green and Hon. Harry Teague: American Gas Association TBA, Washington, DC 20001 Contact: Brigette Workman at workman@4cpartnersllc.com Contribution: $5000 PAC Host, $2000 PAC Sponsor, $1000 PAC Guest Committee: Harry Teague for Congress, P.O. Box 5153, Hobbs, NM 88241
9/22/09 8:30 am - 9/22/09 9:30 am	***Hon. Phil Hare (IL-17)** Breakfast: TBD TBD, Washington, DC Contact: Lisa Kurdziel or Randy Broz at (202) 479-2527 or lkurdziel@politicaldg.com Contribution: $2500 Host $1000 PAC $500 Individual Committee: Friends of Phil Hare, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
9/22/09 8:30 am - 9/22/09 9:30 am	**Hon. Martin Heinrich (NM-01)** Breakfast with Special Guest Chairman Hon. Ike Skelton: Johnny's Half Shell 400 North Capitol Street NW, Washington, DC 20001 Contact: Lawrence Young or Randy Broz at 202-479-2527 or lyoung@politicaldg.com Contribution: $5000 Host, $2500 Sponsor, $1000 PAC, $500 Individual Committee: Martin Heinrich for Congress, 499 S. Capitol Street SW, Suite 422, Washington, DC 20003
9/22/09 6:00 pm - 9/22/09 8:00 pm	***Hon. John Salazar (CO-03)** Salazar Steak Fry 434 New Jersey Avenue SE,, Washington, DC 20003 Contact: Lawrence Young or Randy Broz at (202) 479-2527 or lyoung@politicaldg.com Contribution: $5000 Host $2500 Sponsor $1000 PAC $500 Individual Committee: John Salazar for Congress, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
9/22/09 8:30 pm - 9/22/09 9:30 pm	***Hon. John Yarmuth (KY-03)** Dessert Reception Sponsored by BUSPAC: Hotel Sofitel Lafayette Square 806 15th Street NW, Washington, DC 20005 Contact: Bethay Field at 202-218-7224 or bfield@buses.org Contribution: $1000 Ticket Committee: Yarmuth For Congress, 1819 Brownsboro Road, Louisville, KY 40206
9/23/09 8:00 am - 9/23/09 9:00 am	***DCCC Business Council - with Hon. Barney Frank (MA-04)** DCCC Business Council Financial Services Breakfast: DNC Headquarters; Wasserman Room 430 South Capitol St. SE, Washington, DC 20003 Contact: Amy Pfaehler at 202-485-3504 or email Pfaehler@dccc.org Contribution: $15000 Business Council Member, $10000 Business Council Patron, $5000 Business Council Friend Committee: Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, 2nd Floor, Washington, DC 20003

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

Appendix F

BRAND LAW GROUP
A PROFESSIONAL CORPORATION
923 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700
TELECOPIER: (202) 737-7565

November 17, 2010

RECEIVED
2010 NOV 19 PM 3:30
COMMITTEE ON STANDARDS

HAND DELIVERED & VIA ELECTRONIC MAIL

Representative Zoe Lofgren, Chairwoman
Representative Jo Bonner, Ranking Member
House Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Re: Office of Congressional Ethics, Review No. 10-6002

Dear Chairwoman Lofgren and Ranking Member Bonner:

We represent Congressman Joseph Crowley in connection with the August 27, 2010 Report and Findings of Fact and Citations to Law from the Office of Congressional Ethics ("OCE"), Review No. 10-6002. We submit this response because the allegations set forth in the OCE's Report and Findings do not merit further review by the Standards Committee.

The OCE asserts that: "There is substantial reason to believe that Representative Crowley solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors and the appearance that the contributions were linked to an official act." OCE Findings of Fact and Citations to Law at 3 (hereinafter "Findings").

In reaching its conclusion in this matter, the OCE Findings rely principally upon the Standards Committee's 2004 "Statement of the Committee regarding disposition of the complaint filed against Representative Tom DeLay" ("DeLay Memo") (cited portions attached hereto). As we will establish below, however, neither the DeLay Memo nor the standards of conduct it addresses, support any further action with regard to this matter.

As a more precise analysis of the DeLay Memo reveals, there are substantial and material distinctions between the circumstances in the DeLay Memo and the

pertinent facts here. Most notably, in the DeLay Memo both the fundraiser and proposed legislative language focused on a single company; the subject legislation had already proceeded to a conference committee on which Mr. DeLay sat; and the event at issue was held at a resort over a two-day period, facilitating direct and extended contact with Mr. Delay and his staff about a company-specific provision in the legislation. The facts set forth by the OCE present no similar contact or activity by Representative Crowley or his staff with any company – or, for that matter, any group of companies – regarding any specific legislative provision. Finally, the OCE's assertion that Representative Crowley's wielded a "position of influence" analogous to that of Representative DeLay is justified neither by the facts nor relevant standards of conduct.

In short, the OCE's decision rests solely on the similar timing of the events at issue in this matter with those discussed in the DeLay Memo. Simply put, no law, regulation, code of ethics or House ethics precedent establishes that the timing of a fundraiser alone can give rise to the type of appearance issue alleged here. Accordingly, based on the specific criteria set forth in the DeLay Memo there is no basis for the Committee to conduct further review in this case.

The DeLay Precedent

In the Complaint filed against Representative DeLay, the Committee explored allegations surrounding a June 2002 energy company fundraiser that the complainant contended violated both existing criminal law and House rules. The Committee determined that Representative DeLay's participation in, and facilitation of, the fundraiser violated House rules because it created an appearance that company-related donors were being provided with special access to, and influence over, Representative DeLay and his staff regarding then-pending energy legislation.

A close examination of the DeLay Memo reveals the significant interrelationship between the single company, Westar, on whose behalf legislation was proposed and the fundraising events for Representative DeLay.

This relationship began in June 2001 when Westar's lobbyist met with other Members and presented a draft of electricity legislation important to its operation. These meetings about specific legislative relief for Westar continued for many months into 2002. DeLay Memo at 7-8.

In early June 2002, representatives from Westar participated in an energy industry fundraiser held for, and attended by, Representative DeLay. DeLay Memo at 12-13. The event included a briefing and a golf outing over two days at a resort limited to executives of five energy companies, including Westar. *Id.* at 13. While the Committee acknowledged that "fundraisers directed to particular federal interest are permissible, and at such events Members are free to talk about their record and

positions on issues of interest to the attendees," *id.* at 12, several factors regarding the Westar fundraiser raised concern.

First among these was the timing of the fundraiser as it related to Representative DeLay's position of influence. The fundraiser was held just as a House-Senate conference to which Mr. DeLay was appointed was about to meet. *Id.* at 14. The Committee found that the fact that Representative DeLay was "in a position to significantly influence the conference, both as a member of House Leadership and, by action taken about a week and a half after the fundraiser, his appointment as one of the conferees" added to its concerns about the appearance arising from the fundraiser. *Id.* (Emphasis added).

The Committee also stressed that there were a "limited number of attendees" at the fundraiser and that it included events at a resort over a two day period which facilitated direct contact for Westar with Representative DeLay and his key staff members. *Id.* Finally, the fundraiser included a reception and dinner with fifteen to twenty people where, as described by one of Westar's attendees, "Mr. DeLay asked the group to advise him of any interest we had in Federal Energy Legislation." *Id.* (Emphasis in original). At Representative DeLay's behest, Westar's representative advocated for the legislative provision at issue. The next day, representatives of Westar and an aide to Mr. DeLay shared a golf cart and discussed materials in a "bound briefing book" that Westar had put together about the legislation. *Id.* During the post-golf lunch, a Westar representative "restated" their position to Representative DeLay about the legislation. *Id.*

The combination of these facts formed the basis for the Committee's conclusion that "Representative DeLay's conduct with respect to this fundraiser did not conform to House standards providing that fundraising activities should not involve even an appearance that donors are being provided with special access to a Member in his or her official capacity." *Id.* at 20 (circumstances of fundraiser created improper appearance of "special access to him with regard to pending energy legislation"). The Committee also deemed it "pertinent" that in dismissing a previous complaint against him in 1997, it had advised Representative DeLay "that it is particularly important that a Member not make statements that create the impression that the Member would consider an individual's requests for access or for official action based on . . . campaign contributions." *Id.* at 21.

In announcing its decision, the DeLay Memo concluded: "The focus in the present matter is not so much on statements made by Representative DeLay, **but more on actions he took – *i.e.*, his actions in facilitating and participating in the energy company fundraiser – that raise the very same concern expressed in that earlier Committee statement**." *Id.* (Emphasis added).

In summary, the DeLay case stands for the proposition that protracted, successive meetings at a fundraiser between a single company and a Member and his staff can create an improper appearance of "special access." According to the DeLay Memo, this activity, taken as a whole, created the appearance that Representative DeLay was providing donors with special access with regard to pending energy legislation. As we will show below, these factors are not present in this matter and, therefore, do not warrant further action by the Committee.

Representative Crowley's Actions Are Clearly Distinguishable from the DeLay Memo and Create No Impermissible Appearance of Special Access

The OCE relies on several asserted factors present in the DeLay case which they maintain are similar to Representative Crowley's actions. Save one – the temporal proximity of the fundraiser to an official act (in this case a simple vote on the House floor) – either none of the factors are present here or such factors are so distinguishable as to render them inapposite to this matter.

First, during the time of the energy fundraiser and his interaction with Westar Representative DeLay served both as Majority Whip, the third-ranking position in the House leadership, and as a soon-to-be member of the Conference Committee. Representative Crowley is not a member of the House Financial Services Committee from which the Financial Reform Bill was reported. His participation in the so-called New Democrat Coalition, which the OCE Findings, at 8, ¶ 26, cite as a "position of influence," is an informally organized Congressional Member organization, of which there are many. The Coalition simply exists to permit Members to pursue common legislative purposes. While they are subject to House rules they have no formal authority, no official jurisdiction and no ability to report legislation. Nor did his position as "Chief Deputy Whip" provide Representative Crowley with the kind of substantial authority over financial regulation that would be comparable to that held by Representative DeLay as Majority Whip and a member of the conference committee.

Similarly, Representative Crowley's authorship of "two amendments" as cited by the OCE, at 8 ¶ 25, is of little relevance. The first amendment, which he co-authored with six other members and which addressed the Comptroller of the Currency's ability to assess state laws, was withdrawn; the second concerned a temporary increase in lending authority for the Small Business Administration. Most importantly, the OCE establishes no connection between Representative Crowley's House legislative positions or his work on the two amendments and any of his fundraising activities at issue.

Moreover, unlike the DeLay Memo, the OCE Findings do not cite to any interaction between the persons or entities represented at the fundraisers and Representative Crowley relating to, or discussing, the financial reform bill proposals.

The DeLay Memo recites repeated, specific instances in which Representative DeLay or his staff were presented with Westar's position and/or solicited its views during the two-day resort fundraiser. The DeLay Memo establishes a protracted, substantive dialogue between the Member and Westar.

Here, the OCE Findings blithely cite to Representative Crowley's mere receipt of campaign contributions from a variety of financial service entities around the time of the floor vote on the financial reform bill. In OCE's view, that fact, standing alone, is sufficient to implicate the appearance standard. However, nothing in the DeLay Memo suggests that the mere contemporaneity of an official act and a fundraiser constitutes an improper appearance of the conveyance of special access. There is nothing "special" about the access granted to the attendees at the Crowley fundraising events, which involved 42 attendees in one instance (December 10, 2009), 13 in another (December 10, 2009), and seven attendees in a third (December 7, 2009). Indeed, the OCE elides that Representative Crowley held two other events in December for entities with no specific interest in the legislation at issue here. *See* Findings at 10, ¶ 28.

That many different entities attended the five different fundraising events in December 2009 compels dismissal of the referral. Simply put, the OCE has presented no evidence, either direct or inferential, resembling the "special access" for "one company" and "one piece of legislation" that created the improper appearance in the DeLay matter. The mere confluence here of campaign events and House votes cannot create a similar appearance.

<u>The OCE Findings Provide No Clear Guidelines for Members' Conduct</u>

It is well-settled that the ethics guidelines, including Committee rules, precedent and the House Ethics Manual, exist to provide a "resource for Members to assist them in conforming their conduct to the high ethical standards they must meet." House Ethics Manual at iii. The OCE's use of the DeLay Memo to justify the existence of a "substantial reason to believe" the allegations in this matter violates this central precept. In issuing its referral, the OCE fails to proffer any reasonable standard to either judge Representative Crowley's actions or to guide other Members' future conduct.

Of greatest concern to us is the reference to Representative Crowley's purported "position of influence" discussed above. OCE's Findings establish no gauge for Members to determine how much influence is "too much" when they participate in fundraising activities during a legislative session. Indeed, if the OCE believed that a "reasonable basis" and/or "probable cause" existed to open and pursue investigations into others, including Members who held similarly-timed fundraisers and served on committees with direct jurisdiction over financial reform issues, we cannot discern how the OCE ultimately distinguished between the matters it declined and those it referred. Committee ratification of the OCE's apparently arbitrary actions in this matter would not

only be unfair to Representative Crowley, but could pose broad enforcement issues for the Congress as a whole.

In conclusion, the OCE's Findings erroneously rely on the DeLay Memo to justify its referral of this matter to the Committee. The fundamental differences in this matter from that precedent obviate any comparison between the two. Given that the OCE relied solely on the DeLay Memo to justify its referral, no reasonable basis remains to pursue this matter further. Accordingly, Representative Crowley respectfully requests that this Committee reject the OCE's referral and decline further action relating to this matter.

Sincerely,

Stanley M. Brand
Andrew D. Herman

Enclosure

Declaration

I, Representative Joseph Crowley, declare (certify, verify or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated 11/17/2010, 2010, relating to my response to the Report and Findings of the Office of Congressional Ethics, are true and correct.

Signature: Joseph Crowley

Printed Name: JOSEPH CROWLEY

Date: November 17, 2010

REPORTS

Memorandum of the Chairman and Ranking Minority Member

MEMORANDUM TO THE MEMBERS OF THE COMMITTEE

FROM: s/Joel Hefley, Chairman

s/Alan B. Mollohan, Ranking Minority Member

SUBJECT: Recommendations for disposition of the complaint filed against Representative DeLay

As the members of the Committee are aware, we, in our capacities as Chairman and Ranking Minority Member, have been considering the complaint filed by Representative Bell against Representative DeLay on June 15, 2004.[1] Committee Rule 16 provides the Chairman and the Ranking Minority Member, acting jointly, with two options regarding the allegations made in a properly filed complaint:

to establish an investigative subcommittee, and forward the complaint, or any part of it, to that subcommittee for a formal investigation, or

to "recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member . . . against whom the complaint is made."

After carefully considering the allegations of the complaints, and engaging in extensive fact-gathering under Committee Rule 16(c), we have determined to make recommendations to the Committee regarding disposition of each of the three counts of the complaint. Briefly stated, for the reasons detailed below, our recommendations to the Committee are as follows.

1. Count I of the complaint alleges that Representative DeLay violated both criminal law and House Rules by soliciting and receiving campaign contributions from Westar Energy, Inc. "in return for legislative assistance on the energy bill" in 2002, and that his actions constituted the dispensing of impermissible special favors. In particular, the complaint references a $25,000 contribution that Westar made in May 2002 to the Texans for a Republican Majority PAC ("TRMPAC"), a PAC with which Representative DeLay was affiliated. **The information we obtained indicates that (1) neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and (2) Representative DeLay took no action with regard to Westar that would constitute an impermissible special favor.**

However, we also obtained information indicating that Representative DeLay's participation in and facilitation of an energy company fundraiser in June 2002 is objectionable in that his actions, at a minimum, created the appearance that donors were being provided with special access to Representative DeLay regarding the then-pending energy legislation. Accordingly, our recommendation is that this count be disposed of by means of a letter of admonition to Representative DeLay that states that while, on the basis of the information before the Committee, a formal investigation of the violations alleged in Count I is not warranted, his actions with regard to the June 2002 energy company fundraiser raise an appearance of impropriety under House standards of conduct.

2. Count II alleges that Representative DeLay used TRMPAC, the Texans for a Republican Majority PAC, to "funnel" corporate funds to Texas state campaigns in 2002 in violation of provisions of the Texas election code. **Our recommendation is that action on this count be deferred under Committee Rule 15(f) pending further action both in the cases that were initiated by the recent TRMPAC-related indictments in state court in Texas and in the District Attorney's continuing investigation TRMPAC's activities in 2002.**

3. Count III alleges that the contacts of Representative DeLay's staff with the Federal Aviation Administration and the Justice Department in May 2003 regarding absent Texas state legislators constituted an effort to use federal resources in a political issue and hence were improper under Committee guidance on contacts with federal agencies. **Our recommendation is that this count be dismissed insofar as it concerns the contacts with the Justice Department, and that insofar as it concerns the contacts with the FAA, it should be disposed of by means of a letter of admonition to Representative DeLay that sets out the serious concerns that those contacts raise under House standards of conduct that preclude using governmental resources for a political undertaking.**

Our recommendation that Counts I and III be resolved by a letter of admonition is made pursuant to Committee Rule 16(b)(1), which provides that with Committee approval, a complaint may be resolved "by a letter to the Member, officer, or employee of the House against whom the complaint is made." That Committee Rule, as well as the House Rule on which it is based (House Rule 11, clause 3(k)(1)(A)), took effect in 1997, and it reflects prior Committee practice.

Resolution of a complaint by means of a letter to the respondent is appropriate where, according to the information before the Committee, the respondent's conduct either violates or raises concerns under House Rules or standards of conduct, but the circumstances – including the completeness of the information before the Committee, and the nature of the violation – indicate that a formal investigation is not warranted.[2] While the Committee does not hesitate to launch a formal investigation where there is any unresolved issue of material fact, or the conduct involved indicates that a formal sanction may be in order, the Committee has resolved a number of complaints by such a letter.[3] In the past such letters have not been formally termed as "letters of admonition,"[4] but this term accurately describes the substance of these letters.

Put another way, neither one of us believes that a formal investigation is warranted now with regard to any count of the complaint, and thus we do not recommend that an investigative subcommittee be established with regard to any of the complaint's allegations. **It is our intention to publicly release this memorandum and its attachments under our authority under Committee Rule 7(g). To the extent that this memorandum does not fully reflect the reasons for the Committee's actions on the complaint, we recommend that the Committee issue a public statement that provides such an explanation.**

Two additional matters are addressed in this memorandum. First, Representative DeLay's submissions raised three major objections to the complaint and Representative Bell's conduct in this matter. For the reasons set out below, our conclusion is that two of those objections – that the complaint was not properly filed under Committee Rule 14(a), and that Representative Bell's acceptance of assistance in drafting of the complaint violated House Rule 24 – are not valid. Representative DeLay's other major objection – which is that the complaint includes innuendo, speculative assertions and conclusory statements in violation of Committee Rule 15(a)(4) – is a matter that should be taken up separately by the Committee, and we intend to bring it before the Committee in the near future. In addition, in the last section of this memorandum, we address the requests made by various entities that the Committee employ outside counsel in its consideration of the complaint.

Our fact-gathering activities under Committee Rule 16(c). During our consideration of the complaint, Committee Rule 16(c) authorized us to "jointly gather additional information concerning alleged conduct which is the basis of a complaint." As noted above, we made extensive use of that authority, and our efforts included the following. We sought and received relevant documents from Westar Energy, Inc. and the Inspectors General of the U.S. Department of Transportation and the U.S. Department of Justice. In addition to Representative DeLay, individuals who provided documents and/or written responses to our requests for information included the following:

Mr. Doug Lawrence, who had been Vice President for Public Affairs of Westar and was the author of two documents on which Count I of the complaint relies; Mr. Lawrence is currently a lobbyist and consultant at the state level in Kansas;

Messrs. Richard Bornemann, Timothy Smith and William Kenworthy, who are Washington-area lobbyists who represented Westar in the relevant period;

Mr. Drew Maloney, who is a lobbyist and a former DeLay staff member; prior to his departure from the DeLay staff at the end of March 2002, among the issues he handled were those relating to energy;

Representatives Billy Tauzin and Joe Barton, who in 2001-2002 were, respectively, Chairman of the Energy and Commerce Committee, and Chairman of that Committee's Energy and Air Quality Subcommittee;

Mr. Jack Victory of Representative DeLay's leadership office staff; Mr. Victory is a policy advisor to Representative DeLay and in 2002 handled energy issues after the departure of Mr. Maloney from the staff;

Ms. Juliane Sullivan of Representative DeLay's leadership office staff; Ms. Sullivan is Representative DeLay's Policy Director; and

Mr. Andy Black of Representative Barton's Energy and Commerce Committee staff.

This fact-gathering activity does not and is not intended to substitute for a formal investigation.[5] Rather, this informal fact-gathering has the more limited purpose of "ensur[ing] that the chairman and ranking minority member have sufficient information to make a recommendation" to the full Committee.[6] Put another way, its purpose is to inform us and the Committee on whether a formal investigation of any allegation made in a complaint is warranted.

If in the future credible information that is materially at odds with the information we have obtained to date regarding Counts I or III of the complaint were to come to the Committee's attention, the Committee retains the authority to act on that information as appropriate.

The TRMPAC-related indictments of September 21, 2004. On September 21, 2004, a grand jury of the District Court for Travis County, Texas issued a total of 32 indictments of individuals affiliated with TRMPAC and certain of TRMPAC's corporate donors. The indictments included the following: fourteen against Mr. John D. Colyandro, who was Executive Director of TRMPAC, nine

against Mr. Warren M. RoBold, who was a fundraiser for the PAC, and eight against corporate donors. Copies of certain of the key indictments are Attachment A to this memorandum.

As shown in Attachment A, one of the corporations indicted was Westar, and the charge is that Westar's May 2002 contribution to TRMPAC of $25,000 "was not authorized by Subchapter D of Chapter 253 of the Election Code."[7] In this regard, Subchapter D of the Texas Election Code sets out certain limited contributions or expenditures that a corporation may make. One provision of Subchapter D (§ 253.094) states that a corporation "may not make a political contribution or political expenditure that is not authorized by this subchapter," and that a person who violates that provision commits a third degree felony. One of the indictments of Mr. Colyandro was that he knowingly accepted the Westar contribution, which

the defendant knew to have been made in violation of Chapter 253 of the Election Code, and that, having been made by a corporation and not having been authorized by Subchapter D of Chapter 254 of the Election Code, was made in violation of Subchapter D of Chapter 253 of the Election Code.[8]

Of course, for many months we have been monitoring the grand jury investigation through media reports. These indictments are directly pertinent to one of the key issues raised by Count II of the complaint, which is whether TRMPAC's use of corporate funds in 2002 Texas state elections was lawful under the Texas Election Code. In this regard, two of the indictments – one of Mr. Colyandro, and one of another individual affiliated with TRMPAC, Mr. James W. Ellis – concern a specific TRMPAC transaction with the Republican National Committee that is the subject of ¶¶ 32-34 of Representative Bell's complaint. The issuance of these indictments is a major step by Texas authorities to resolve issues that are also raised in Count II, and thus their issuance supports our recommendation that action on Count II be deferred.

Westar's contribution of $25,000 to TRMPAC is a major focus of Count I of the complaint, and as we've noted, two of the Texas indictments relate to that contribution. However, the issue raised by those indictments – *i.e.*, whether the contribution was lawful under the Texas Election Code – is entirely different from the issues raised by Count I – *i.e.*, whether Representative DeLay improperly solicited the contribution, and whether he granted Westar impermissible special favors. We see nothing in the indictments that affects our analysis of Count I of the complaint.[9] Of course, if further proceedings on the Westar-related indictments were to produce information that is materially at odds with the information we obtained relating to Count I, the Committee retains the authority to act on that information as appropriate.

* * *

The specifics of our recommendations, and the reasons for them, are detailed below.

Count I of the Complaint, relating to contributions from Westar Energy and congressional action on the legislation it was seeking in 2002.

Facts and violations alleged in Count I. Count I alleges that Representative DeLay's conduct relating to Westar Energy, Inc. in 2002 violated applicable laws, rules or standards of conduct in two respects. First, the complaint alleges that Representative DeLay solicited and received campaign contributions from Westar "in return for legislative assistance on the energy bill" and thereby violated the following –

the provisions of federal criminal law on bribery and illegal gratuities, 18 U.S.C. § 201, and

a provision of the House Code of Official Conduct, House Rule 23, clause 3, that provides that a Member, officer or employee "may not receive compensation and may not permit compensation to accrue to his beneficial interest . . . the receipt of which would occur by virtue of influence improperly exerted from his position in Congress."

Second, the complaint also alleges Representative DeLay's actions with regard to Westar constituted the dispensing of special favors in violation of ¶ 5 of the Code of Ethics for Government Service. That provision of the Code states in part that a federal official should "[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not."

In support of these allegations, the complaint refers to three matters:

two internal Westar documents from May 2002 that tie campaign contributions by the company and its executives with the company's efforts to have a particular provision that would benefit Westar only included in the then-pending energy legislation,

the contributions actually made by Westar and its executives in 2002 to House Members, PACs affiliated with House Members, and one non-incumbent candidate for the House, and

the action of Representative Barton in inserting a provision pertaining to Westar in the House-Senate conference on energy legislation on September 18, 2002, and a vote taken by the House conferees the next day, September 19th, in which an attempt to strike that provision was defeated.

The two internal Westar documents referenced in the complaint are attached to this memorandum as Attachments B and C. Both of those documents had been authored by Mr. Doug Lawrence, who, as noted above, was at the time Westar's Vice President for Public Affairs. They were among a group of documents that was publicly released by Westar last year in connection with a report of a special committee to the company's board of directors on matters that were or might become the subject of a federal investigation of the company that was then underway.[10]

Attachment B is a memorandum of May 17, 2002 that sets out proposed campaign contributions by 13 Westar executives to five House Members, including Representative DeLay, and one non-incumbent candidate for the House. The memorandum characterizes the proposed contributions as "the total budget for our Washington efforts regarding the Federal Energy Bill and its impact on our financial restructuring plan." The proposed contribution to Representative DeLay's campaign is $2,500. The memorandum also refers to corporate "soft money" in the amount of $25,000, without identifying a proposed recipient. It also notes that the budget allocations were "as recommended by our Washington Lobbyist."

Attachment C is the text of a follow-up e-mail of May 20, 2002 to one of the Westar executives that, among other things, refers to the company's efforts to insert "our grandfather provision on PUHCA [Public Utility Holding Company Act] repeal into the Senate version of the energy bill," and characterizes the proposed contributions as "a plan to get a seat at the table" of the Conference Committee. The e-mail also refers to the proposed recipients as "a group of candidates associated with Tom Delay [sic], Billy Tauzin, Joe Barton and Senator Richard Shelby." As to the relationship between the proposed recipients and the energy legislation, the e-mail states the following:

Delay [sic] is the House Majority Leader [sic: at the time, he was Majority Whip]. His agreement is necessary before the House Conferees can push the language we have in place in the House bill. [Representative] Shimkus is a close associate of [Representative] Billy Tauzin and Joe Barton, who are key House Conferees on our legislation. They made this request in lieu of contributions made to their own campaign. Tom Young is Senator Shelby's Chief of staff who is running for the House in Alabama. Shelby . . . is our anchor on the Senate side. He's made a substantial request of us for supporting Young's campaign.

The second matter that the complaint references, as noted above, is the campaign contributions actually made by Westar and its executives in 2002 after the above two documents were sent. Those contributions included $25,000 from Westar to the Texans for a Republican Majority PAC (TRMPAC), a political action committee with which Representative DeLay was affiliated, in May 2002, and a total of $33,200 in "hard money" donations by Westar executives. The recipients of the contributions from the executives included the six House campaigns noted in the May 17, 2002 memorandum (Attachment B). Later in the year, the recipients included the campaign and leadership PAC of Representative Barton, the leadership PAC of Representative Tauzin, and the campaigns or PACs of several other House Members. Representative DeLay's campaign received a total of $2,400 from Westar executives in June 2002.

Finally, as noted above, the third point referenced in Count I of the complaint is action that was taken on the Westar provision in the House-Senate conference on the energy legislation. The pertinent paragraph of the complaint (¶ 12) alleges the following:

On September 18, 2002, in the conference on the energy bill, Mr. Barton inserted the Westar provision. The next day, Mr. Barton, who held Mr. Tauzin's proxy, defeated Congressman Edward Markey's motion to strike the Westar provision on a party line vote of 8 to 6. During the discussion of Mr. Markey's motion, Mr. Barton stated, "[t]his particular provision benefits one company. That company is . . . Western Resources [former name of Westar] in Topeka, Kansas." [citation omitted.]

Referring to the above three matters together, the complaint asserts (in ¶ 19),

[T]he Westar 'get a seat at the table' e-mail, together with the temporal proximity of the contributions and the legislative action taken regarding the 'Westar amendment' establishes a *prima facie* case that Rep. DeLay violated both federal statutes and House rules." (footnote omitted).

The applicable laws, rules and standards of conduct. Under House standards of conduct as set out in Committee publications, a Member may not make a solicitation for campaign or political contributions that is linked with any specific official action taken or to be taken by that Member. In addition, a Member may not accept any contribution that is linked with any specific official action taken or to be taken by that Member.[11] These standards are grounded on the fundamental requirement of the House Code of Official Conduct that a Member, officer or employee "shall conduct himself at all times in a manner that shall reflect creditably on the House."[12]

Quite clearly, if a Member were to agree to take official action in exchange for a campaign contribution, that Member would be subject not only to disciplinary action by this Committee for violation of the House Code of Official Conduct, but also to criminal prosecution by the Justice Department under the bribery statute. However, the scope of the House standards of conduct in this area is broader than that of the criminal bribery statute. In this regard, the bribery statute is violated only where it is shown that there was a "quid pro quo," *i.e.*, a specific intent to give or receive something of value in exchange for an official act.[13]

In contrast, the House standards of conduct generally preclude any link between the solicitation or receipt of a contribution and a specific official action.[14] Thus, for example, the Committee has stated that where a constituent simply encloses a campaign contribution in a letter requesting casework assistance, the Member should return the contribution.[15] In addition, the Committee has stated that a Member should not make any solicitation that creates even the appearance that campaign contributors will receive or be entitled to either special treatment or special access to the Member in his or her official capacity.[16] Put another way, there are fundraising activities that do not violate any criminal statute but may well violate House standards of conduct.

In addition – and entirely apart from the authorities that govern the solicitation and receipt of political contributions – the Committee has long advised that a Member may not take or withhold any official action on the basis of whether the person involved is a campaign contributor.[17] This guidance is substantially based on ¶ 5 of the Code of Ethics for Government Service, which provides that a federal official should "[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not."[18] The Committee has made it clear that this provision does not prohibit a Member from taking action on behalf of a person who is a contributor, but instead it prohibits a Member from taking an official action solely or substantially on the basis that a person has made a contribution.[19]

As noted above, the complaint also alleges a violation of clause 3 of House Rule 23, which prohibits receipt of compensation that "would occur by virtue of influence improperly exerted from [one's] position in Congress." The legislative history of that provision indicates that it was intended to prohibit the use of one's official position "to make pecuniary gains" (*see House Ethics Manual* at 88), and historically the Committee has not applied the provision with regard to receipt of campaign contributions.

Summary and analysis of the information before the Committee regarding Count I.
Based on the analysis set out above, we sought information relating to two issues under Count I:

did Representative DeLay make a solicitation of campaign funds from Westar that was improperly linked with action on legislation sought by the company, and

did Representative DeLay take any actions with regard to the Westar legislation, and if so, did his actions constitute the granting of an impermissible "special favor" to a campaign donor?

As detailed below, the information that we obtained relating to these two issues indicates that (1) neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and (2) Representative DeLay took no action with regard to Westar that would constitute an impermissible special favor. However, we also obtained information indicating that Representative DeLay's participation in and facilitation of an energy company fundraiser in June 2002 – the fundraiser in which Westar made a $25,000 contribution to TRMPAC – is objectionable in that, at a minimum, his conduct created at least the appearance that donors were being provided with special access to Representative DeLay regarding the then-pending energy legislation.

Below in this memorandum we set out the facts we obtained on, first, the circumstances of Westar's contribution to TRMPAC, then the matter of the June 2002 energy company fundraiser, and, finally, Representative DeLay's actions with regard to the legislative provision sought by Westar. Preliminarily, however, we set out the basic facts regarding Westar and the legislative provision it was seeking in 2001-2002, as well as a chronology of the actions taken relating to that legislation. This

basic information helps to place the allegations of Count I in proper context.

Westar, and the legislative provision sought by the company in 2001-2002. Westar, which is headquartered in Topeka, Kansas, provides electric service for customers in the eastern part of Kansas. The company's name had been Western Resources, but in mid-2002, its name was changed to Westar Energy. In the mid-1990's, the company began to acquire businesses outside the regulated utility field, and primarily in the field of home security monitoring. However, in 2000 the company decided to undertake an effort to split its regulated utility business and its non-regulated businesses into two separate companies. It appears that the basic purpose of the legislative provision that Westar sought in this period was to enable the company to proceed with this restructuring plan.

As is indicated in some of the materials quoted above, the legislative provision sought by Westar concerned the then-pending proposals to repeal the Public Utility Holding Company Act of 1935 (PUHCA),[20] and the interplay between that Act and the Investment Company Act of 1940 (ICA),[21] which is the major statute that regulates mutual funds. Under a provision of the ICA,[22] companies that are subject to regulation under PUHCA are exempt from regulation under the ICA.

Attachment D to this memorandum is a set of lobbying materials that Westar distributed in support of its proposal. These materials were provided to us by Mr. Jack Victory, who handled energy issues for Representative DeLay, and who said he received them in meetings with a Westar lobbyist. Those materials indicate that if the then-pending proposal for the repeal of PUHCA were enacted, one result would be that because of the company's particular circumstances, Westar – and Westar alone – would become subject to regulation under the ICA. Accordingly, Westar proposed a provision, the effect of which would have been to exempt the company (or, more accurately, one of the companies that would result from Westar's proposed restructuring plan) from regulation under the ICA.[23] The provision was in the nature of a "grandfather", as it would have exempted Westar from the ICA on the basis of certain corporate attributes that it had as of December 31, 2001.

Chronology of action on the Westar "grandfather" provision. The following chronology of actions on the Westar provision is based on information we obtained in our fact-gathering. Among the points indicated in this chronology are that (1) the Member who was most active on the Westar legislation was Representative Barton, who was at the time Chairman of the House Energy and Air Quality Subcommittee, and (2) significant action on that legislation was initiated by Representative Barton more than seven months before the Westar communications on contributions on which the complaint relies were sent.

On June 27, 2001, Representative Barton and his committee staff member met with Westar's lobbyist, Richard Bornemann, on the company's circumstances.[24]

On September 21, 2001, Representative Barton circulated a discussion draft of electricity legislation to the members of the Energy and Air Quality Subcommittee, and that draft included the Westar provision as § 125 of the bill. The title page and § 125 are Attachment E to this memorandum.

On October 9, 2001, Representative Barton circulated another discussion draft of electricity legislation to the subcommittee members, and the Westar provision was § 125 of that draft as well. The title page and § 125 of the October 9th draft are also in Attachment E to this memorandum.

On December 5, 2001, Representative Barton introduced H.R. 3406, the Electric Supply and Transmission Act, in which the Westar provision appeared as § 125 – see Attachment F.

On April 26, 2002, the Senate passed an amended version of H.R. 4, the energy legislation that the House had passed on August 2, 2001.[25] While the House version did not include repeal of PUHCA, the Senate version did include repeal, and thus the matter of PUHCA repeal was expected to come before the House-Senate conference on H.R. 4.

On July 24, 2002, Representative Barton and his committee staff member met with two Westar lobbyists, Mr. Bornemann and Ms. Marianne Smythe, to discuss a revised version of the Westar provision. After H.R. 3406 was introduced, concerns had been raised that the Westar provision as it appeared in that bill might allow companies in addition to Westar to avoid regulation under the ICA. To address those concerns, Westar proposed a narrower version. That narrower version is discussed in the Westar lobbying materials that are Attachment D to this memorandum.

On both September 13 and September 18, 2002, Chairman Tauzin and Representative Barton circulated to the House conferees on H.R. 4 drafts of an offer to the Senate on electricity issues. Both of those drafts included the narrower version of the Westar provision that is set out in Attachment D. The Westar provisions in these two drafts are Attachment F to this memorandum (in the draft circulated on September 18th, the Westar provision was § 136).[26]

On September 19, 2002, the House conferees voted on an amendment offered by Representative Markey to strike § 136, the Westar provision, from the House offer. The transcript of the debate on his amendment is Attachment H. Representative Barton spoke in "mild opposition" to the amendment, indicating that the purpose of the provision was to prompt the Securities and Exchange Commission to use its existing authority to exempt Westar from the ICA. The amendment was defeated on a party line vote of 8 to 6, and Representative Barton cast his vote as well as those he held by proxy – including the vote of Representative DeLay – against the amendment.

On September 27, 2002 Westar filed an SEC Form 8-K disclosing that the company and some of its employees had been served with federal grand jury subpoenas by the U.S. Attorney's office in Topeka, Kansas on various matters relating to the company and its CEO, including on the use of the company's aircraft. A copy of that Form 8-K is in Attachment I to this memorandum.

On September 30, 2002, Westar's SEC Form 8-K was circulated among the conferees on H.R. 4, along with a letter from the Chairman of the Kansas Corporation Commission (KCC) expressing opposition to the Westar provision. A copy of the KCC Chairman's letter is also in Attachment I.[27]

On September 30, 2002, according to Representative Barton, he instructed the staff to drop the Westar provision from subsequent offers to the Senate on electricity issues, after learning that Westar was under federal investigation and considering criticisms of the provision.

The conference committee did not report any bill before the end of the 107th Congress, and thus no energy legislation was enacted at that time. Among the documents that Westar provided us is a copy of an e-mail from Westar executive Doug Lawrence to company CEO David Wittig of September 30, 2002, which is Attachment J. According to that message, the Westar provision was killed by both of the two above-noted factors: Westar's disclosure that the company was under federal investigation, and the letter of the KCC Chairman expressing opposition to the provision.

The issue of whether Representative DeLay made a solicitation of campaign funds from Westar that

was improperly linked with official action.

Review of the materials presented in the complaint on this matter reveals a significant gap between the violations alleged against Representative DeLay, on the one hand, and the information offered in support of those allegations, on the other. The major violation alleged could hardly be more serious: that Representative DeLay solicited a bribe from Westar in the form of campaign contributions. However, the information presented in the complaint on Westar's reasons for making the contributions at issue here – specifically, the Westar documents that are attached hereto as Attachments B and C – includes no reference whatsoever to any solicitation by Representative DeLay or anyone acting on his behalf.

In the absence of any information in the complaint regarding a solicitation of Westar by or on behalf of Representative DeLay, we sought such information under our authority under Committee Rule 16(c). As detailed below, we obtained information regarding the discussions between Westar's lobbyist and the organizer of a June 2002 fundraiser for Representative DeLay's leadership PACs, as well as information on Westar's participation in that event. The information that we obtained does not indicate that there was any improper solicitation of Westar by either Representative DeLay or anyone acting on his behalf.

Turning, first, to Westar's program for the making of campaign contributions in 2002 as described in Attachments B and C, one of the documents that Westar provided to us significantly illuminates that program. That document, which is Attachment K, is a memorandum to Doug Lawrence, who was then Westar's Vice President for Public Affairs and was the author of Attachments B and C. The memorandum, which is dated April 23, 2002 and thus pre-dates Attachments B and C[28] sets out recommendations for a program of political contributions by Westar and its executives. While that memorandum is unsigned, Mr. Lawrence has advised us that he received it from Westar's lobbyist, Mr. Bornemann.

As detailed below, the relationship between the two Westar documents of May 2002, on the one hand, and the April 23rd memorandum, on the other, is evident from a review of their texts. The documents of May 2002, which were authored by Mr. Lawrence and propose that Westar executives make a number of specific political contributions, merely characterizes the contents of the April 23rd memorandum from Westar's lobbyist. As is also detailed below, the May 2002 communications mischaracterize the April 23rd memorandum in certain key respects, and it is those mischaracterizations that have generated much of the controversy in this matter.

The April 23, 2002 memorandum recommending a program of Westar political contributions.

The April 23rd memorandum by Mr. Bornemann is important here for several reasons. To begin with, the memorandum presents the program for campaign contributions as part of a long-term program for the company to establish a presence in Washington.[29] In contrast to Attachments B and C, it does not tie that program to the provision that Westar was seeking in the then-pending energy legislation. The program's purpose is stated in the April 23rd memorandum as follows:

Below are our recommendations for beginning to develop a significant and positive profile for the Company's federal presence. A couple of observations.

First, this is not a random wish list that simply matches titles with solicitations. We have thought this through, and we're happy to explain it in more detail.

Secondly, this will strike you as very big . . . . But that's largely because of the rapidity and reach of the Company's move to enlarge its traditional single-state delegation-based approach to Washington. The Company now seeks a committee and leadership-based approach to Capitol Hill – and we do well to recognize that there are high 'up-front' costs for a long-term presence.

Issues come and go, and we know you agree that the 'switch' cannot be turned on and off according to the issue *de jure* [sic]. There's significant value in securing your 'place at the table' for a much longer period ahead. . . . . [emphasis added]

In short, it appears that the "seat at the table" language in Attachment C, on which the complaint focuses attention (see ¶¶ 9, 19), was simply taken from this earlier memorandum by Mr. Bornemann, and that it was not indicative of a solicitation made by or on behalf of any House Member that linked campaign contributions with action on the energy legislation.[30] Moreover, Mr. Lawrence, who was the author of Attachment C, has confirmed to us that this was the case. A letter to us on behalf of Mr. Lawrence from his counsel states the following on this point:

Mr. Lawrence had no communication with a Member of Congress or an individual affiliated with a Member of Congress, regarding any campaign contribution being linked to legislation. The reference to 'getting a seat at the table' [in Mr. Lawrence's e-mail of May 20, 2002] was from Westar's Lobbyist, Richard Borneman [sic], who had used the phrase in an earlier communication. Mr. Lawrence did not believe, nor was it communicated to him, that Westar's campaign contributions were linked to any legislation. [emphasis added]

In addition, the above-quoted materials from Mr. Bornemann's memorandum indicate that that campaign contributions discussed in that memorandum did not reflect solicitations received from any Member or anyone acting on behalf of a Member, but instead were simply proposals of the lobbying firm. Thus the memorandum refers to "our recommendations," and states that, "We have thought this through . . . ."

In this regard, the proposed contribution to Representative Shimkus is particularly noteworthy. In referring to that contribution, the e-mail of May 20, 2002 (Attachment C) states that Representatives Tauzin and Barton "made this request in lieu of contributions to their own campaign." In contrast, the April 23rd memorandum indicates merely that the Shimkus campaign was to be the first beneficiary of a series eight "Tex-Cajun Cookout" fundraisers that Representatives Tauzin and Barton were proposing to hold in the period of April to July 2002. Mr. Bornemann's memorandum "strongly recommend[ed]" participation in all eight."[31] In sum, while Attachment C suggests that Representatives Tauzin and/or Barton personally requested that Westar executives contribute to Representative Shimkus' campaign, the information we have obtained indicates that there was nothing more involved than the receipt of routine printed invitations from a campaign committee.[32]

Contacts between Westar's lobbyist and the organizer of an energy company fundraiser for Representative DeLay. Finally, and most importantly, insofar as contributions to Representative DeLay are concerned, the April 23rd memorandum arguably suggests that Westar sought out Representative DeLay, rather than vice versa. On this subject, Mr. Bornemann's memorandum has a section on "Soft Money", the text of which is as follows:

We believe that the most beneficial way to spend corporate dollars – as opposed to cutting personal or PAC checks – is with the House Leadership. That means joining the fold, so to speak, of House Majority Leader Tom Delay (R-TX) [sic: at the time, he was Majority Whip].

We have been looking for an effective, but relatively inexpensive way to do this because the conventional route is near-prohibitive in cost.

For example, Mr. Delay has two leadership PACs – the reportable 'Americans for a Republican Majority (ARM)', and the non-reportable 'Texans for a Republican Majority (TRM)'. But, as near we can tell, checks in the range of $50-$100K seem to be the norm here.

. . . .

How does one play for a more reasonable dollar amount?

We may have an opportunity later this summer, for an energy industry 'roundtable' golf match at the Homestead for a 'mere' $25,000. We have spoken to the former Delay staffer who's putting this together, and his preference – for the time being – is to admit generation-only type companies. These are more entrepreneurial, more naturally Republican, in some views of the world.

Nonetheless, we think we can get by with that if we beg. We're not suggesting you do it now since the ability to use a corporate check would allow quick turn-around – should you decide to do it.

As the complaint notes, and as suggested in Mr. Bornemann's memorandum, Westar did make a $25,000 contribution to the Texans for a Republican Majority PAC (TRMPAC), and Westar officials attended the event at The Homestead that is noted in the memorandum. The contribution was made by means of a company check dated May 14, 2002 that was paid on May 29th.[33]

Moreover, consistent with the suggestion made in the memorandum, both Mr. Bornemann and the former DeLay staff member who is referred to in that document have stated to us that it was Mr. Bornemann who initiated contact on Westar's participation in this fundraiser. The former DeLay staff member who organized the event was Mr. Drew Maloney, who had departed the staff at the end of March 2002 to become a lobbyist.[34] A letter to us on behalf of Mr. Bornemann from his counsel states the following:

Mr. Bornemann recalls initiating a discussion with Mr. Maloney, at a time after Mr. Maloney had left the Hill to join the private sector, about Westar's contributing to one of Congressman DeLay's political entities. Because 'Texans For A Republican Majority' ('TRIMPAC') [sic] – an entity about which Mr. Bornemann was completely unfamiliar – was legally able to accept so-called soft money, Mr. Bornemann opted to recommend to Westar that it contribute directly to TRIMPAC.[35]

On this matter, Mr. Maloney stated to us,

My recollection is that Mr. Bournemann [sic] approached me about participating in an event for Congressman DeLay. I believe I explained that I was organizing an energy event for Congressman DeLay at the Homestead on June 2-3, 2002. I was seeking $25-50K per participant. I told him the preference would be to have members from the company (Westar) attend, not a contract lobbyist. I also checked with the other participants to see if Westar participation was compatible, and then confirmed to Mr. Bournemann that Westar could join the group to attend the event. At some point following the initial discussion, Mr. Bournemann advised me that Westar would participate at the $25,000 level and send two representatives from the company to the event.

Communications among Mr. Lawrence, Mr. Bornemann and Mr. Maloney related to Westar's attendance at the event are attached hereto in Attachment M. Also included in Attachment M are communications between Mr. Maloney and Chris Perkins, who worked for ARMPAC, and Dani DeLay Ferro (Mr. DeLay's daughter, who was also involved in the arrangements for the event) that include reference to Westar's participation in the event.

Mr. Bornemann has also stated to us, through a letter from his counsel, that in his later contacts with the DeLay office on the Westar legislation, as well as in the one other contact he had with Mr. Maloney regarding Westar, there was no discussion of political contributions. In addition, a letter to us on behalf of Mr. Lawrence from his counsel states the following with regard to solicitations of contributions:

Mr. Lawrence had no conversation with any member of the House of Representatives, or those affiliated with a House Member, regarding campaign contributions nor is he aware of any other officer of Westar discussing with any House Member, or those affiliated with any House Member, regarding campaign contributions as named in the enclosed documents [*i.e.*, the documents that are Attachments B and C to this memorandum].

In sum, the information we have obtained does not indicate that Representative DeLay or anyone acting on his behalf solicited campaign contributions from Westar in an improper manner.

Representative DeLay's participation in and facilitation of the June 2002 energy company fundraiser.

In the course of seeking information relating to the two issues raised by Count I of the complaint, we obtained information on the June 2002 energy company fundraiser with Representative DeLay in which Westar participated. That information indicates that the fundraiser was not consistent with House standards of conduct providing that fundraising activities should not involve even an appearance that donors are being provided with special access to a Member in his or her official capacity.

The standards relating to this point are discussed on p. 34 of the Committee's *Campaign Activity* booklet. The booklet there references circumstances that arose in 1987 when a Senate Committee Chairman invited lobbyists and PAC directors to join a "Chairman's Council" that involved having breakfast with him once a month. As the booklet reflects, the Standards Committee has endorsed the ruling made by the Senate Select Committee on Ethics on such activities:

While solicitations offering access to policy discussion groups may violate no law or Senate rule, they nonetheless affect public confidence in the Senate. Therefore, Senators should not make solicitations which may create the appearance that, because of a campaign contribution, a contributor will receive or is entitled to either special treatment or special access to the Senator.[36]

In a similar vein, a Member should not participate in a fundraising event that gives even the appearance that special treatment or special access to the Member in his or her official capacity is being provided to donors.

As shown by the documents in Attachment M, the fundraiser here included both a briefing and a golf outing, and attendance at the event was limited to executives of five energy companies: Reliant Energy, Williams Energy, Mirant Energy, El Paso and Westar. According to Mr. Maloney, the idea for

the event originated in a discussion he had with an official of Reliant Energy after he had left the Hill, and they had decided that they would ask for $25,000 to $50,000 from each participant. The event was a fundraiser for another of Representative DeLay's leadership PACs, the Americans for a Republican Majority PAC (ARMPAC), but companies were given the option to donate to TRMPAC.

As a general matter, fundraisers directed to a particular industry or to others sharing a particular federal interest are permissible, and at such events Members are free to talk about their record and positions on issues of interest to the attendees. In addition, of course, a Member has no control over what the donors at a fundraising event spontaneously say to or ask of the Member with regard to their legislative interests. Nevertheless, there are a number of considerations regarding this particular fundraiser that raise serious concerns under the standards of conduct discussed above.

In particular, there was the timing of the fundraiser, *i.e.*, it took place just as the House-Senate conference on major energy legislation, H.R. 4, was about to get underway. Indeed, one of the communications between organizers of the fundraiser -- an e-mail of May 30, 2002 from Mr. Maloney to Mr. Perkins that notes the legislative interests of each of the attendees -- includes a specific reference to the conference. (That e-mail is included in Attachment M.) In addition, there was the fact that Representative DeLay was in a position to significantly influence the conference, both as a member of the House leadership and, by action taken about a week and a half after the fundraiser, his appointment as one of the conferees.

In view of these considerations, other aspects of the fundraiser that would have been unobjectionable otherwise had the effect, in these specific circumstances, of furthering the appearance that the contributors were receiving impermissible special treatment or access. One of these aspects was the presence at the fundraiser of two key staff members from Representative DeLay's leadership office: Jack Victory, who handled energy issues, and the office counsel, Carl Thorsen.[37] In addition, there were the limited number of attendees, and the fact that the fundraiser included several events at a resort over a two-day period, both of which facilitated direct contact with Representative DeLay and his congressional staff members.

Furthermore, there is the description of the event that was provided to the Committee by counsel for the Westar attendees, Messrs. Doug Lawrence and Doug Sterbenz. That description includes the following:

On Sunday, June 2, 2002 Douglas Sterbenz and Doug Lawrence attended a reception and dinner with fifteen to twenty others at the Homestead. Representative Tom DeLay was present for the reception and dinner. Mr. DeLay asked the group to advise him of any interest we had in Federal Energy Legislation. Mr. Lawrence advised Mr. DeLay that Westar supported repeal of the P.U.C.H.A. [sic] provision in the Energy Bill, provided that Westar's restructuring wouldn't be harmed by the [r]epeal. Lawrence advised that Westar needed a grandfather clause to continue as a safe harbor if P.U.C.H.A. was to be repealed. The following day, Mr. Lawrence provided a staff aide to Rep. DeLay a bound briefing book that Westar had put together on this issue.

On June 3rd, 2002, Mr. Lawrence attended a golf outing at the Homestead where he played golf with the attendees. Mr. Lawrence shared a cart with an aide to Congressman Delay and advised the aide he would give him the materials in the briefing book and later did. At lunch that day, Mr. Sterbenz, Mr. Lawrence and others participating in the golf outing had lunch. During the lunch Mr. Lawrence restated to Rep. DeLay Westar's position regarding the need for a grandfather clause if P.U.H.C.A. was to be repealed. [emphasis added]

We brought the above-quoted statement to Representative DeLay's attention and requested his response to it. He stated that he gave a general briefing on energy issues at that event, but that he has no recollection of his specific remarks. He also stated that,

[I]t would not be typical for me at such events to have 'asked the group to advise' me of 'any interest' the attendees had in 'Federal Energy Legislation.' That is not at all consistent with the manner in which I normally would interact with attendees at such an event.

He also stated that none of his staff members who were in attendance recalled having any conversation with Mr. Lawrence or receiving any materials from him.

Two additional documents that we obtained in the course of our fact-gathering relate to the energy company fundraiser. One is a document that we obtained from Westar, and it is a memorandum of June 25, 2002 from Mr. Lawrence to other Westar officers that sets out a second round of proposed campaign contributions. That memorandum, a copy of which is Attachment N, includes the following statement:

Right now, we have made significant progress with House Majority Whip Tom Delay, and Energy Subcommittee chairman Joe Barton. The contributions made in the first round were successful in opening the appropriate dialogue. [emphasis added]

In response to a question that we posed to Mr. Lawrence on this statement, he stated that his reference here was to the opportunities he had at the Homestead event to meet with Representative DeLay, make a presentation on Westar's position on PUHCA repeal, and present a briefing book to a DeLay staff member.

The other document is a memorandum from Westar's lobbyist, Mr. Bornemann, to a DeLay staff member requesting an appointment for the company's CEO with Representative DeLay. That memorandum, which is Attachment O to this memorandum, specifically references Westar's participation in the energy company fundraiser, stating,

[T]wo of our officers recently had the opportunity to attend a get-together and meeting that Mr. DeLay held at the Homestead in West Virginia [sic: it is in Virginia]. Our people thought [he] was terrific, and enjoyed their time with the Majority Whip.

We further address Representative DeLay's activities in connection with this fundraiser in the section below in which we set out our conclusions and recommendations regarding Count I.

The issue of whether Representative DeLay took any actions with regard to the Westar legislation, and if so, whether those actions constituted the granting of an impermissible "special favor" to a campaign donor.

While the complaint states (in ¶ 17) that the Committee "should find that Rep. DeLay was 'dispensing special favors' in violation of House Rules," the complaint does not allege any particular "favors" that Representative DeLay dispensed to Westar. One paragraph of the complaint (¶ 12) alleges actions taken by certain House Members in support of the Westar provision, but that paragraph includes no reference to Representative DeLay:

On September 18, 2002, in the conference on the energy bill, Mr. Barton inserted the Westar provision. The next day, Mr. Barton, who held Mr. Tauzin's proxy, defeated Congressman Edward Markey's motion to strike the Westar provision on a party line vote of 8 to 6. During the discussion of Mr. Markey's motion, Mr. Barton stated, "[t]his particular provision benefits one company. That company is . . . Western Resources [former name of Westar] in Topeka, Kansas." [citation omitted]

Indeed, as detailed above in this memorandum (on pp. 11-13), the information that we obtained indicates that Representative Barton was the Member who was most active on the legislative provision sought by Westar.

We sought information specifically relating to any actions taken by Representative DeLay or his staff on the Westar provision. The information we obtained indicates that neither he nor any member of his staff took any action with regard to that provision other than engaging in meetings and other communications with representatives of Westar.[38] In addition to the Homestead event, those communications were as follows:

Jack Victory, who handled energy issues for Representative DeLay, met with one or more Westar lobbyists on two occasions – June 26 and July 24, 2002 – and also had telephone conversations with one of the lobbyists, Mr. Bornemann, and

Representative DeLay and Mr. Victory met with Westar CEO David Wittig, Doug Lawrence and Mr. Bornemann on September 25, 2002.[39]

It is possible that in certain circumstances, the granting to a person of access to a Member or staff person in his or her official capacity may in itself constitute an impermissible special favor. Here, however, the information we have obtained does not indicate that the meetings and other conversations that Representative DeLay and his staff held with Westar representatives constituted an impermissible special favor or were otherwise improper.

According to Mr. Victory, he met with Westar's lobbyist, Mr. Bornemann, on June 26, 2002 because Mr. Bornemann had called and requested a meeting. Of course, having attended the fundraiser on June 2-3, Mr. Victory was aware that Westar was a donor to a campaign committee affiliated with Representative DeLay. However, Mr. Victory stated to us that it is his policy to try to meet with everyone that requests a meeting on a matter within the scope of his assigned duties. He also stated that at the meeting, his advice to Mr. Bornemann was that he should talk to members or staff of the conference regarding Westar's position.[40]

According to Mr. Victory, at the meeting of July 24, 2002, Mr. Bornemann was accompanied by two former employees of the Securities and Exchange Commission, and they explained the legislative language that would resolve Westar's concern.[41] Mr. Bornemann's recollection of this meeting is similar. He stated that the meeting consisted largely of a presentation by Marianne Smythe, who was Westar's counsel on securities law matters.[42]

The meeting with Representative DeLay on September 25, 2002 lasted 10 to 15 minutes and was attended by David Wittig, who was then CEO of Westar, Mr. Lawrence, and Mr. Bornemann, as well as by Mr. Victory. A memorandum from Mr. Bornemann to Representative DeLay's staff requesting the meeting (and which also references the Homestead event) is Attachment O to this memorandum.

According to Mr. Lawrence, the September 25th session was a "meet and greet," at which the Westar representatives presented another copy of their briefing book on the Westar grandfather provision. Mr. Lawrence also stated that at that meeting, "Mr. DeLay advised that there would be an Energy Bill with P.U.C.H.A. [sic] repeal but there was no certainty that Westar's provision on grandfathering would be in that legislation." Mr. Bornemann recalled Representative DeLay's remarks somewhat differently, stating to us that,

Congressman DeLay referred to Westar's proposed amendment to the Investment Company Act of 1940, in the context of the PUHCA repeal provisions of the energy bill, and said that there was little chance of this happening legislatively; Congressman DeLay also indicated that he thought that the SEC could resolve the problem administratively.

Mr. Bornemann also recalled that the initial part of the meeting included "social chit chat" and discussion of the upcoming elections and tax legislation. He also stated that there was no discussion of political contributions in this meeting.

Mr. Victory also stated to us that he also has a vague recollection that after learning that Westar was under federal investigation – a development which appeared in the news media on September 30, 2002[43] – he spoke to Mr. Bornemann telling him that he thought the provision was dead. A document that we obtained from Westar refers to a contact with the DeLay staff that occurred in that time period. That document, which is Attachment J to this memorandum, is an e-mail from Doug Lawrence to Westar CEO David Wittig of September 30, 2002, and it states in part,

Things are grim in DC. The Delay staff has asked us to release people from their commitment to support our provision. The Wine letter has killed us, it has been circulated along with last week's 8K [Westar's SEC filing announcing the federal investigation of the company]."

The "Wine letter" that is noted in the e-mail, which was a letter from the Chairman of the Kansas Corporation Commission expressing opposition to the Westar provision, is included in Attachment I and was discussed above. With regard to the reference to commitments of support in this e-mail, Mr. Lawrence has told us that he has no personal knowledge of any such commitments, and that in this e-mail, he was simply repeating a statement that had been made to him by Mr. Bornemann. However, in his counsel's letter to us, Mr. Bornemann denied making such a statement to Mr. Lawrence. According to that letter,

[T]he e-mail does not reflect information that Mr. Lawrence received from Mr. Bornemann. Mr. Bornemann states that he had no other activities or communications with any DeLay staff member on this matter [other than the ones identified above], and he denies hearing or receiving recommendations from Mr. DeLay, or from any other member of Congress or staff person, any recommendation as to how to handle congressional advocacy of any issue pertaining to Westar . . . .

In response to a question we posed to Representative DeLay on this e-mail, he said, "I was not aware of the existence of any commitments made to Westar by any Members, staff, or any other individuals regarding the provision and thus had no involvement whatsoever." In addition, with regard to this e-mail, Mr. Victory told us, "I remember no instance when Representative DeLay, I or any other member of his staff talked to anyone about any such commitment or about releasing people from their commitment to Westar. I do not know why the email says what it does."

More broadly, Representative DeLay has stated to us that neither he nor anyone in his office took any actions to advance the Westar provision:

To my knowledge, neither I nor anyone in my office took any affirmative action to assist Westar in having this legislation included in the conference report. I took no action regarding the legislation of interest to Westar. I made no request, took no action, nor did I suggest or express any interest in including the legislation in the energy conference report. . . . .

Moreover, even if the reference to the DeLay staff in the September 30th e-mail were to be fully credited – *i.e.*, even if a DeLay staff member were involved in monitoring or even seeking commitments for the Westar provision – that circumstance, taken with the other information we have obtained, would not indicate that Representative DeLay conferred an impermissible special favor on Westar. As detailed in this memorandum, the other information we have obtained includes that the major actions taken in furtherance of the Westar provision were taken by Representative Barton, and that his actions on that legislation long pre-date the contributions that are the subject of Count I of the complaint.

The actions taken by Representative Barton are detailed above, on pp. 11-13, and with regard to those actions, Representative Barton stated to us,

I had many conversations with Majority Leader DeLay about the energy conference during this time period. I do not recall, however, any discussion specifically concerning PUHCA or the Investment Company Act provisions.

Similarly, Mr. Andy Black, Representative Barton's committee staff member, stated to us,

I do not recall Congressman DeLay or his staff taking any action on this issue. Mr. Barton and Mr. Tauzin were leading the electricity discussions with Senate negotiators.

We also asked Mr. Victory and Mr. Black about any communications they had about the Westar provision. Mr. Black said he did not recall any specific discussions, and Mr. Victory stated the following:

My recollection is on 2 occasions I talked with Andy Black, of Chairman Barton's staff, about the Westar language. I believe the first conversation was on what Chairman Barton thought about the policy and the second was to find out if it would be included in Chairman Barton's package. I do not believe Andy offered any response during the first conversation, and I believe the second conversation, which happened around the date of the conference meeting, Andy informed me that Chairman Barton decided to include the language.

In sum, the information we have obtained indicates that Representative DeLay took no action with regard to the Westar provision that constituted an impermissible special favor or was otherwise improper.

* * *

We also note that the complaint carries the suggestion that <u>any</u> action on any legislative provision that would benefit only one company or entity is by definition an impermissible special favor. That is not the case. Where, for example, a company or other entity, because of its particular

circumstances, is uniquely and unfairly harmed by a provision of federal law, a measure to remedy that situation may be entirely permissible.

Here, for example, Westar argued that if PUHCA were repealed without exempting the company from regulation under the ICA, Westar would be placed "in the untenable position of being required to register under a statute that will make it impossible for it to continue its current business operations."[44] In this regard, on its Web site the SEC notes that the ICA "regulates the organization of companies, including mutual funds, that engage primarily in investing, reinvesting, and trading in securities . . . ." In a memorandum of February 13, 2002 prepared in connection with the proposed Westar provision, the SEC noted that, "An operating company typically finds the requirements of the Investment Company Act incompatible with its business needs," in part because it imposes limitations on a company's "ability to use leverage, engage in affiliated transactions, and provide incentive compensation to employees."

Of course, we do not here attempt to make any judgment on the merits of the arguments that were made in 2001-2002 in support of or in opposition to the Westar grandfather provision. However, while sponsoring or taking actions in behalf of legislation that benefits only one or a small number of entities does not necessarily constitute an impermissible special favor, this episode makes clear that Members need to be very cautious in taking such actions. This is particularly the case where the entity that would benefit from the legislation is a political contributor or supporter.[45] It is also clear from this episode that one of the most effective ways to ensure that a substantial claim of special favors will not be raised with regard to legislation of this kind is to have the legislation considered in an entirely open process, in which all interested parties are provided with an opportunity to state their views.

Conclusions and recommendations with regard to Count I. We first set out our conclusions and recommendations regarding the two violations alleged in Count I of the complaint, and then set out our conclusions and recommendations with regard to the related matter of Representative DeLay's activities in connection with the June 2002 energy company fundraiser.

The violations alleged in Count I. Based on the results of our fact-gathering activities, as detailed above, we do not recommend that either of the violations alleged in Count I – *i.e.*, that Representative DeLay made a solicitation of campaign funds from Westar that was improperly linked with official action, and that he took actions that constituted an impermissible "special favor" to Westar – be referred to a subcommittee for a formal investigation.

We recognize that a number of individuals and organizations have called for a formal investigation of the allegations made in the complaint, and particularly the allegations made in Count I. The point on which we most strongly disagree with those persons is most apparent in the following paragraph, ¶ 19, of the complaint:

[T]he Westar 'get a seat at the table' e-mail, together with the temporal proximity of the contributions and legislative action taken regarding the 'Westar amendment' establishes a *prima facie* case that Rep. DeLay violated both federal statutes and House rules.

In fact, that set of allegations does not establish a *prima facie* case that Representative DeLay violated any laws or rules, because as we have established, those allegations do not include any reference whatsoever to any solicitation of Westar by Representative DeLay, or any action he took on the Westar legislation.

Notwithstanding this failing in the nature of Count I, we accepted the complaint, and we sought

information from those having personal knowledge of the circumstances of Westar's contributions and the actions taken on the Westar legislation. As detailed above, the information we obtained indicates that neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and Representative DeLay took no action with regard to Westar that would constitute an impermissible special favor.

When all of the rhetoric and irrelevant considerations are stripped away from the violations alleged in Count I, the question presented to the Committee with regard to those allegations is a simple one: whether the Committee should launch a formal investigation of a Member solely on the basis of entirely unsubstantiated allegations – here, allegations of a solicitation of a bribe and related offenses – made by a person or persons who have no personal knowledge whatsoever of the relevant facts. Our answer to this question here is the same as it would be in any other case that presents similar circumstances: no.

Representative DeLay's actions in connection with the June 2002 energy company fundraiser. As explained above, Representative DeLay's participation in and facilitation of the June 2002 energy company fundraiser is a matter separate from, albeit related to, the matters alleged in Count I of the complaint. The information we obtained related to that matter, as detailed in this memorandum, indicates that Representative DeLay's conduct with respect to this fundraiser did not conform to House standards providing that fundraising activities should not involve even an appearance that donors are being provided with special access to a Member in his or her official capacity.

The broad House standards of conduct in this area, as described in this memorandum, are extremely important ones. The history of Committee enforcement actions, as well as our own personal experience, indicate that with rare exception, Members do not violate the basic prohibitions that apply in this area, *i.e.*, Members do not enter into agreements, either explicit or implicit, to trade their votes or other official actions for campaign contributions, and Members do not take a particular official action merely because a campaign donor has requested them to do so.

Yet it is also true that so long as the current campaign finance system is in place, individuals and organizations seeking legislation or some other official action from House Members will make campaign contributions to those Members, and some of the time those Members will take the action sought by those persons. And whenever this occurs, there will be some who will claim that those actions were the result of corruption, and that governmental actions are being bought and sold for campaign contributions.

With the current campaign finance system, it is not possible to preclude such claims from being made. However, if Members comply with the applicable standards on soliciting and accepting contributions, it is possible at least to mitigate any valid concerns that may be raised by those activities. These standards extend to the appearances created by fundraising activities. In short, under those standards, there are certain proffered campaign contributions that must be declined, and certain fundraising opportunities that must be forgone, solely because they create an appearance of improper conduct.

In view of the circumstances of the June 2002 energy company fundraiser, as detailed in this memorandum, Representative DeLay's facilitation of and participation in that event were contrary to those standards. Those circumstances included not only the nature of the event, but also its timing, in that it took place just as the House-Senate conference on the energy legislation – legislation of vital importance to the contributors at the fundraiser – was about to commence. Moreover, Representative DeLay was in a strong position to influence the conference, both because of his leadership position and the fact that about a week and a half after the fundraiser, he was named a conferee. At a minimum, his actions created the appearance that donors were being provided with special access to him with regard to the pending energy legislation.

In addition, while the views of any one donor are not dispositive on whether a fundraising activity creates an appearance of impropriety, the documents we obtained indicate that the individuals who were active on Westar's behalf were of the view that the company's participation in the fundraiser provided special access to Representative DeLay. As noted above, later in June 2002, when Mr. Lawrence was proposing that Westar executives make additional contributions, he stated that Westar had made "significant progress" with Representatives DeLay and Barton, and that, "The contributions made in the first round were successful in opening the appropriate dialogue." (see Attachment N). When we asked Mr. Lawrence about that statement, he said he was referring to the presentations he was able to make at the fundraiser earlier that month. In addition, the following month, when Mr. Bornemann, Westar's lobbyist, sent a memorandum to the DeLay staff seeking an appointment with Representative DeLay for the company's CEO, he noted Westar's participation in the Homestead event (Attachment O).

The information that the Committee has before it regarding Representative DeLay's actions in connection with the June 2002 fundraiser, as set forth in this memorandum, is sufficient for the Committee to make a determination on them, and a formal investigation of the fundraiser is not warranted. While a formal investigation would likely elicit additional testimony on whether, at the event, Representative DeLay did or did not make the remarks that Mr. Lawrence attributed to him, that question is not a critical one here. The other circumstances of the event are more than sufficient to support a determination that his activities with regard to it were not proper.

It is also pertinent to note here a statement that the Committee issued in 1997 at the time it dismissed a complaint against Representative DeLay that charged, among other things, that he gave preferential treatment in legislative matters to those who had made contributions to Republican candidates. That statement said in part,

Rep. DeLay was advised that it is particularly important that a Member not make statements that create the impression that the Member would consider an individual's requests for access or for official action based on . . . campaign contributions.

The focus in the present matter is not so much on statements made by Representative DeLay, but more on actions he took – *i.e.*, his actions in facilitating and participating in the energy company fundraiser – that raise the very same concern expressed in that earlier Committee statement.

In sum, our recommendation is that Count I of the complaint be disposed of by means of a letter of admonition to Representative DeLay that states that while, on the basis of the information before the Committee regarding the violations alleged in Count I, a formal investigation of those allegations is not warranted, his actions with regard to the June 2002 energy company fundraiser raise an appearance of impropriety under House standards of conduct.

Count II of the Complaint, relating to TRMPAC's use of corporate funds in 2002.

Facts and violations alleged in Count II. Count II alleges that in 2002 Representative DeLay used a Texas-based political action committee, the Texans for a Republican Majority PAC (TRMPAC), to funnel corporate money to state legislature campaigns in violation of Texas election law. Regarding TRMPAC's use of corporate funds in 2002, the complaint cites to and attaches copies of the following items:

several news articles that appeared in 2003-2004 regarding a grand jury investigation of use of

Appendix G

PATTON BOGGS LLP
ATTORNEYS AT LAW

2550 M Street, NW
Washington, DC 20037
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

September 27, 2010

William J. McGinley
202-457-6561
wmcginley@pattonboggs.com

VIA HAND DELIVERY
The Honorable Zoe Lofgren
Chairwoman
Committee on Standards of Official Conduct
United States House of Representatives
HT-2, U.S. Capitol
Washington, D.C. 20515

The Honorable Jo Bonner
Ranking Minority Member
Committee on Standards of Official Conduct
United States House of Representatives
HT-2, U.S. Capitol
Washington, D.C. 20515

Re: Reply of The Honorable Thomas Price
To The Office of Congressional Ethic's Referral in Review Number 10-8839

Dear Chairwoman Lofgren and Ranking Member Bonner:

This submission responds on behalf of our client, Representative Thomas Price, M.D., to the September 10, 2010 letter we received from the Chief Counsel of the Committee on Standards of Official Conduct ("Committee"), notifying us that the Committee had received a referral from the Office of Congressional Ethics ("OCE"). For the reasons set forth below, we respectfully submit that the allegations in OCE's report are without merit and should be dismissed without further proceedings by the Committee. Representative Price's declaration is attached as Exhibit A.

SUMMARY

The record established that Representative Price conducted himself in an ethical manner in connection with House proceedings on H.R. 4173, the financial reform legislation, on which the House took a final vote on December 11, 2009. Representative Price *did not* solicit or receive contributions in exchange for, or because of, any official act related to H.R. 4173. He did not create even the *appearance* of doing so by holding an event on December 10, 2009. As this submission discusses in detail below:

- As stated in the submissions made to OCE, Representative Price's public position on H.R. 4173 and its component bills illustrate that his public and long-standing opposition to principal elements of, and the philosophy behind, that legislation renders it impossible for any of his fundraising activity to create an appearance of impropriety. He has consistently opposed H.R. 4173 and similar legislation. Representative Price's legislative and policy positions are based on what he believes are best for his constituents and the country generally. Since the vote on TARP-I in 2008, Representative Price has time and again opposed legislative attempts to expand the role of government in the financial services industry. He publicly expressed his opposition to H.R. 4173 *from its inception* in press releases and committee statements and through amendments offered in the Financial Services and Rules Committees.

- Not surprisingly, there is no evidence or hint that Representative Price engaged in any *quid pro quo* in connection with his legislative votes. All fundraising events held by his campaign in December 2009 fully complied with Committee on Standards of Official Conduct precedents regarding appearance standards.

- The December 10, 2009 event was placed on Representative Price's schedule at least four weeks before the event – *long* before the December 11 vote on H.R. 4173 was set. The legislative calendar is controlled by the Majority party and subject to change at its will. Representative Price, especially as a member of the Minority party, does not have any input into, let alone control of, the legislative calendar. He played no role in the decision to schedule the floor vote on H.R. 4173 for December 11, 2009.

- Representative Price maintains appropriate separation between his legislative staff and his fundraising staff. Neither Representative Price nor his fundraising staff scheduled fundraising events to coincide with House votes.

- Representative Price's fundraising activity in 2009 was consistent with prior years. It was based upon his presence in Washington DC or his district, not the scheduling of votes in his committees or the full House. Each contribution received by Representative Price's campaign and leadership PAC complied with federal campaign finance laws. Moreover, almost all of the PACs listed in the OCE Notification had contributed to his campaign or leadership PAC in the past.

On this record, there is no factual or legal basis for the Committee to authorize an investigation into this matter. Accordingly, we respectfully request the swift dismissal of the OCE referral.

EXPLANATION

Representative Price's Consistent Voting Record.

On June 22, 2010, Representative Price submitted a letter to the OCE detailing his long-standing opposition to legislative attempts to increase the size of government, including H.R. 4173. Importantly, every Republican voted against H.R. 4173, so the votes on this piece of legislation were not in question. Representative Price has consistently opposed such legislative efforts from March 2008 to the present, including H.R. 1257, the Shareholder Vote on Executive Compensation Act, H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007, TARP-I, Cram Down legislation, the taxpayer funded bailout of the automakers, the government's bailout of Citibank, legislation to set CEO bonuses and salaries, and others. Representative Price's policy positions, public statements and voting record on these issues have been consistent and have not changed. There is no credible basis for even suggesting that he ever changed his public policy positions or cast a vote because of any contribution. Representative Price's policy positions reflect his views and the views of his constituents and are based on what he believes are in the best interests of his constituents and our country. Copies of Representative Price's June 22, 2010 letter to OCE, the August 6, 2010 supplemental letter from William J. McGinley, Esquire, to OCE, and Representative Price's written statement that was presented to the OCE Board on August 27, 2010 are attached as Exhibit B.

The December 2009 fundraising events were not scheduled to coincide with votes.

Representative Price follows the House Ethics Rules and protocols in maintaining the appropriate firewall between his legislative and campaign staffs. His official staff includes legislative assistants who assist him with his Committee work, including vote recommendations and research on legislative issues, a scheduler, and other office personnel. The legislative staff members play *no role* in the planning of fundraising events and they *do not* solicit contributions or attend fundraising events. His Chief of Staff is responsible for managing the official office, but is not primarily responsible for any legislative issues. The Chief of Staff assists the campaign and leadership PAC as a volunteer on his own time. His voluntary attendance at fundraising events is for the limited purpose of staffing Representative Price.

Representative Price's campaign staff includes a professional fundraiser in Washington, D.C. who is responsible for organizing local events. The fundraising staff decides all aspects of Representative Price's fundraising events, including the type of event (breakfast, lunch or dinner), the location, the invitation list, the drafting of the event invitation, and other event details. The

fundraising staff schedules events several weeks, if not months, in advance. The fundraising staff is typically unaware of what particular legislative issues may be pending before Representative Price and such considerations are not a factor in scheduling an event. None of the fundraising events held during December 2009 were scheduled to coincide with House votes on H.R. 4173 or any other legislation.

The December 10, 2009 Financial Services Luncheon was a fundraising event that had been scheduled by Representative Bachus's campaign as part of his efforts to assist his fellow Republicans. The event was postponed a number of times during the year due to scheduling conflicts. Certainly, no one could have known when it was scheduled, more than one month before, that a vote on H.R. 4173 would take place the day after the event. In addition, the event lasted less than one hour at the Capitol Hill Club. At the event, Representative Price made general remarks about events in Washington, D.C. and the political landscape.

The allegations contained in the OCE Report are replete with factual errors that should have resulted in the termination of this investigation at the OCE stage, and in any event undermine the OCE's conclusions.

- First, the OCE Report fails to acknowledge that industry-specific fundraisers benefiting campaigns and fundraisers in close proximity to scheduled votes are common. According to the Sunlight Foundation, ***250 House members*** held or attended fundraisers between December 2 and 11, 2009. USA Today, *Our View On Campaign Finance: Big Votes Draw Big Money For A Compliant Congress* (Aug. 4, 2010) ("It's worth noting that the five Republicans had long opposed financial reforms and voted against them. . . . During the same 10 days, three dozen members from the lead panel on the reform bill either held or attended fundraisers. So did about 250 House members. And those are just the events tracked by the Sunlight Foundation, a Washington non-profit."). Even a cursory review of the fundraising invitations on the Sunlight Foundation's website, http://politicalpartytime.org/, reveal that a number of fundraising events occurred during the applicable time period, including one for Representative Bill Foster that was billed as a breakfast with Chairman Barney Frank on December 9, 2010.[1] Copies of other similar fundraising invitations, including industry specific fundraisers distributed by the Democratic Congressional Campaign Committee and printed from the Sunlight foundation blog's website, are attached as Exhibit C.

[1] The OCE's Memorandum of Interview ("MOI") for Chairman Frank indicates that the OCE did not ask him whether he participated or attended any fundraising events between December 2 to 9, 2009.

- Contrary to OCE Report paragraph 36, the invitations for the December 10, 2009 fundraiser were not sent to only "financial services industry organizations that the fundraiser selected from a larger database of past and potential donors to Representative Price's campaign." Rather, the fundraiser testified that she chose who to invite and less than half of that list were affiliated with financial services industry organizations. OCE Fundraiser MOI ¶ 28; Reid Morehouse Aff. ¶¶ 5.b & 6.a (Exhibit D). In addition, as disclosed on the Sunlight Foundation's website, the December 10, 2009 fundraising invitation was also distributed by the National Republican Congressional Committee to its expansive list, which includes potential donors who are not members of the financial services industry. Reid Morehouse Aff. ¶¶ 5.b & 6.a; *see also* Exhibit E. Therefore, the OCE Report mischaracterizes the fundraising list for the December 10, 2009 "Financial Services Industry Luncheon" by omitting material evidence and creating the misleading impression that the invitations were sent to financial services industry organizations only.

- The OCE Report ignores documents demonstrating that the campaign fundraiser asked the hosts of the December 10, 2009 fundraising event and another fundraising consultant to contact the PACs listed in the emails, in part, because they were *prior contributors to the Campaign who had not made the same level of contributions in the current cycle.* The requests were not made solely because they were members of the financial services industry. *See* OCE Report at 14 (Ashlee Reid December 9, 2009 email to Edward Hill ("These folks were huge for Price last year and I haven't received an answer from them on this lunch...") & 15 (Ashlee Reid December 9, 2009 email to Jennifer Bogart ("Here are some folks who were big for Price last cycle and I haven't heard from for this lunch. . ."); Reid Morehouse Aff. ¶ 6.b.

- With respect to the December 1, 2009 one-on-one meeting with a representative of the Investment Company Institute ("ICI"), the OCE fails to state that the fundraiser had sent an email to her 5,000-person contact list – a list that is not focused exclusively on financial services industry organizations – asking if anyone was interested in meeting with Congressman Price and getting to know him. OCE Fundraiser MOI ¶ 18; Reid Morehouse Aff. ¶ 6.c. The ICI representative accepted the invitation, which resulted in a fifteen to twenty minute meeting in the downstairs grille at the Capitol Hill Club – an entirely open setting. Reid Morehouse Aff. ¶ 6.c. Representative Price, his chief of staff, and the fundraiser were present and the fundraiser testified that the conversation centered on politics and personal histories – additional testimony that also failed to be included in the fundraiser's OCE MOI. *Id.* ¶ 6.c.

Representative Price did not plan fundraising events to coincide with specific votes.

The central allegation in the OCE Report is that the December 10 fundraising event was purposely held in close proximity to the vote on H.R. 4173. But it is clear from the record that Representative Price did not attempt to correlate the two. Indeed, we submit that even if a Member of Congress (especially a member of the Minority party) *attempted* to do so, it would be almost impossible because of the uncertainty surrounding the scheduling of votes on major legislation.

As is commonly understood, votes in committee and on the House floor are often delayed and/or rescheduled. There are a number of reasons why this occurs, including coordination with the Senate, other legislation taking priority, internal negotiations falling apart at the last minute, Members needing or requesting additional information before voting, the full use of time allocated for debate, and so on.

By way of example, the following three events alone created uncertainty about when the House Financial Services Committee and the House would vote on H.R. 4173:

- November 19, 2009 *Politico:* "Members of the Congressional Black Caucus threatened to oppose a key financial regulatory reform bill Thursday over unrelated economic concerns, **forcing Financial Services Chairman Barney Frank to yank his bill before a final committee vote . . .** ***Frank (D-Mass.) had intended to have his committee vote this afternoon on the bill,*** one of the key pieces of the administration's plan to restructure the nation's financial architecture. ***But he announced he was postponing the final vote until after Thanksgiving*** after CBC members on the panel told him they would vote against it due to concerns over the 'lack of response to the economic situation,' Frank said according to news reports." (emphasis added)

- December 2, 2009 *Politico:* "The House Financial Services Committee Wednesday succeeded in passing a bill that had been blocked by the Congressional Black Caucus before Thanksgiving break . . . ***The bill could hit the House floor as early as next week.***" (emphasis added)

- December 10, 2010 *The Washington Post:* "***A group of centrist and conservative House Democrats forced a last-minute delay of a sweeping financial regulatory reform package*** scheduled for debate on the House floor Wednesday, sparking a flurry of negotiations before a compromise cleared the way for the legislation to move forward." (emphasis added)

Simply put, the legislative calendar at the committee level is controlled by the committee chairmen and on the House floor by the Speaker and Majority Leader. House leadership does not consult Representative Price about scheduling committee or floor votes, and he played no role in the decision to schedule the floor vote on H.R. 4173 on December 11, 2009.

Representative Price observed applicable rules and standards of conduct.

At all times, Representative Price observed applicable rules and standards of conduct. Under the House standards of conduct, a Member may not solicit campaign or political contributions that are linked with any "specific official action taken or to be taken by the Member." *See Memorandum of the Chairman and Ranking Minority Member Regarding Recommendations for Disposition of the Complaint Filed Against Representative DeLay* (2004) ("DeLay Report") at 6. Members are also prohibited from accepting any contributions that are linked "with any specific official action taken or to be taken by the Member." *Id.*

As stated in the Delay Report,

> Thus, for example, the Committee has stated that where a constituent simply encloses a campaign contribution in a letter requesting casework assistance, the Member should return the contribution. In addition, the Committee has stated that a member should not make any solicitation that creates even the appearance that campaign contributors will receive or be entitled to either special treatment or special access to the Member in his or her official capacity. *Id.*

Finally, the Committee has "long advised that a Member may not take or withhold any official action on the basis of whether the person involved is a campaign contributor." *Id.* However, the "Committee has made clear that this provision does not prohibit a Member from taking action on behalf of a person who is a contributor, but instead it prohibits a Member from taking an official action solely or substantially on the basis that a person has made a contribution." *Id.*

The Committee's precedents also importantly recognize the realities of the current campaign finance system for congressional candidates.

> <u>As a general matter, fundraisers directed to a particular industry or to others sharing a particular federal interest are permissible</u>, and at such events Members are free to talk about their record and positions on issues of interest to the attendees. In addition, of course, a member has no

> control over what the donors at a fundraising event spontaneously say to or ask of the Member with regard to their legislative interests.
>
> The broad House standards of conduct in this area . . . are extremely important ones. The history of the Committee enforcement actions, as well as our own personal experience, indicate that with rare exception, Members do not violate the basic prohibitions that apply in this area, *i.e.*, Members do not enter into agreements, either explicit or implicit, to trade their votes or other official actions for campaign contributions, and Members do not take a particular official action merely because a campaign donor has requested them to do so.
>
> Yet it is true that so long as the current campaign finance system is in place, individuals and organizations seeking legislation or some other official action from House Members will make campaign contributions to those Members, and some of the time those Members will take actions sought by those persons. And whenever this occurs, there will be some who will claim that those actions were the result of corruption, and that governmental actions are being bought and sold for campaign contributions. With the current campaign finance system, it is not possible to preclude such claims from being made.

DeLay Report at 12-18 (emphasis added).

Committee precedents support dismissal.

In 2004, the Committee on Standards of Official Conduct determined that a then-Majority Leader's participation in and facilitation of an energy company fundraiser – in which an energy company made an unauthorized $25,000 contribution to a PAC with which the Leader was affiliated and a total of $33,200 in "hard money" donations – was improper. *See* DeLay Report. The fundraiser in that case was conducted at a time of pending energy legislation. It was a two-day event at a golf resort with the Leader, his key congressional staff, and a limited number of attendees. At that time, the Leader was in a position to significantly influence the conference on pending energy legislation, both as a member of the House-Majority leadership and, by action taken about a week and a half after the fundraiser, his appointment as one of the conferees. On these facts, according to the Committee, the fundraiser at issue in that case gave the "appearance that the contributors were receiving impermissible special treatment or access."

By all of the relevant measures used in the DeLay Report, the OCE should not have found—and, we submit, this Committee cannot find—any basis to believe that Representative Price violated the appearance standards. The OCE purported to apply standards that it had derived from the DeLay Report. OCE Report at 7. But any fair comparison of the DeLay Report facts and standards to the facts at issue here establish just the opposite:

- The DeLay report states that the energy legislation at issue in that matter would apply to only one company – Westar Energy, the company that made the $25,000 soft money contribution to a Texas political action committee with ties to Representative DeLay. DeLay Report at 7. This stands in stark contrast to H.R. 4173, the legislation at issue here, which affects the regulation of the entire financial services industry.

- Representative DeLay was in a strong position to influence the energy legislation as a member of the House Majority leadership, and his appointment as one of the conferees on the energy legislation of interest to Westar Energy. DeLay Report at 12. Representative Price, on the other hand, is a member of the Minority and was not appointed as a conferee on the financial services legislation. Representative Price serves as chairman of the Republican Study Committee ("RSC"), but this is simply a caucus of conservative Republican Members, not a legislative committee. Representative Price's vote was never in question nor were the votes of the Republican members of the RSC who all opposed the legislation.

- The DeLay Report Committee also focused on the timing of the two-day golf resort fundraising event, which "took place just as the House-Senate conference on major energy legislation, H.R. 4, was about to get underway." DeLay Report at 12. The DeLay Report also cited the fact that "communications between organizers of the fundraiser – an email of May 30, 2002 from Mr. Maloney to Mr. Perkins that notes the legislative interests of each of the attendees – includes a specific reference to the conference." *Id.* Here, however, none of the communications cited in the OCE Report between the fundraiser and donors discusses H.R. 4173 or the legislative interests of December 10, 2009 fundraising event attendees.[2] In fact, Representative Price's fundraiser, who

[2] The OCE Report indicates that staff conducted an interview with Representative Barney Frank, chairman of the House Financial Services Committee concerning the timing of H.R. 4173. OCE Report at 11. The MOI indicates that staff interviewed him about general scheduling issues relating to H.R. 4173. However, the MOI indicates that OCE staff did not ask Chairman Frank if he ever re-scheduled a vote on the components parts of H.R. 4173 or if the House floor vote on the legislation was ever re-scheduled. As discussed in Representative Price's June 22, 2010 letter, the vote on H.R. 4173 was postponed a number of times while the Majority conducted internal negotiations regarding the legislation. Letter from Representative Price to Wise of 6/22/10, at 3. This omission significantly diminishes the relevance of this testimony concerning the timing of the votes on H.R. 4173.

scheduled and organized the event and drafted and distributed the invitations, testified that she was not aware of the vote on H.R. 4173 until she overheard attendees discussing the issue as they left the event. OCE Fundraiser MOI ¶ 36.

- The fundraising event in the Delay matter was a two-day golf outing held in a self-contained and remote-from-Washington environment, with only a limited number of attendees from the energy sector and key staffers from Representative DeLay's leadership office who handled energy issues. This Committee also cited the format of the event as one that facilitated direct contact with Representative DeLay and his staff concerning the energy legislation. Specifically, the Committee focused on a reception and dinner where Representative DeLay allegedly asked the small group to advise him of any interests they had in the energy legislation, and the fact that energy executives played golf with key staff members where they discussed the company's position on the energy legislation.

  By contrast here, Representative Price's December 10, 2009 fundraising event did not create the appearance that the attendees were given any such special access or treatment. The December 10 event was a luncheon at the Capitol Hill Club that lasted approximately one-hour. Representative Price made general remarks and introduced Representative Bachus for his comments. His chief of staff also attended the event for the limited purpose of staffing Representative Price, and not to solicit policy positions from donors. With respect to the December 1, 2009 one-on-one meeting with a representative of ICI, Representative Price, his chief of staff, and the fundraiser were present and the fundraiser testified that the conversation simply dealt with politics and personal histories. Reid Morehouse Aff. ¶ 6.c.

Campaign contributions to Representative Price were fully compliant with federal law.

Federal campaign finance law permits federal candidates to accept contributions into their campaign accounts from PACs registered with and reporting to the FEC. The contributions received by Representative Price's campaign from the PACs identified in OCE's May 25, 2010 letter complied with federal law and were properly disclosed in his campaign's FEC disclosure reports. No PAC contribution exceeded the $5,000 per election limit to Representative Price's campaign. For the reasons listed below, these contributions were not "solicited or accepted . . . in exchange for or because of an official act."

As explained to the OCE, December of each odd-numbered year, including 2009, is an important fundraising period for campaigns and leadership PACs. Campaigns host fundraisers during this time frame to boost their year-end fundraising totals. A campaign's political opponents and the media scrutinize its year-end fundraising totals. This causes each campaign to strive to post the

best fundraising numbers possible. Leadership PACs also host fundraisers in December because the contribution limits to these committees are on a calendar year basis, not a per election basis. This means that each leadership PAC will try to raise as much money as possible before the new calendar year contribution limits are triggered. Accordingly, campaigns and leadership PACs raise as much money as possible in December for political and fundraising reasons, not because the fundraising activities are timed to coincide with votes on the legislative calendar.

In addition, six of the eight PACs identified in OCE's Notification have a history of supporting Representative Price's campaign. The American Express Company PAC has contributed to his campaign since February 2008. Bank of America PAC has contributed to his campaign since 2005, and the National Association of Federal Credit Unions PAC began contributing to Representative Price's campaign in 2004. The Investment Company Institute PAC, UBS PAC and KPMG PAC all began contributing to his campaign in 2006. Astellas US LLC PAC and Psychiatric Solutions PAC, neither of which is connected to the financial services sector, contributed to his campaign for the first time in December 2009. In fact, the contributions received from these eight PACs constitute a small percentage of the funds raised by Representative Price's campaign. The 2008 Post-General FEC Report discloses that his campaign raised approximately $1,580,000, and his campaign's 2009 Year-End FEC Report discloses that it raised approximately $1,078,000.

CONCLUSION

Although Representative Price regarded the OCE investigation as intrusive and unwarranted, he responded substantively and fully to the OCE's inquiries because he believes that the facts unquestionably establish that he acted in good faith, and consistently with the Rules of the House. He was astounded that the OCE could conclude that there was any basis for further consideration of these issues by this Committee. Accepting, as a procedural matter, that events have now reached this stage, he appreciates this opportunity to have this Committee review these issues "without prejudice or presumptions as to the merit of the allegations." Committee Rule 17A. On behalf of Mr. Price, we respectfully submit that there is simply no basis to conclude that his actions gave even the appearance of impropriety. We therefore respectfully request that the Committee dismiss the OCE referral without further proceedings.

Respectfully submitted,

Mitchell R. Berger
William J. McGinley

Enclosures

Exhibit A

Declaration

I, Representative Tom Price, declare (certify, verify or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated September 27, 2010, relating to my response to the Report and Findings of the Office of Congressional Ethics, are true and correct.

Signature: Thomas Price

Printed Name: THOMAS PRICE, MD

Date: September 27, 2010

Exhibit B

TOM PRICE, M.D.
6TH DISTRICT, GEORGIA

WASHINGTON, DC OFFICE:
424 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4501
FAX: (202) 225-4656

DISTRICT OFFICES:
3730 ROSWELL ROAD, SUITE 50
MARIETTA, GA 30062
(770) 565-4990
FAX: (770) 565-7570

100 NORTH STREET, SUITE 150
CANTON, GA 30114
(678) 493-6176

www.house.gov/tomprice

Congress of the United States
House of Representatives

COMMITTEE ON
FINANCIAL SERVICES
SUBCOMMITTEES:
CAPITAL MARKETS
DEPUTY RANKING MEMBER
DOMESTIC MONETARY POLICY AND TECHNOLOGY
FINANCIAL INSTITUTIONS AND CONSUMER CREDIT

COMMITTEE ON
EDUCATION AND LABOR
SUBCOMMITTEES:
WORKFORCE PROTECTIONS
HEALTH, EMPLOYMENT, LABOR AND PENSIONS
RANKING MEMBER

REPUBLICAN STUDY COMMITTEE
CHAIRMAN

DEPUTY WHIP

June 22, 2010

Leo Wise, Esquire
Staff Director and Chief Counsel
Office of Congressional Ethics
425 3rd Street, SW
Suite 1110
Washington, D.C. 20024

Re: Response to Review No. 10-8839 -- The Honorable Tom Price

Dear Mr. Wise:

This responds to the initiation of a Preliminary Review, I received from the Office of Congressional Ethics ("Notification") on May 25, 2010. The investigation concerns whether I "solicited or accepted" campaign contributions from eight Political Action Committees ("PACs") registered with the Federal Election Commission ("FEC") "in exchange for or because of an official act," specifically H.R. 4173, also known as the "Wall Street Bailout Bill." The allegations contained in the Notification are without merit for the reasons set forth below, and I respectfully request that the OCE dismiss this matter.

Introduction

Throughout my service in the House of Representatives (and the Georgia Legislature before that), I have consistently and repeatedly voiced my opposition to, and voted against, legislative attempts to increase the size of government, including H.R. 4173. For your convenience, my legislative record on this issue is detailed below. There is nothing different in my vote against this bill, as illustrated by the multiple amendments I filed in the Financial Services Committee ("FSC") to change it, and the dozens of other votes I have taken in my career.

Moreover, the legislative schedule changes on an hourly and daily basis. It is nearly impossible to be certain when specific pieces of legislation will come up for a vote in Committee or on the House floor. As every Member is well aware, the timing of many votes in Committee and on the House floor are not set on a regular schedule. Rather, they are the result of negotiations that, in some instances, fall apart at the last minute and cause the vote to be postponed. H.R. 4173 and

its many components were no different than any other piece of major controversial piece of legislation in this regard.

In addition, the Federal Election Campaign Act permits federal candidates, including me, to accept contributions into their campaign accounts from PACs registered with the FEC. I, along with the overwhelming majority of my fellow Members, have always done that. All eight of the PACs listed in your letter are properly registered with the FEC and their contributions were properly disclosed to the FEC in my campaign's public disclosure reports. Six of the PACs have given to my previous campaigns for Congress. Congress was in session during the nine-day period of interest to you, and I held some fundraisers during that period. These fundraisers were scheduled weeks in advance and were not timed to coincide with the votes in Committee or on the House floor with respect to H.R. 4173.

This submission includes documents that are pertinent to resolving this matter.

Consistent Record of Opposing Taxpayer Bailout Bills

For your convenience, I have summarized my voting record and the public statements I have released on the issue of financial services reform during the past few years. This information is organized by year and demonstrates that I have consistently opposed government intrusion in the financial marketplace and favored market-based solutions for the financial crisis. Attached to this letter are copies of the press statements for your convenience.

H.R. 4173

H.R. 4173. As an initial matter, H.R. 4173, otherwise known as the "Wall Street Bailout Bill," is composed of the legislation discussed below. My opposition to legislation providing for bailouts and greater intervention by the federal government in the financial services sector began in March of 2007 and continues to this day. In my opinion, this legislation is just another government takeover of the financial services industry.

It must be noted that the Notification does not accurately describe the time frame for the consideration of H.R. 4173. Specifically, your letter states "H.R. 4173...was reported out of the Financial Services Committee ("FSC") on December 2, 2009." This is not the case. The final version of H.R. 4173 was never reported out of the FSC. H.R. 4173 was introduced and referred to all committees of jurisdiction, including the FSC, on December 2, 2009. This legislation was brought straight to the floor without any committee action. The bill passed the House on December 11, 2009, at 2:28 p.m.

Uncertain Floor Schedule. In addition, please note that the House legislative schedule is always in flux. Almost every major piece of legislation the House Democrats have tried to schedule for a vote in the 111th Congress has been changed.[1] H.R. 4173 is no different. The Democrats experienced multiple issues getting the various portions of this bill passed in Committee and the entire piece of legislation on the House floor. This is important because the committee and House floor schedules are always in flux when this happens. Copies of emails from the Minority Whip's office regarding the scheduling and re-scheduling of votes are attached for your convenience.

The *Wall Street Journal* reported that on November 20, 2009, "the Congressional Black Caucus *forced the House to shelve its revamp of financial-sector regulation for two weeks.*" (emphasis added). Then on December 2, 2009, the *Associated Press* reported that "[a]lready postponed once, the committee's bill could face another delay" because of the Congressional Black Caucus. On December 10, 2010, the day before the bill actually came up for a vote, the *Boston Herald*, reported that "Rep. Barney Frank yesterday was trying to stitch together last-minute compromises before a final vote on a financial regulatory bill that could have a huge impact on firms in Massachusetts." The article goes on to say that "[t]he wrangling *delayed an expected vote yesterday* on the 1,300-page bill." (emphasis added). So even up to the day before the vote, it was not clear whether the Democrats had the votes and whether they would bring the bill to the House floor on December 11, 2009. The final bill passed on the House floor only by 11 votes (223-202)[2] on December 11, 2009.

Pertinent Financial Services Issues Addressed in the 110th Congress

2007. During March 21-28, 2007, the FSC marked up H.R. 1257, the "Shareholder Vote on Executive Compensation Act." This legislation provided for the micromanagement of how private companies recruit and retain quality individuals. During that markup, I offered multiple amendments in an effort to correct this misguided legislation. None were adopted and I

---

[1] Other bills have experienced similar scheduling problems – a common occurrence in this Congress. "The DISCLOSE Act" legislative history: May 29, 2010, *The Hill*, "Democrats...had planned to pass it by Memorial Day...leaders were forced to punt the vote until after recess." On June 17, 2010, *Politico*, "had scheduled a Friday vote...but after complaints from the conservative Blue Dogs and the Congressional Black Caucus, Pelosi was forced to pull the bill on Thursday night." The "COMPETES Act" legislative history: May 28, 2010, *Education Week*, "Democrats, who hold a majority in the House, to delay final vote." On May 29, 2010, *The Hill*, "the Democratic leadership pulled the legislation." "D.C. Voting Rights Act" legislative History: April 21, 2010, *Roll Call*, "Majority Leader Steny Hoyer (D-MD) announced last week that a vote on the House floor was imminent, only to announce Tuesday that he has was pulling the legislation from the calendar." Health care legislative history: March 17, 2010, *Associated Press*, "last-minute snags related to the costs delayed the formal release of the legislation."

[2] It must be noted that the bipartisan vote was against the bill with 175 Republicans and 27 Democrats voting NO.

ultimately opposed this legislation which passed out of committee.[3] The final legislation passed the House 269-134 without my support. Ultimately, this legislation did not become law because the Senate failed to act.

On November 6-8, 2007, the FSC marked up H.R. 3915, the "Mortgage Reform and Anti-Predatory Lending Act of 2007." Again, I offered an amendment to correct this flawed legislation at the committee level and on the floor. This amendment was intended to apply the legislation only to subprime loans. The amendment failed to be adopted. Ultimately, I opposed this legislation both at the FSC and on the floor. This legislation did not become law because the Senate failed to act.

2008. In September of 2008, I opposed and voiced my strong opposition to "TARP I," the legislation that put taxpayers on the hook for a $700 billion Wall Street bailout.[4] This legislation failed and the Democrats brought it up again for a vote on October 3, 2008. Once again, I voted against this legislation because it was not the right solution for the problem.[5]

On October 21, 2008, I voice my continued concern during a FSC hearing about the "direct federal intervention in individual mortgages, broad overreach by the Federal Reserve, unlimited use of taxpayer dollars, and steps to nationalize banks" and offered a positive solution of "eliminating previously destructive regulatory actions, clos[ing the] gaps in the regulatory framework, increas[ing] transparency, and enhanc[ing] market integrity and innovation."[6]

On November 12, 2008, I also opposed the idea of a "Cram Down" proposal that was before the FSC.[7]

On November 18, 2008, Democrats proposed a $25 billion taxpayer-funded bailout of the automakers. I opposed this proposal and advocated for a return to pro-growth market principles.[8]

---

[3] Price Amendment (001) failed 26-35; Price voting YES. Price Amendment (008) failed 27-32-1; Price voting YES. Price Amendment (011) failed 20-42-1; Price voting YES.

[4] September 29, 2008, press release, "Rep. Price Stands Up for Taxpayers and Principles."

[5] October 3, 2008, press release, "Rep. Price on the Emergency Economic Stabilization Act of 2008."

[6] October 21, 2008, press release, "Rep. Price Advocates Positive Reforms of Our Financial System."

[7] November 12, 2008, press release, "Rep. Price Advocates for Responsible Government Policies Regarding our Mortgage Markets."

[8] November 18, 2008, press release, "Rep. Price Warns Against Continuing Down Road to Federal Intervention."

On December 3, 2008, I issued a statement underscoring the need for an exit strategy from the continued bailouts of financial institutions. This statement supported FDIC Chair Sheila Bair's position that bailouts could be used as a crutch by financial institutions if they are not allowed to fail.[9]

On December 11, 2008, I opposed the $14 billion bailout to the automakers and the creation of a new "car czar."[10]

On December 19, 2008, I issued another statement regarding my disappointment that the $13.4 billion of the automaker bailout would come from TARP funds.[11]

Pertinent Financial Services Issues Addressed in the 111th Congress

2009. On February 10, 2009, I issued a statement opposing Treasury Secretary Geithner's plan to increase the role of the federal government in the financial markets. The plan created up to a $2 trillion commitment to save failing financial institutions and the authority to create a "bad bank" to absorb toxic assets, and granted the federal government the authority to determine which private institutions should benefit from this new initiative (e.g., the government picking winners and losers).[12]

On February 24, 2009, I issued a statement opposing the government's bailout of Citibank.[13]

On March 17, 2009, I issued a statement discussing AIG's reckless decision to use $165 million of its bailout funds (out of the roughly $170 billion they received) for employee bonuses.[14]

On March 18, 2009, I issued a statement opposing the Treasury Secretary's offer to give AIG $29.8 billion instead of $30 Billion.[15]

---

[9] December 3, 2008, press release, "Rep. Price Underscores Call for Exit Strategy to Financial Bailouts by FDIC Chair."

[10] December 11, 2008, press release, "Rep. Price Statement on the Auto Bailout."

[11] December 19, 2008, press release, "Rep. Price Denounces Auto Bailout with TARP Funds."

[12] February 10, 2009, press release, "Chairman Price Statement on Treasury's Financial Plan Announcement."

[13] February 24, 2009, press release, "Government Intervention Not the Answer to Citi's Problems."

[14] March 17, 2009, press release, "Price: While You Are At It, Get the Other $170 Billion Back."

On March 19, 2009, I issued a statement criticizing the continued bailouts of private companies and legislation imposing a retroactive 90% tax on bonuses for companies that have received more than $5 billion in TARP funds.[16]

On March 23, 2009, I issued another statement opposing the Administration's plan to use $100 billion in taxpayer money to leverage purchases up to $1 trillion in toxic securities and loans.[17]

On March 25, 2009, I issued a statement opposing legislation to set CEO bonuses and salaries.[18]

On April 28-29, 2009, the FSC marked up H.R. 1728, the "Mortgage Reform and Anti-Predatory Lending Act." This legislation did not become law in the 110th Congress because it failed to be acted upon in the Senate (formally know as H.R. 3915). Once again, I voted against this legislation at the committee level and also when it came to the House floor for final passage. I also offered an amendment to strike the bill's limitation on the use of arbitration for pre-dispute claims. I offered another one to move the effective date of the legislation so that the Federal Reserve could conduct a study concerning the legislation's effect on the availability of credit and mortgages. Both amendments failed at the committee level. I offered the Federal Reserve amendment on the floor, which failed as well.

On July 28, 2009, the FSC marked up H.R. 3269, the "Corporate and Financial Institution Compensation Fairness Act of 2009." The committee adopted my amendment to prohibit "claw backs" on compensation. On committee passage, I voted against this legislation because it was still very flawed. On the House floor, Chairman Frank offered an amendment to strike my amendment and it passed 242-178. I voted against final passage of this legislation.

On September 14, 2009, I issued a statement advocating that the Administration should embrace sound free market economic principles.[19]

---

[15] March 18, 2009, press release. "Giethner to AIG: I'll Show You! Treasury Secretary Only Offer AIG $29.8 Billion instead of a full $30 Billion."

[16] March 19, 2009, press release, "The Bailouts Continue: Bonus Bill a Political Bailout for Democrats."

[17] March 23, 2009, press release, "Geithner Plan a Bad Deal for Taxpayers."

[18] March 25, 2009, press release, "How to Avoid Executive Bonus Controversy: Get Government Out of the Bailout Business."

[19] September 14, 2009, press release, "Financial System Reform Should Embrace Principle. President Seeks to Perpetuate "Too Big To Fail" System that Created Crash."

On September 18, 2009, I issued a release criticizing the Administration's proposal on private sector pay. Markets should be setting salaries, not bureaucrats.[20]

On September 25, 2009, prior to a FSC hearing on transparency and oversight of the Federal Reserve, I issued a statement explaining that the Federal Reserve had exceeded its authority by proposing a plan to control the compensation of private sector employees. [21]

During the month of October 2009, I issued a series of releases with the theme "remembering when": (i) the White House did not have a $700 billion slush fund; (ii) the taxpayers did not own the two major mortgage underwriters, Fannie Mae and Freddie Mac; (iii) the government did not control AIG, a private insurance company; and (iv) the government did not own two American auto manufacturers – GM and Chrysler.[22]

On October 15, 2009, the FSC marked up H.R. 3795, the "Derivative Markets Act." Once again, I offered an amendment to improve this legislation. My amendment would have harmonized existing SEC and Commodity Futures Trading Commission rules and regulations. The amendment was rejected and I voted against final passage in committee.

On October 22, 2009, H.R. 3126, the "Consumer Financial Protection Agency ("CFPA") Act," was considered by the FSC. I offered three amendments regarding the CFPA's scope (exempt health care professionals, student loan providers and ERISA pension plans from the CFPA) that were rejected. I voted against committee passage.

On October 27, 2009, I voted for H.R. 3818, the "Private Fund Investment Advisers Registration Act," a non-controversial piece of legislation. The bill passed out of committee 67-1.

On October 28, 2009, I did not vote on H.R. 3890, the "Accountability and Transparency in Rating Agencies Act" due to a doctor's appointment.

---

[20] September 18, 2009, press release, "Price Blasts Pervasive Plan to Control Private Sector Pay."

[21] September 25, 2009, press release, "Price Demands Answers on Fed Overreach."

[22] October 12, 2009, press release, "Remember When...the White House Didn't have a $700 Billion Slush Fund?"; October 13, 2009, press release, "Remember When...Taxpayers Didn't Own Two Major Mortgage Underwriters?"; October 14, 2009, press release, "Remember When...the Government Didn't Control A Major Insurance Company?"; and October 15, 2009, press release, "Remember When...Taxpayers Didn't Own Two American Auto Manufacturers?"

On November 4, 2009, I offered an amendment in committee to H.R. 3817, the "Investor Protection Act," seeking to strike the section of the legislation that limited the mandatory arbitration clause. This amendment failed and I voted against final committee passage.

H.R. 2609, the "Federal Insurance Office Act," a non-controversial piece of legislation passed by voice vote out of the FSC.

On December 2, 2009, the FSC marked up H.R. 3996, the "Financial Stability Improvement Act." I voted against this legislation at the committee level.

On December 4, 2009, I issued a press release opposing the use of TARP funds for "non-stimulus II."[23]

On December 11, 2009, I issued a statement on H.R. 4173. I opposed the legislation because it would solidify the financial system's problems and reinforce the bailout culture.[24]

On December 30, 2009, I called on Chairman Frank to hold prompt hearings to examine the Administration's exit strategy for the automakers bailout program after the Administration announced that the federal government will take a larger ownership stake in GMAC.[25]

2010. On January 21, 2010, I responded to President Obama's plan to break up large banks to limit risk in the market. I opposed this plan because the federal government should not decide the appropriate level of risk in the private sector. Markets should determine risk, not bureaucrats.[26]

On February 1, 2010, I issued a statement responding to the report released by Neil Barofsky, the Special Inspector General of TARP. The report demonstrated how TARP was a failure on multiple fronts.[27]

---

[23] December 4, 2009, press release, "TARP & Stimulus II, a Reckless Combination."

[24] December 11, 2009, press release, "Price Statement on Passage of Permanent Bailout Bill."

[25] December 30, 2009, press release, "Price Statement on Latest Obama Bailout. The Bailout Train Is Clearly Not Losing Steam."

[26] January 21, 2010, press release, "Price Statement on Obama Plan for Greater Government Intervention into Financial Markets."

[27] February 1, 2010, press release, "Risk of Future Bailouts Increased by TARP."

On February 24, 2010, I issued a statement supporting legislation requiring an accurate accounting of Fannie Mae's and Freddie Mac's liabilities since the taxpayers are on the hook for their mistakes (potential liability of $400 billion by 2020).[28]

On March 15, 2010, I issued a statement opposing Senator Dodd's financial services reform legislation. It discussed why Senator's Dodd's proposal would result in permanent bailouts, far-reaching powers for Washington over the private-sector economy, and how the legislation ignores the problem of Fannie Mae and Freddie Mac – the root cause of our financial crisis. The CFPA portion of the legislation also creates a new government agency doing very little to help consumers. Republicans offered a positive pro-growth solution in H.R. 3310, which has been rejected by the Democrats up to this point.[29]

On April 13, 2010, I issued a statement asking the White House to consider legislation which I helped author (H.R. 3310) that will eliminate bailouts and too-big-to-fail, fix Fannie Mae and Freddie Mac, and consolidate the regulatory agencies while strengthening consumer protection.[30]

On April 21, 2010, I issued a statement discussing how Senator Dodd's and Chairman Frank's legislation completely ignores the true cause of the financial meltdown – Fannie Mae and Freddie Mac.[31]

On April 27, 2010, I issued a statement highlighting that Senate Democrats voted twice in 24 hours to preserve the bailout culture. Instead of ending the culture of bailouts, reforming Fannie Mae and Freddie Mac, Democrats continue to push for a political economy.[32]

On May 5, 2010, I issued a statement responding to the announcement that Freddie Mac suffered a net loss of another $6.7 billion in the first quarter of 2010 after losing $72 billion over the last two years.[33]

---

[28] February 24, 2010, press release, "Stop the Fannie and Freddie Accounting Fraud. The Burden of Their Bailout Should Be On the Books."

[29] March 15, 2010, press release, "Price Statement on Dodd Proposal."

[30] April 13, 2010, press release, "Will Dems Ignore the House GOP Plan for Financial Reform?"

[31] April 21, 2010, press release, "Bailouts of Omission. Democrats' Plans Ignore Fannie Mae and Freddie Mac."

[32] April 27, 2010, press release, "Democrats Vote for Bailouts Twice in 24 Hours."

[33] May 5, 2010, press release, "More Losses at Freddie Mac Means More Bailouts. Will Democrats Force Taxpayers to Keep Footing the Bill?"

On May 7 and May 12, 2010, I issued two statements warning the Administration and Congressional Democrats not to export $50 billion in U.S. taxpayer funds to Europe through the IMF.[34]

PAC Contributions

As stated above, federal campaign finance law permits federal candidates, including me, to accept contributions into their campaign accounts from PACs registered with and reporting to the FEC. The contributions received by my campaign from the PACs identified in your May 25, 2010 letter complied with federal law and were properly disclosed in my campaign's FEC disclosure reports. No PAC contribution exceeded the $5,000 per election limit to my campaign. For the reasons listed below, these contributions were not "solicited or accepted . . . in exchange for or because of an official act." Copies of my campaign's FEC reports are attached for your convenience.

First, December of each odd-numbered year, including 2009, is an important fundraising period for campaigns and leadership PACs. Campaigns, including my own, host fundraisers during this time frame to boost their year-end fundraising totals. A campaign's political opponents and the media scrutinize its year-end fundraising totals. This causes each campaign to strive to post the best fundraising numbers possible. Leadership PACs also host fundraisers in December because the contribution limits to these committees are on a calendar year basis, not an election cycle basis. This means that each leadership PAC will try to raise as much money as possible before the new calendar year contribution limits are triggered. Accordingly, campaigns and leadership PACs raise as much money as possible in December for political and fundraising reasons, not because the fundraising activities are timed to coincide with votes on the legislative calendar.

Second, six of the eight PACs identified in your letter have a history of supporting my campaign. The American Express Company PAC has contributed to my campaign since February 2008. Bank of America PAC has contributed to my campaign since 2005, and the National Association of Federal Credit Unions PAC began contributing to my campaign in 2004. The Investment Company Institute PAC, UBS PAC and KPMG PAC all began contributing to my campaign in 2006. Astellas US LLC PAC and Psychiatric Solutions PAC, neither of which is connected to the financial services sector, contributed to my campaign for the first time in December 2009. In fact, the contributions received from these eight PACs constitute a small percentage of the funds raised by my campaign. The 2008 Post-General FEC Report discloses that my campaign raised approximately $1,580,000, and my campaign's 2009 Year-End FEC Report discloses that my campaign raised approximately $1,078,000.

---

[34] May 7, 2010, press release, "Don't Export Bailouts, End them. Heed the Warning of Europe's Debt Woes." May 12, 2010, press release, "Price on EuroTARP: 'the Bailout Brigade Just Can't Stop.'"

Third, my campaign and leadership PAC retain the services of a professional fundraiser. The services are paid for by my campaign and leadership PAC, respectively, depending on the services performed for each committee. Her duties include setting our fundraising event schedule for each committee, drafting and distributing invitations, and otherwise managing the fundraising activities of each committee. She does not work for my congressional office and is not compensated with any official funds.

Finally, each fundraising event held by my campaign between December 1 and 10, 2009, was scheduled weeks in advance by our fundraiser. Specifically, each fundraiser was scheduled approximately five to seven weeks before the event, except for one that was scheduled approximately two weeks before the event. We have included in the documents provided a log of when these events went on the schedule. None of the fundraisers was scheduled to coincide with the Committee or House votes on H.R. 4173. We did not even know when the legislation would be scheduled for a vote on the House floor because of last minute negotiations within the Democratic caucus.

Conclusion

Accordingly, the contributions my campaign received from the PACs identified in your May 25, 2010, letter complied with federal campaign finance law and the House Ethics Rules. As stated before, I have not changed or taken a vote because of any campaign contribution. My legislative and policy positions reflect the views of my constituents and are based on what I believe is best for my constituents and our country.

Thus, based on the uncertainty of the schedule and the consistency of my votes, there is no basis for proceeding with this matter.

I trust this submission and the enclosed documents answer your questions. I respectfully request that the OCE dismiss this matter in a timely fashion.

If you have any questions please contact William McGinley of Patton Boggs LLP at (202) 457-6561, who is assisting with my efforts to address the OCE's review.

Sincerely,

Tom Price, M.C.

PATTON BOGGS LLP
ATTORNEYS AT LAW

2550 M Street, NW
Washington, DC 20037
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

August 6, 2010

William J. McGinley
202-457-6561
wmcginley@pattonboggs.com

Leo Wise, Esquire
Staff Director & Chief Counsel
Office of Congressional Ethics
425 3rd Street, SW
Suite 110
Washington, DC 20024

Re: The Honorable Thomas Price
Initiation of Preliminary Review: Review No. 10-8839 ("Notification")
Request for Information: Review No. 10-8839 ("RFI")

Dear Mr. Wise:

On behalf of the Honorable Thomas Price, we are writing to supplement the information submitted to the Office of Congressional Ethics ("OCE") with regard to the above-referenced matter. Representative Price has cooperated with your office by producing hundreds of pages of documents during the Preliminary Review, as well as making himself and members of his Congressional and campaign staff available for interviews with your office.

The record demonstrates that Representative Price and his staff have acted legally, ethically and appropriately with respect to the matters your office is investigating, and that their actions do not even give the appearance of impropriety. Moreover, the record demonstrates that Representative Price did not solicit or accept contributions in exchange for, or because of, any official act related to H.R. 4173, or create the appearance that contributions to his campaign or leadership PAC were linked to any official act.

Three facts stand out in this matter: (1) Representative Price has consistently opposed H.R. 4173 and similar legislation; (2) Representative Price has been consistently supported by those who contributed to him during the period in question; and (3) as a Member of the Minority, Representative Price has absolutely no control over the House schedule.

Representative Price's Consistent Voting Record. On June 22, 2010, Representative Price submitted a letter to your office detailing his long-standing opposition to legislative attempts to increase the size of government, including H.R. 4173. Importantly, every Republican voted against H.R. 4173, so the votes on this piece of legislation were not in question. Representative Price has consistently opposed such legislative efforts from March 2007 to the present, including H.R. 1257, the Shareholder Vote on Executive Compensation Act, H.R. 3915, the Mortgage

Reform and Anti-Predatory Lending Act of 2007, TARP-I, Cram Down legislation, the taxpayer funded bailout of the automakers, the government's bailout of Citibank, legislation to set CEO bonuses and salaries, and others. Representative Price's policy positions, public statements and voting record on these issues have been consistent and have not changed. There is no credible basis for even suggesting that he ever changed his public policy positions or cast a vote because of any contribution. Representative Price's policy positions reflect his views and the views of his constituents and are based on what he believes are in the best interests of his constituents and our country.

The PACs Listed In The Notification Have A Consistent History Of Contributing To Representative Price. As stated in Representative Price's June 22, 2010 letter, six of the eight PACs identified in the Notification have a history of supporting his campaign. The American Express Company PAC has contributed to the campaign since February 2008. Bank of America PAC has contributed to the campaign since 2005, and the National Association of Federal Credit Unions PAC began contributing to the campaign in 2004. The Investment Company Institute PAC, UBS PAC and KPMG PAC all began contributing to the campaign in 2006. Astellas US LLC PAC and Psychiatric Solutions PAC, neither of which is connected to the financial services sector, contributed to the campaign for the first time in December 2009. Moreover, the contributions received from these eight PACs constitute only a small percentage of the funds raised by the campaign. The 2008 Post-General FEC Report discloses that the campaign raised approximately $1,580,000, and the campaign's 2009 Year-End FEC Report discloses that it raised approximately $1,078,000.

The Legislative Schedule Is Constantly In Flux. In addition, the OCE received evidence in this matter concerning the reality of the legislative calendar – a calendar that is controlled by the Democratic Majority and that is constantly changing without any consultation with Representative Price.

As detailed in Representative Price's June 22, 2010 letter and according to testimony in this matter, the Committee and House legislative schedules are always in flux and, in some instances, change on a daily or hourly basis. They are the result of negotiations that may fall apart at the last minute and cause a vote to be postponed. H.R. 4173 was no different. The Democratic Majority experienced multiple issues getting various portions of this bill passed in Committee and the entire piece of legislation on the House floor.[1] As a member of the Republican Minority,

---

[1] Other bills have experienced similar scheduling problems – a common occurrence in this Congress. "The DISCLOSE Act" legislative history: May 29, 2010, *The Hill*, "Democrats...had planned to pass it by Memorial Day...leaders were forced to punt the vote until after recess." On June 17, 2010, *Politico*, "had scheduled a Friday vote...but after complaints from the conservative Blue Dogs and the Congressional Black Caucus, Pelosi was forced to pull the bill on Thursday night." The "COMPETES Act" legislative history: May 28, 2010, *Education Week*, "Democrats, who hold a majority in the House, to delay final vote." On May 29, 2010, *The Hill*, "the Democratic leadership pulled the legislation." "D.C. Voting Rights Act" legislative History: April 21, 2010, *Roll Call*, "Majority

Representative Price does not participate in the Democratic Majority's decision-making process regarding the legislative schedule. As a result, events are scheduled in advance of knowing the legislative calendar. To say that a Member, especially a Member of the Minority, must cancel an event if a vote is scheduled would give the Majority's leaders the power to control their political opponents' ability to raise funds.

Representative Price Maintains Appropriate Separation Between Legislative and Campaign Staff. Representative Price follows the House Ethics Rules and protocols in maintaining the appropriate firewall between his legislative and campaign staff. His official staff includes legislative assistants who assist him with his Committee work, including vote recommendations and research on legislative issues, a scheduler, and other office personnel. The legislative staff members play no role in the planning of fundraising events and do not solicit contributions or attend fundraising events. His Chief of Staff is responsible for managing the official office, but is not primarily responsible for any legislative issues. The Chief of Staff assists the campaign and leadership PAC as a volunteer and on his own time. His voluntary attendance at fundraising events is for the limited purpose of staffing Representative Price.

Representative Price's campaign staff includes a professional fundraiser in Washington, D.C. who is responsible for organizing local events. The fundraising staff decides all aspects of Representative Price's fundraising events, including the type of event (breakfast, lunch or dinner), location, who to invite, drafting of the event invitation, and other event details. The fundraising staff schedules the events weeks, if not months, in advance and after checking with the scheduler to determine his available dates and times for the events. The fundraising staff is unaware of what particular legislative issues may be pending before Representative Price and such considerations are not a factor in scheduling an event. None of the fundraising events held during December 2009 were scheduled to coincide with House votes on H.R. 4173.

To the extent the Congressman may have met with individuals or companies in the financial services industry in December 2009 and before was of no consequence to how he would vote if, in fact, H.R. 4173 was going to be presented then. Moreover, cancelling fundraising events poses a number of challenges that make such a last-minute decision difficult.

More specifically, the December 10, 2009 Financial Services Luncheon was a fundraising event that had been scheduled by Representative Bachus's campaign as part of his efforts to assist his fellow Republicans. The event was postponed a number of times during the year. Certainly, no

---

Leader Steny Hoyer (D-MD) announced last week that a vote on the House floor was imminent, only to announce Tuesday that he has was pulling the legislation from the calendar." Health care legislative history: March 17, 2010, *Associated Press,* "last-minute snags related to the costs delayed the formal release of the legislation."

one could have known when it was scheduled, more than one month before, that a vote on H.R. 4173 would take place the next day after the event.

The Legal Standards Support Dismissing This Matter. Nothing in the record suggests Representative Price engaged in illegal *quid pro quo* activity, or that the December 2009 fundraising events created any appearance issues. Moreover, there is no factual or legal basis for the OCE to find that substantial reason exists in this matter to refer it to the Standards Committee for further investigation.

It is important to keep in mind that "[a]ny allegation of a conflict of interest is a very serious matter, for it attacks the integrity and bona fides of the person charged. As the [American Bar Association] has advised, a charge of a conflict of interest 'should be viewed with caution ....'" Ronald D. Rotunda, *Alleged Conflicts of Interest Because of the "Appearance of Impropriety,"* 33 Hofstra L. Rev. 1141 (2005) (citations omitted).

Drawing from analogous circumstances where courts are asked to decide appearance of impropriety cases, courts typically evaluate such cases from the perspective "of a reasonable observer who is informed of all the surrounding facts and circumstances." *In re Sherwin-Williams Co.*, 607 F.3d 474, 477 (7th Cir. Wis. 2010) (citing *Cheney v. United States Dist. Court*, 541 U.S. 913, 924 (2004) (Scalia, J., in chambers)). Indeed, courts recognize that a risk of bias can be perceived by focusing on only one aspect of the story. *Id.* In addition to being well-informed about the surrounding facts and circumstances, courts define a reasonable person as a "thoughtful observer." *Id.* Finally, a reasonable person is able to appreciate the significance of the facts in light of relevant standards and practice and can discern whether any appearance of impropriety is merely an illusion. *Id.* (relying on *Cheney, 541 U.S. at 924 and In re Mason, 916 F.2d 384, 387 (7th Cir. 1990)* (concluding no appearance of bias created by fact that district judge had, before appointment to bench, made political contribution to party in case before him; judges with political ties regularly cast those interests aside and resolve cases on facts and law). OCE should keep such standards in mind when evaluating the conduct here. We respectfully submit that under these standards no reasonable person or thoughtful observer can conclude that there is any appearance of impropriety in this case.

Conclusion. Representative Price's legislative and policy positions are based on what he believes to be best for his constituents and our country. As far back as 2007, Representative Price opposed legislative attempts to expand the role of government in the financial services industry which culminated in his opposition to H.R. 4173.

No facts have emerged to suggest that Representative Price acted against his own principles. Nor that Representative Price acted in a manner that suggests the appearance of impropriety. Rather, Representative Price and his staff have acted legally, ethically and appropriately in this matter. Accordingly, we respectfully request that the OCE recommend dismissal in this matter.

Sincerely,

Benjamin L. Ginsberg
William J. McGinley
Christina G. Sarchio

cc: Kedric L. Payne, Esquire
Investigative Counsel
Office of Congressional Ethics

Statement of the Honorable Tom Price
Office of Congressional Ethics
August 27, 2010

- Thank you for your service. We all have difficult jobs – today is my 27th wedding anniversary – and explaining to my wife why I needed to come to Washington today was a challenge – but I don't envy your job at all.

- I appreciate the opportunity to come before you today and present what will hopefully be a more personal perspective on this "review." I think we oftentimes, in this political arena, lose a recognition of the real world affects of what we do.

- I'm a physician, an orthopaedic surgeon. I spent over 20 years taking care of patients – in an environment that encourages cooperation, not confrontation – unlike the political process.

- During my medical career, I embraced the importance of thoroughness, process, diligence, and integrity – for it was with those attributes that I was able to help my patients most. When I entered the political arena, I strived to transfer those attributes and qualities to my work in this different venue.

- So I must admit – that when I first received notification of this review – I was dumbfounded and perplexed. In my public life, I have bent over backwards in an effort to comply with all identifiable rules regarding my various responsibilities, and to ensure that those working for me do so as well. This process has been especially difficult because no one has been able to tell me precisely what the allegations are. Without a clear statement about exactly what I'm alleged to have done wrong, I find myself hamstrung in responding to or presenting the most pertinent information that would allow you the opportunity to make the most responsible recommendation.

- As near as I'm able to determine, the question at hand has to do with the temporal relationship, or timing, between fundraising activities from December 2 – 11, 2009 and votes in the House, and the potential affect of fundraising on a specific vote on financial regulation on December 11, 2009. It's extremely important to state that my vote, on any Bill, has never been – nor will it ever be – for sale, and I did not vote on the financial regulation bill, or do anything else in connection with that bill, in exchange for a campaign contribution. -- As a result, I can only presume that the focus of this review centers on whether there is an appearance that I may have done so.

- As you're reviewing the facts in this matter, I ask that you look at the entire picture and consider all the facts, and evaluate those facts in light of the relevant standards and practice. So, what are the facts?

- You have in your possession a letter from me, a letter from my counsel, various pertinent documents, and information gleaned from interviews by your staff with my chief of staff, legislative assistant, fundraiser, and me. If I were in your seat, I would appreciate a distillation of that information into a concise summary that provides clarity and also reminds you of the potential consequences of your action later this afternoon.

- First, during my four terms as a state senator and now in my third term in the House, I have insisted upon a clear separation between the policy side of my operation and the political side.

- I hire a professional on the political, non-official side, to coordinate and carry out my fundraising events – she is primarily responsible and in control of when events are scheduled based on when I am Washington, D.C., where they are held, and who is invited to participate. Our events are scheduled at least weeks, and oftentimes months, before they occur – and such is the case in this matter.

- Second, I – especially in the minority party – have no ability to control the speaker and majority leader's scheduling of votes on the House floor, or the committee chairman's scheduling of votes in committee. Part of my sense about the unbelievable nature of this accusation was the notion that <u>we</u> somehow know when a vote is going to actually happen. It simply isn't the case. We never know when a vote will occur with certainty – and there have been a number of occasions when at the very last moment, during debate or following a vote on a motion to recommit, the bill is pulled from consideration and the final vote is postponed.

- Recall, please, the example of the healthcare bill, something near and dear to my heart. Remember that it was the stated goal of the president and speaker to have the vote in the House before the end of July 2009, before the August recess, with a final bill on the president's desk by October of last year. The initial House floor vote didn't occur until November 2009 and the vote on the final bill didn't happen until March of this year – almost a half year behind schedule. And we in the minority party didn't know about those votes actually happening until the day they occurred. To suggest that I could plan any fundraising activities around a specific vote on a specific piece of legislation is absurd. This was certainly the case with the financial regulation bill that is the subject of this review – the itemization of the timeline on this legislation you already have in information previously submitted to your staff.

- Third, my position on the financial regulation bill was clearly stated and known by anyone with even a cursory knowledge of financial services matters. I actively participated in the formulation, and was an original co-sponsor, of our (Republican Financial Services Committee members) alternative solution that was introduced in the House as HR 3310 on July 23, 2009, over five months before the timeframe under consideration in this review. The notion that my perspective or posture on this matter was in doubt (or play) is preposterous. The specific proposals in our alternative solution, HR 3310, were not included in any manner in their final bill brought to the floor. My vote – a NO vote – was never in question.

- Fourth, most of you have served in a representative capacity – and I suspect that your experience was like mine has been – that those who supported your campaign financially do so to demonstrate their support of your position on issues, not the other way around. I don't support any position in exchange for a contribution. That's simply not how I do business. Never has been; never will be.

- Fifth, the contributions to our campaign under your review are legal contributions from legal organizations and we have complied with all disclosure and reporting requirements. Any responsibilities we have for transparency have been followed to a "T."

- For these reasons, no reasonable person or thoughtful observer can believe there was a violation or even the appearance of impropriety by my staff or me.

- Finally, I think it is important to briefly touch on the legislation that formed the Office of Congressional Ethics. As you know, that bill passed the House by one vote. Many of us at the time were extremely concerned about the potential for misuse of what ideally should be an important adjunct for appropriate behavior by members of Congress.

- The fact that an anonymous accuser, at least one not known to me, can wreak havoc in anyone's life is truly an injustice that should be chilling to every fair minded American. Even if you conclude – as you should – that I have done nothing wrong, my reputation at home has already been tarnished. The stress to me and my family is real. The money required to defend myself is significant. The public's and press's knowledge of this process has resulted in headlines in hometown newspapers in font larger than necessary highlighting: Price Under Investigation For Contributions. So, more than enough damage has already been done prior to the outcome of this review.

- This whole ordeal has the appearance to some members, that if this case were to move forward with an adverse recommendation, then the speaker, any speaker, by virtue of their exclusive ability to set the time of any given vote on a specific bill, and with the public information available regarding the time and place of fundraising activities for any particular member – that the speaker would have the ability to target, solely for political purposes, any member or members. That opportunity is the type of political retribution that has not been possible here in the United States to date. It is my hope and prayer that we do not travel down that road.

- Yours is not an easy task. I thank you for your service. I appeal to your sense of responsibility, fairness, and decency.

- In summary, because: 1) I have separated my legislative work from my political work; 2) I am unable to control, in any way, the scheduling of official House votes and activities; 3) my public position on the matter in question has never been in doubt; 4) I do not, and will not, violate my sacred responsibility to my constituents and I refuse to exchange any vote for any financial consideration; 5) we have followed the letter of the law in our reporting and disclosure of contributions; and 6) because propriety and fairness dictate, I respectfully ask that you recommend dismissal – and that no further action be taken in this matter.

- I wish you all the very best – and Godspeed in your deliberations. Thank you.

Exhibit C

12/8/09 6:00 pm - 12/8/09 8:30 pm	**Hon. Stephanie Herseth Sandlin (SD-AL)** Dakota Duo Dinner with Special Guests Majority Leader Hon. Steny Hoyer and Hon. Earl Pomeroy: Washington Court Hotel 525 New Jersey Ave. NW, Washington, DC 20001 Contact: Danielle Neville at 202-347-3042 or Stephanie.Herseth.Sandlin@Fraioliassociates.com Contribution: $2000 PAC, $1000 Individual Committee: Herseth Sandlin for South Dakota, P.O. Box 75214, Washington, DC 20013-5214
12/8/09 6:30 pm - 12/8/09 10:30 pm	**Hon. Howard Berman (CA-28)** Biennial Los Angeles Dinner with Special Guest Rahm Emanuel: Beverly Hilton Hotel 9876 Wilshire Boulevard, Beverly Hills, CA 90210 Contact: Jeff Larivee at 202-821-5203 or jeff@rollagroup.com Contribution: Event Chair: Raise $25000, Co-Chair: Contribute $4800 per person or $9600 per couple or raise $10000, Steering Committee: Contribute or Raise $5000 for a table(of 10), Guest: $500 per person Committee: Berman for Congress, 1719 New Jersey Ave NW, Washington, DC 20001
12/8/09 6:30 pm - 12/8/09 7:30 pm	**NYJOBS PAC - with Honorary Chair Hon. Steve Israel (NY-02)** Dinner with Special Guest Hon. Bill Owens: Art & Soul Restaurant 415 New Jersey Avenue NW, Washington, DC 20001 Contact: Amy Eckert at 202-758-0264 or aeckert@eckertassoc.com Contribution: PAC: $5000 Sponsor, $2500 Patron, $1000 Guest, $500 Personal Committee: NYJOBS PAC, PO Box 763, Deer Park, NY 11729
12/8/09 6:30 pm - 12/8/09 8:30 pm	**Hon. Carolyn Maloney (NY-14)** Reception: Congresswoman Maloney's Home 206 D Street SE, Washington, DC 20003 Contact: June Silverberg at 202-550-2677 or june@silverbergassociates.net Contribution: $1000 PAC, $500 Individual Committee: Maloney for Congress, 24 E. 93rd Str., Suite 4B, New York, NY 10128
12/8/09 6:30 pm - 12/8/09 8:30 pm	**Hon. Patrick Murphy (PA-08)** Young Professionals Happy Hour: Union Pub 201 Massachusetts Ave NE, Washington, DC 20001 Contact: Lindsay Angerholzer or Alden Knowlton at 202-488-1445 or Alden@Sutters-Mill.com Contribution: $1000 PAC, $500 Host, $250 Sponsor, $100 Guest Committee: Patrick Murphy for Congress, 499 S. Capitol St. SW, Suite 404, Washington, DC 20003
12/9/09 8:00 am - 12/9/09 9:00 am	**Hon. Bill Foster (IL-14)** Breakfast with Chairman Hon. Barney Frank: Sonoma 223 Pennsylvania Avenue SE, Washington, DC 20003 Contact: Courtney Sigmon at 202-543-8411 or courtney@theconradgroup.org Contribution: Host: $2500 PAC, $1000 Personal, Friend: $1000 PAC, $500 Personal Committee: Bill Foster for Congress, 50 E Street SE, Suite 1, Washington, DC 20003
12/9/09 8:00 am - 12/9/09 9:00 am	**Hon. Gary Peters (MI-09)** Michigan Breakfast for Cong. Gary Peters with Senator Levin: Phoenix Park Hotel 520 North Capitol Street NW, Washington, DC 20003 Contact: Allison Griner at 202-554-0355 or allison.griner@gmail.com Contribution: $2000 PAC or Individual Host, $1000 PAC or Individual Per Person Committee: Gary Peters for Congress, P.O. Box 226, Bloomfield Hills, MI 48303-0226
12/9/09 8:30 am - 12/9/09 9:30 am	*****Hon. Bobby Rush (IL-01)** Breakfast 1455 Pennsylvania Avenue NW, Suite 900, Washington, DC 20004 Contact: Randy Broz or Courtney Evans at 202-479-2527 or rbroz@politicaldg.com or cevans@politicaldg.com Contribution: $5000 Host, $2500 Sponsor, $1000 Friend Committee: Citizens for Rush, 499 S. Capitol Street SW Suite 422, Washington, DC 20004
12/9/09 8:30 am - 12/9/09 9:30 am	**Hon. Benjamin Chandler (KY-06)** Breakfast: Johnny's Half Shell 400 North Capitol Street NW, Washington, DC 20001 Contact: Molly Allen or Todd Brooks at 202-454-5262 or todd@mollyallenassociates.com Contribution: $1000 PAC, $500 Individual Committee: Chandler for Congress, 209 Pennsylvania Ave. SE, Washington, DC 20003

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

9/10/08 12:00 pm - 9/10/08 1:00 pm	**Hon. Mike Ross (AR-04)** Lunch: 446 New Jersey Ave. SE, Washington, DC 20003 Contact: Emily Liner (eliner@mollyallenassociates.com) or Molly Allen (molly@mollyallenassociates.com) at 202-454-5262 Contribution: $2500 PAC Host, $500 Personal Committee: Mike Ross for Congress, PO Box 360, Prescott, AR 71857
9/10/08 5:30 pm - 9/10/08 7:00 pm	**Hon. Richard Neal (MA-02)** Evening Reception: Johnny's Half Shell 400 N. Capitol St. NW, Washington, DC 20001 Contact: 202-741-7258 Contribution: $2500 Host, $1000 Guest Committee: Richard E. Neal for Congress Committee, P.O. Box 15906, Chevy Chase, MD 20825
9/10/08 5:30 pm - 9/10/08 7:00 pm	**Hon. Michael Doyle (PA-14)** Evening Reception: NDC Townhouse 40 Ivy Street SE, Washington, DC 20003 Contact: Bruce Kieloch or Jeff Bogacki at 202-547-1334 or Jeff@Kieloch.com Contribution: $5000 Chair, $2500 Host, $1000 Guest Committee: Doyle for Congress Committee, 2227 Hampton Street, Pittsburgh, PA 15218
9/10/08 6:00 pm - 9/10/08 7:00 pm	**Hon. Bill Foster (IL-14)** Financial Services Reception with Hon. Ron Klein: Billy Goat Tavern 500 New Jersey Ave. NW, Washington, DC 20002 Contact: Courtney Sigmon at 202-543-8411 or courtneys@hmconsulting.org Contribution: $2500 PAC Host, $1000 Personal Host, $1000 PAC Guest, $500 Personal Guest Committee: Bill Foster for Congress, 422 C Street NE (Lower Level), Washington, DC 20002
9/10/08 6:30 pm - 9/10/08 8:30 pm	*****Hon. Zoe Lofgren (CA-16)** Fall Dinner: Charlie Palmer Steak ← 101 Constitution Ave. NW, Washington, DC 20001 Contact: Molly Allen or Emily Gray at 202-454-5262 or emily@mollyallenassociates.com Contribution: $3000 PAC Host, $2000 PAC Guest, $500 Individual Committee: Lofgren for Congress, 209 Pennsylvania Ave. SE, Washington, DC 20003
9/10/08 7:00 pm - 9/10/08 8:00 pm	**Hon. Ron Klein (FL-22)** Financial Services Reception with Hon. Bill Foster: Billy Goat Tavern 500 New Jersey Ave. NW, Washington, DC 20001 Contact: Lindsey Melander at 202-682-2202 or lmelander@cfc-dc.com Contribution: $2500 PAC Host, $1000 PAC/Individual Friend Committee: Klein for Congress, 10 G Street NE, Ste 470, Washington, DC 20002
9/11/08 6:30 pm - 9/11/08 8:30 pm	**Hon. Ed Pastor (AZ-04)** Reception at Eastern Market: Eastern Market - East Hall 306 7th Street SE, Washington, DC 20003 Contact: Kim Simpson at 1-866-548-2933 or pastor@fortherecordppa.com Contribution: $1000 PAC, $500 Individual Committee: Pastor for Arizona, P.O. Box 1978, Phoenix, AZ 85001-1978
9/12/08 9:00 am - 9/12/08 10:00 am	**Hon. Mazie Hirono (HI-02)** Maritime Reception: Charlie Palmer Steak 101 Constitution Ave. NW, Washington, DC 20001 Contact: Rick at 202-741-7133 or rickgalena@yahoo.com Contribution: $5000 PAC Host, $2500 PAC Sponsor, $1000 Ticket Committee: Friends of Mazie Hirono, PO Box 677, Honolulu, HI 96809
9/14/08 1:00 pm - 9/14/08 4:00 pm	**Hon. Mazie Hirono (HI-02)** Washington Redskins vs. New Orleans Saints Football Game: FedEx Field 1600 FedEx Way, Hyattsville, MD 20785 Contact: Rick at 202-741-7133 or rickgalena@yahoo.com Contribution: $2500 PAC - (*10 Premier Box Seats available on a first come, first served basis*) Committee: Friends of Mazie Hirono, PO Box 677, Honolulu, HI 96809

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

4/22/09 6:30 pm - 4/22/09 8:00 pm	**Hon. Jason Altmire (PA-04)** Energy Industry Dinner: Brasserie Beck 1101 K St NW, Washington, DC 20005 Contact: Lindsay Angerholzer or Alden Knowlton at 202-488-1445 or Alden@Sutters-Mill.com Contribution: $5000 Host, $2500 Sponsor $1000 PAC, $500 Individual Committee: Citizens for Altmire, 499 S. Capitol St. SW, Suite 404, Washington, DC 20003
4/23/09 8:30 am - 4/23/09 9:30 am	**Hon. Ed Pastor (AZ-04)** Transportation Issues Breakfast With Special Guest Hon. John Olver: National Democratic Club Townhouse 40 Ivy Street SE, Washington, DC 20003 Contact: Kim Simpson at 866-548-2933 or pastor@fortherecordppa.com Contribution: $1000 PAC, $500 Individual Committee: Pastor for Arizona, PO Box 1978, Phoenix, AZ 85001
4/23/09 8:30 am - 4/23/09 9:30 am	**Hon. Gabrielle Giffords (AZ-08)** Breakfast 601 Penn Ave NW, Suite 225; North Tower, Washington, DC 20004 Contact: Molly Allen or Emily Gray at 202-454-5262 or emily@mollyallenassociates.com Contribution: $2500 PAC Host, $1000 PAC Guest, $500 Individual Committee: Giffords for Congress, 209 Pennsylvania Ave. SE, Washington, DC 20003
4/23/09 8:30 am - 4/23/09 9:30 am	**Hon. Zoe Lofgren (CA-16)** Pharmaceutical Industry Breakfast: Bistro Bis 15 E St. NW, Washington, DC 20001 Contact: Molly Allen or Emily Gray at 202-454-5262 or emily@mollyallenassociates.com Contribution: $1500 Co-Host, $1000 Guest Committee: Lofgren for Congress, 209 Pennsylvania Ave. SE, Washington, DC 20003
4/23/09 8:30 am - 4/23/09 10:00 am	**Hon. Suzanne Kosmas (FL-24)** Space Industry Breakfast: Johnny's Half Shell 400 North Capitol Street NW, Washington, DC 20001 Contact: Molly Allen or Todd Brooks at 202-454-5262 or todd@mollyallenassociates.com Contribution: $5000 Host, $2500 Co-Host, $1000 Guest, $500 Individual Committee: Kosmas for Congress, 209 Pennsylvania Ave. SE, Washington, DC 20003
4/23/09 12:00 pm - 4/23/09 1:30 pm	**Hon. Bobby Bright (AL-02)** Luncheon: C2 Group 101 Constitution Avenue NW, 9th Floor, Washington, DC, DC 20001 Contact: Molly Allen or Liz Robertson at 202-454-5262 or Liz@mollyallenassociates.com Contribution: $1500 PAC, $500 Individual Committee: Bright for Congress, 209 Pennsylvania Avenue, SE, Washington, DC 20003
4/23/09 12:00 pm - 4/23/09 1:00 pm	**Hon. Parker Griffith (AL-05)** Physician Lunch: B. Smith's Restaurant 50 Massachusetts Ave NE, Washington, DC 20002 Contact: Lindsay Angerholzer or Alden Knowlton at 202-488-1445 or Alden@Sutters-Mill.com Contribution: $5000 Host, $2500 Sponsor, $1000 PAC, $500 Individual Committee: Parker Griffith for Congress, 499 S. Capitol St. SW, Suite 404, Washington, DC 20003
4/23/09 12:00 pm - 4/23/09 1:30 pm	**Hon. Diana DeGette (CO-01)** Luncheon with U.S. Oncology: Sonoma 223 Pennsylvania Avenue SE, Washington, DC 20001 Contact: Katie Buongiprno at 202-544-2947 or diana.degette@ericksoncompany.com Contribution: $1000 Suggested Contribution Committee: Diana DeGette for Congress, PO Box 61337, Denver, CO 80206
4/23/09 6:00 pm - 4/23/09 8:30 pm	**Hon. Charlie Melancon (LA-03)** Annual Crawfish Boil!: Frederick Douglass Museum 320 A Street NE, Washington, DC 20002 Contact: James Modie or Randy Broz at 202-479-2527 or jmodie@politicaldg.com Contribution: $2500 Host, $1500 PAC, $500 Friend Committee: Charlie Melancon Campaign Committee Inc., 499 S. Capitol St. SW, Ste 422, Washington, DC 20003

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

5/5/09 6:00 pm - 5/5/09 9:30 pm	**Hon. Gary Ackerman (NY-05)** New York Deli Event: Sewall-Belmont House and Museum 144 Constitution Avenue NE, Washington, DC 20002 Contact: June Silverberg at 202-550-2677 or june@silverbergassociates.net Contribution: PAC: $5000 Maven (includes 6 tickets), $2500 Mensch (includes 3 tickets), $1000 Contributor (includes 1 ticket Individual: $2400(includes 3 tickets), $1000(includes 1 ticket) Committee: Ackerman for Congress, PO Box 15616, Southeast Station, Washington, DC 20003
5/5/09 6:00 pm - 5/5/09 7:30 pm	**Hon. Glenn Nye (VA-02)** Cinco de Mayo Celebration with Special Guest Senator Mark Warner: Lounge 201 201 Mass Ave NE, Washington, DC 20002 Contact: Heather Fraser at 202-488-1445 or Heather@Sutters-Mill.com Contribution: PAC: $5000 Host, $2500 Sponsor, $1000 Patron Individual: $2400 Host, $1000 Sponsor, $500 Patron Committee: Friends of Glen Nye, 499 South Capitol Street SW, Suite 404, Washington, DC 20003
5/5/09 6:30 pm - 5/5/09 8:00 pm	**Hon. Gabrielle Giffords (AZ-08)** Small Dinner with Gabrielle: Belga Cafe 514 8th Street SE, Washington, DC 20003 Contact: Molly Allen or Emily Gray at 202-454-5262 or emily@mollyallenassociates.com **Seating is Limited** Contribution: PAC: $2500 Host, $1000 Guest Individual: $1000 Host, $500 Guest Committee: Giffords for Congress, 209 Pennsylvania Ave. SE, Washington, DC 20003
5/5/09 7:00 pm - 5/5/09 9:00 pm	**Hon. André Carson (IN-07)** Dinner: Location TBD Location TBD, Washington, DC Contact: Ashly Higgins or Randy Broz at 202-479-2527 or ahiggins@politicaldg.com Contribution: $2500 Host, $1000 PAC, $500 Individual Committee: André Carson for Congress, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
5/6/09 8:00 am - 5/6/09 9:00 am	**Hon. Sander Levin (MI-12)** Health Industry Breakfast: Charlie Palmer Steak 101 Constitution Ave. NW, Washington, DC 20003 Contact: Emily Liner or Molly Allen at 202-454-5262 or eliner@mollyallenassociates.com Contribution: $2500 PAC Host, $1000 PAC Guest, $500 Individual Committee: Levin for Congress Committee, PO Box 37, Roseville, MI 48066
5/6/09 5:30 pm - 5/6/09 7:30 pm	***Hon. Betty Sutton (OH-13)** Evening Reception: International Brotherhood of Electrical Workers 907 Seventh St. NW, Washington, DC 20001 Contact: Greg at 202-741-7126 or greg@kalikassociates.com Contribution: $5000 Host, $2500 Sponsor, $1000 Ticket Committee: Betty Sutton for Congress, 1700 W. Market St., #155, Akron, OH 44313
5/6/09 6:00 pm - 5/6/09 7:30 pm	**Hon. Jose E. Serrano (NY-16)** Reception 417 New Jersey Avenue SE, Washington, DC 20003 Contact: Hanna Hunt at 202-547-6000 Contribution: $1000 Committee: Serrano for Congress, 1831 Bay Street SE, Washington, DC 20003
5/6/09 6:00 pm - 5/6/09 7:30 pm	***Hon. Henry Cuellar (TX-28)** Evening Reception BBQ & Beer featuring Chairman Hon. James Oberstar: Associated General Contractors Townhouse 53 D Street SE, Washington, DC 20003 Contact: George at 202-741-7273 or GJKoutsos@gmail.com Contribution: $2500 Co-Host PAC, $1000 Friend PAC, $500 Individual Committee: Texans for Henry Cuellar Congressional Campaign, 1519 Washington St., 2nd Fl, Ste 200, Laredo, TX 78042
5/7/09 8:30 am - 5/7/09 9:30 am	**Hon. Zoe Lofgren (CA-16)** Technology Industry Breakfast: The Home of Michael Timmeny 312 4th Street SE, Washington, DC 20003 Contact: Molly Allen or Emily Gray at 202454-5262 or emily@mollyallenassociates.com Contribution: $2000 PAC, $500 Individual Committee: Lofgren for Congress, 209 Pennsylvania Ave. SE, Washington, DC 20003

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

3/23/10 8:30 am - 3/23/10 9:30 am	*****Hon. Phil Hare (IL-17)** Breakfast: Johnny's Half Shell 400 North Capitol Street NW, Washington, DC 20011 Contact: Lisa Kurdziel or Randy Broz at 202-479-2527 or lkurdziel@politicaldg.com Contribution: $2500 PAC Host, $1000 PAC, $1000 Individual Host, $500 Individual Committee: Friends of Phil Hare, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
3/23/10 8:30 am - 3/23/10 9:30 am	**Hon. Brad Ellsworth (IN-08)** Defense Community Breakfast with Special Guest Congresswoman Loretta Sanchez: The Monocle 107 D Street NE, Washington, DC 20002 Contact: Katie Petrelius at 202-609-7462 or events@ellsworthforcongress.com Contribution: $2500 Host, $1000 Sponsor Committee: Ellsworth for Congress, P.O. Box 62, Evansville, IN 47708
3/23/10 8:30 am - 3/23/10 9:30 am	**Hon. Charlie Wilson (OH-06)** **RESCHEDULED** Breakfast Hosted by the National Association of Financial and Insurance Advisers PAC: Bullfeathers 401 First Street SE, Washington, DC 20003 Contact: George Koutsos at 202-465-4647 or Wilson@SchaefferStrategies.com Contribution: $2500 Co-Host, $1000 PAC Guest, $500 Individual Committee: Friends of Charlie Wilson, 600 Pennsylvania Ave. SE, Suite 200, Washington, DC 20003
3/23/10 9:00 am - 3/23/10 10:00 am	*****DCCC Business Council Breakfast with Hon. Jim Oberstar (MN-08)** DCCC Business Council Breakfast: Democratic National Committee; Wasserman Room 430 South Capitol St. SE, Washington, DC 20003 Contact: Amy Pfaehler at 202-485-3504 or Pfaehler@dccc.org Contribution: Business Council Member: $15000 PAC, $5000 Individual, Business Council Patron: $10000 PAC, $2500 Individual, Business Council Friend: $5000 PAC, $1000 Individual Committee: Democratic Congressional Campaign Committee, 430 South Capitol St. SE, Washington, DC 20003
3/23/10 12:00 pm - 3/23/10 1:30 pm	**Hon. Heath Shuler (NC-11)** A Southern Fried Chicken Luncheon: National Democratic Club Townhouse 40 Ivy Street SE, Washington, DC 20003 Contact: Ashley Mild at 202-544-3536 or Heath.Shuler@EricksonCompany.com Contribution: $1000 Committee: Shuler for Congress, P.O. Box 8446, Asheville, NC 28814
3/23/10 12:00 pm - 3/23/10 1:30 pm	*****Hon. James Langevin (RI-02)** Luncheon: Charlie Palmer Steak 101 Constitution Avenue NW, Washington, DC 20001 Contact: Seth Klaiman at 401-737-7177 or Seth@JimLangevin.com Contribution: $5000 Host, $2500 Friend, $1000 Supporter Committee: Langevin for Congress, 181-A Knight St., Warwick, RI 02888
3/23/10 12:00 pm - 3/23/10 1:00 pm	**Hon. Lincoln Davis (TN-04)** Lunch: Charlie Palmer Steak 101 Constitution Avenue NW, Washington, DC 20001 Contact: Justin Davey at 202-543-5777 Contribution: $5000 Chair, $2500 Host, $1000 PAC, $500 Individual Committee: Lincoln Davis for Congress, 236 Massachusetts Avenue NE, Suite 603, Washington, DC 20002
3/23/10 5:30 pm - 3/23/10 7:30 pm	*****Hon. Lynn Woolsey (CA-06)** Wine & Chocolate Reception: Home of Tom Trotter 425 New Jersey Ave. SE, Washington, DC 20003 Contact: Stephanie at 415-454-3316 or stephanie@woolseyforcongress.com Contribution: $5000 Host, $2500 Sponsor, $1000 Patron, $250 Individual Committee: Woolsey for Congress, P.O. Box 750176, Petaluma, CA 94975
3/23/10 5:30 pm - 3/23/10 7:00 pm	*****Hon. Zoe Lofgren (CA-16)** Bits and Bytes Reception: Townhouse 514 Seward Square SE, Washington, DC 20003 Contact: Molly Allen or Liz Robertson at 202-454-5262 or liz@mollyallenassociates.com Contribution: $5000 PAC Host, $2500 PAC Sponsor, $1000 PAC Friend, $250 Individual Committee: Lofgren for Congress, 209 Pennsylvania Ave. SE, Washington, DC 20003

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

5/19/09 8:30 am - 5/19/09 9:30 am	**Hon. Doris Matsui (CA-05)** Breakfast: Bistro Bis 15 E Street NW, Washington, DC 20001 Contact: Talya Yefet at 202-204-9050 or talya@ashmeadgroup.com Contribution: $1000 PAC, $500 Individual Committee: Matsui for Congress, PO Box 1738, Sacramento, CA 95812
5/19/09 8:30 am - 5/19/09 9:30 am	**Hon. Jan Schakowsky (IL-09)** Health Care Breakfast: Hotel George 15 E Street NW, Washington, DC 20001 Contact: Ted Burnes at 703-648-8949 or tburnes@acr.org Contribution: $5000 Chair, $2500 Sponsor, $1000 Host Committee: Schakowsky for Congress, PO Box 5130, Evanston, IL 60204
5/19/09 8:30 am - 5/19/09 9:30 am	**Hon. Brad Ellsworth (IN-08)** Breakfast: National Democratic Club 30 Ivy Street SE, Washington, DC 20003 Contact: Cliff or Pattie at 703-354-7444 or cliff@chpf.net Contribution: $1500 Committee: Ellsworth for Congress, PO Box 636, Annandale, VA 22003
5/19/09 8:30 am - 5/19/09 10:00 am	*****Hon. G. K. Butterfield (NC-01)** Breakfast: Phoenix Park Hotel 520 N Capitol St NW, Washington, DC 20001 Contact: Jeff Bogacki at 202-547-1334 or Jeff@kieloch.com Contribution: $5000 Chair, $2500 Co-Host, $1000 PAC, $500 Individual Committee: Butterfield for Congress Committee, 800 Hines St. W, Wilson, NC 27893
5/19/09 8:30 am - 5/19/09 10:00 am	**Hon. Earl Pomeroy (ND-AL)** Breakfast: National Democratic Club Townhouse 40 Ivy Street SE, Washington, DC 20001 Contact: Taylor Beis at 202-347-3042 or EarlPomeroy@fraioliassociates.com Contribution: PAC: $5000 Host, $2500 Sponsor, $1000 Friend Committee: Earl Pomeroy for Congress, PO Box 75214, Washington, DC 20013-5214
5/19/09 8:30 am - 5/19/09 9:30 pm	**Hon. Kurt Schrader (OR-05)** Breakfast: Hotel George, Mezzanine 15 E Street NW, Washington, DC 20001 Contact: Pattie or Lucas at 703-354-7444 or Pattie@CHPF.net Contribution: PAC: $5000 Host, $2500 Sponsor, $1000 Guest, Individual: $4600 Host, $2300 Sponsor, $1000 Guest Committee: Kurt Schrader for Congress, PO Box 636, Annandale, VA 22003
5/19/09 8:30 am - 5/19/09 8:30 am	*****Hon. Ciro Rodriguez (TX-23)** Breakfast: Tortilla Coast 400 First Street SE, Washington, DC 20003 Contact: Justin Davey at 202-543-5777 or JustinRDavey@Yahoo.com Contribution: $5000 Chair, $2500 Host, $1000 PAC, $500 Individual Committee: Rodriguez for Congress, 236 Massachusetts Ave. NE, #603, Washington, DC 20002
5/19/09 11:30 am - 5/19/09 1:00 pm	**Hon. Alcee L. Hastings (FL-23)** Defense Industry Luncheon: National Democratic Club Townhouse 40 Ivy Street SE, Washington, DC 20003 Contact: Lale Mamaux at 202-841-6442 or lalemb@yahoo.com Contribution: $1000 Committee: Hastings for Congress, PO Box 100277, Ft. Lauderdale, FL 33310
5/19/09 12:00 pm - 5/19/09 1:00 pm	**Valley PAC - with Honorary Chair Hon. Collin Peterson (MN-07)** AG Industry Annual Valley PAC Luncheon: Williams & Jensen Townhouse 324 Independence Avenue SE, Washington, DC 20003 Contact: Francessa Cox at 202-256-8851 or francessa@cox-mellinger.com Contribution: $5000 PAC Committee: Valley PAC, PO Box 77693, Washington, DC 20013

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

6/15/09 5:30 pm - 6/15/09 7:00 pm	**Hon. Mazie Hirono (HI-02)** 3rd Annual Taste of Hawaii Reception: Honeywell International 101 Constitution Ave, NW, Ste 500 West, Washington, DC 20003 Contact: Rick at 202-741-7133 or Rick@kalikassociates.com Contribution: $5000 Host, $2500 Sponsor, $1000 Ticket, $500 Individual Committee: Friends of Mazie Hirono, PO Box 677, Honolulu, HI 96809
6/15/09 7:30 pm - 6/15/09 9:00 pm	**Hon. Bill Foster (IL-14)** Dinner & Discussion with House Majority Leader Hon. Steny H. Hoyer 315 C Street NE, Washington, DC 20002 Contact: Courtney Sigmon at 202-543-8411 or courtney@theconradgroup.org Contribution: Host: $5000 PAC or $2400 Personal, Friend: $2500 PAC or $1000 Personal Committee: Bill Foster for Congress, 50 E Street SE, Suite 1, Washington, DC 20003
6/16/09 8:00 am - 6/16/09 9:00 am	**Hon. Ann Kirkpatrick (AZ-01)** PAC Breakfast Event 101 Constitution Avenue NW, Suite 500 West, Washington, DC 20001 Contact: Jasmine Zamani at 202-236-1205 or jnzamani@gmail.com Contribution: $5000 Host, $2500 Sponsor, $1000 Guest Committee: Kirkpatrick for Arizona, 1700 Kalorama Rd. NW #406, Washington, DC 20009
6/16/09 8:00 am - 6/16/09 9:30 am	**Hon. Howard Berman (CA-28)** Breakfast: Art & Soul Restaurant 415 New Jersey Avenue NW, Washington, DC 20001 Contact: Jeff Larivee at 202-821-5203 or jefflarivee@gmail.com Contribution: $2500 Co-Chair, $1000 Supporter Committee: Berman for Congress, 1719 New Jersey Avenue NW, Washington, DC 20001
6/16/09 8:00 am - 6/16/09 9:00 am	**Hon. Howard Berman (CA-28)** Annual Chairman's Breakfast Hosted by Comcast PAC, DIRECTV PAC, National Cable & Telecommunications Association PAC, and Verizon Communications PAC: Art & Soul Restaurant 415 New Jersey Avenue NW, Washington, DC 20001 Contact: Jeff Larivee at 202-821-5203 or jefflarivee@gmail.com Contribution: $2500 Co-Host, $1000 Guest Committee: Berman for Congress, 1719 New Jersey Avenue NW, Washington, DC 20001
6/16/09 8:00 am - 6/16/09 9:00 am	**House Majority Whip Hon. James Clyburn (SC-06)** Biotech Industry Breakfast: Sonoma Restaurant 223 Pennsylvania Avenue SE, Washington, DC 20003 Contact: Sarah Auten or Randy Broz at 202-479-2527 or rbroz@politicaldg.com Contribution: $2500 Sponsor, $1000 PAC, $500 Individual Committee: Friends of Jim Clyburn, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
6/16/09 8:30 am - 6/16/09 9:30 am	***** DCCC Business Council Co-Chair Hon. Ron Klein** DCCC Business Council Financial Services Breakfast featuring Chairman Hon. Barney Frank: Democratic National Headquarters 430 S. Capitol St. SE, Washington, DC 20003 Contact: Carmela Clendening at 202-485-3508 or clendening@dccc.org Contribution: Business Council: $15000 PAC/Individual, Business Patron: $10000 PAC/Individual, Business Friend: $5000 PAC/Individual Committee: DCCC, 430 S. Capitol St. SE, 2nd floor, Washington, DC 20003
6/16/09 8:30 am - 6/16/09 9:30 am	**Hon. Walt Minnick (ID-01)** Breakfast: National Democratic Club 30 Ivy Street SE, Washington, DC 20003 Contact: Pattie Fiorello or Lucas Sanders at 202-544-0020 or Lucas@CHPF.net Contribution: $5000 PAC Host, $4600 Individual Host, $2500 PAC Sponsor, $2300 Individual Sponsor, $1000 PAC/Individual Guest Committee: Minnick for Congress, P.O. Box 636, Annandale, VA 22003

6/16/09 5:30 pm - 6/16/09 7:00 pm	**Hon. Carolyn McCarthy (NY-04)** Reception: Erickson & Co. Townhouse 38 Ivy Street SE, Washington, DC 20003 Contact: Amy Pfaehler at 202-544-3151 or carolyn.mccarthy@ericksoncompany.com Contribution: $1000 Committee: Friends of Carolyn McCarthy, P.O. Box 190, Mineola, NY 11501
6/16/09 6:00 pm - 6/16/09 7:30 pm	**Hon. Parker Griffith (AL-05)** Dinner: Bobby Van's Grill 1201 New York Ave NW, Washington, DC 20005 Contact: Lindsay Angerholzer or Alden Knowlton at 202-488-1445 or Alden@Sutters-Mill.com Contribution: $5000 Host, $2500 Sponsor $1500 PAC, $1000 Individual Committee: Parker Griffith for Congress, 499 S. Capitol Street SW, Suite 400, Washington, DC 20003
6/16/09 6:00 pm - 6/16/09 7:30 pm	***Hon. Mike Thompson (CA-01)** Celebrate Summer with Lobster Po'boys and California Wines: 434 New Jersey Avenue SE, Washington, DC 20003 Contact: Yuichi at 202-543-5777 or ymwdc@yahoo.com or Zack at zacharymooneyham@yahoo.com Contribution: $2500 Sponsor, $1500 PAC, $500 Individual Committee: Mike Thompson for Congress, 236 Massachusetts Avenue NE, Suite 603, Washington, DC 20002
6/16/09 6:30 pm - 6/16/09 8:30 pm	**Majority Leader Hon. Steny Hoyer and Majority Whip Hon. James Clyburn (MD-05)** DCCC Summer Solstice: International Brotherhood of Electrical Workers Rooftop 900 7th Street NW, Washington, DC 20001 Contact: Dan O'Brien at 202-485-3505 or obrien@dccc.org Contribution: PAC: $15000 Host (4 tickets), $10000 Patron (2 tickets), $5000 Friend (2 ticket) Committee: Democratic Congressional Campaign Committee, 430 South Capitol Street SE, Washington, DC 20003
6/16/09 6:30 pm - 6/16/09 8:30 pm	***Hon. Steve Kagen (WI-08)** Health Care Dinner with Chairman Hon. Frank Pallone: Johnny's Half Shell 400 North Capitol Street NW, Washington, DC 20001 Contact: Chris Trull at 337-377-5857 or 202-741-7322 or chris_trull@kagen4congress.com Contribution: $2500 Host Committee (2 seats), $1500 Single Seat Committee: Kagen for Congress, 100 W. College Ave., Appleton, WI 54911
6/16/09 7:30 pm - 6/16/09 9:30 pm	**Hon. Allen Boyd (FL-02)** Dinner with Special Guests Hon. John Tanner and Hon. Jim Matheson: Ruth's Chris Steak House 724 9th Street NW, Washington, DC 20001 Contact: Justin Davey at 202-543-5777 or Justin@BoydforCongress.com Contribution: $5,000 Host $2,500 Sponsor Seating is Limited! Committee: Boyd for Congress, 236 Massachusetts Avenue NE #603, Washington, DC 20002
6/17/09 8:00 am - 6/17/09 9:00 am	***Hon. Suzanne Kosmas (FL-24) & Hon. Tom Perriello (VA-05)** DCCC Frontline Members Breakfast featuring Chairman Hon. Chris Van Hollen: Democratic National Club Townhouse 40 Ivy St. SE, Washington, DC 20003 Contact: Gina Natale at 202-485-3528 or natale@dccc.org Contribution: $10000 PAC Leader, $5000 PAC Chair, $2000 PAC, $2000 Individual Leader, $1000 Individual Chair, $500 Individual *Please make checks payable to each campaign and send to the DCCC* Committee: Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, 2nd floor, Washington, DC 20003
6/17/09 8:00 am - 6/17/09 9:00 am	**House Majority Whip Hon. James Clyburn (SC-06)** Health Care Industry Breakfast: Art and Soul 415 New Jersey Avenue NW, Washington, DC 20001 Contact: Sarah Auten or Randy Broz at 202-479-2527 or rbroz@politicaldg.com Contribution: $5000 Host, $2500 Sponsor, $1500 PAC, $500 Individual Committee: Friends of Jim Clyburn, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
6/17/09 8:30 am - 6/17/09 9:30 am	**Hon. André Carson (IN-07)** Breakfast: Johnny's Half Shell 400 N. Capitol Street NW, Washington, DC 20001 Contact: Ashly Higgins or Randy Broz at 202-479-2527 or ahiggins@politicaldg.com Contribution: $2500, Host $1000 PAC, $500 Individual Committee: André Carson for Congress, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

3/11/09 12:30 pm - 3/11/09 2:00 pm	**Hon. Christopher Carney (PA-10)** Luncheon: Johnny's Half Shell 400 North Capital Street NW, Washington, DC 20001 Contact: Bhavna Pandit at 202-683-2546 or bpandit@bonnergrp.com Contribution: $5000 Host, $2500 Co-Host, $1000 Guest Committee: Carney for Congress, PO Box A, Clarks Summit, PA 18411
3/11/09 5:00 pm - 3/11/09 7:00 pm	***Hon. Alan Grayson (FL-08)** Evening Reception 439 New Jersey Avenue SE, Washington, DC 20003 Contact: Karli Penders or Madalene Mielke at 202-547-6656 or karli@arumgroup.com Contribution: $1000 PAC, $500 Individual Committee: Committee to Elect Alan Grayson, 2206 East Colonial Drive, Orlando, FL 32803
3/11/09 5:30 pm - 3/11/09 7:00 pm	**Hon. David Loebsack (IA-02)** Evening Reception: National Democratic Club Townhouse 40 Ivy Street SE, Washington, DC 20003 Contact: Bruce Kieloch or Jeff Bogacki at 202-547-1334 or jeff@kieloch.com Contribution: $5000 Chair, $2500 Host, $1000 PAC, $500 Guest Committee: Loebsack for Congress, PO Box 81, Mt. Vernon, IA 52314
3/11/09 5:30 pm - 3/10/09 7:00 pm	***Hon. Joe Donnelly (IN-02)** Evening Reception: Charlie Palmer Steakhouse 101 Constitution Avenue NW, Washington, DC 20001 Contact: Rod Kassir or Dave Bloom at 202-488-1445 or Dave@SuttersMill.com Contribution: $5000 Sponsor, $2500 Host, $1000 PAC, $500 Individual Committee: Donnelly for Congress, 499 S. Capitol Street SW, Suite 404, Washington, DC 20003
3/11/09 5:30 pm - 3/11/09 7:00 pm	**Hon. Michael Capuano (MA-08)** Reception 38 Ivy Street SE, Washington, DC 20003 Contact: Lauren DePutter at 202-544-3151 or michael.capuano@ericksoncompany.com Contribution: $1000 Per Person Committee: Capuano For Congress Committee, PO Box 440305, Somerville, MA 02144
3/11/09 5:30 pm - 3/11/09 7:30 pm	**Hon. Earl Blumenauer (OR-03)** Blumenauer Comedy Event: Washington Court Hotel 525 New Jersey Avenue NW, Washington, DC 20001 Contact: Elizabeth Wilson at 503-235-3399 or elizabeth@earlblumenauer.com Contribution: $5000 Chair, $2500 Host, $1000 Guest Committee: Blumenauer for Congress, 830 NE Holladay Street, #105, Portland, OR 97232
3/11/09 6:00 pm - 3/11/09 8:00 pm	***Hon. Lynn Woolsey (CA-06)** Wine & Chocolate Reception: UPS Townhouse 421 New Jersey Avenue SE, Washington, DC 20003 Contact: Stephanie Kenny at 415-454-3316 or stephanie@woolseyforcongress.com Contribution: $5000 Host, $2500 Sponsor, $1000 Patron, $250 Individual Committee: Woolsey for Congress, PO Box 750176, Petaluma, CA 94975
3/11/09 7:00 pm - 3/11/09 9:00 pm	***Hon. Gregory Meeks (NY-06)** Washington Wizards vs. New Orleans Hornets: The Verizon Center 601 F Street NW, Washington, DC 20004 Contact: Tom Giordano at 917-326-2649 or tom@bhsfundraising.com Contribution: $2500 Co-Host, $1000 PAC Supporter, $500 Individual Supporter Committee: Friends for Gregory Meeks, 1010 Vermont Avenue NW, Washington, DC 20005
3/12/09 8:00 am - 3/12/09 9:00 am	***Speaker of the House Hon. Nancy Pelosi (CA-08)** Health Care Breakfast: Bistro Bis 15 E Street NW, Washington, DC 20001 Contact: Carmela Clendening at 202-485-3508 or clendening@pelosiforcongress.com Contribution: $5000 PAC Chair, $2500 PAC Co-Chair Committee: Nancy Pelosi For Congress, 430 South Capitol Street SE, Washington, DC 20003

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

6/11/09 6:30 pm - 6/11/09 8:30 pm	**House Majority Leader Hon. Steny Hoyer (MD-05)** 70th Birthday Party Reception 101 Constitution Ave. NW, 10th Floor, Washington, DC 20001 Contact: Pattie Fiorello at 703-354-7444 or Pattie@CHPF.net Contribution: $5000 PAC Host, $4800 Individual Host, $2500 PAC Sponsor, $2400 Individual Sponsor, $1500 Guest PAC or Individual Committee: Hoyer for Congress, 4201 Northview Drive, Suite 307, Bowie, MD 20716
6/11/09 6:30 pm - 6/11/09 8:30 pm	**House Majority Whip Hon. James Clyburn (SC-06)** Defense Industry Dinner: Johnny's Half Shell 400 N. Capitol Street NW, Washington, DC 20001 Contact: Sarah Auten or Randy Broz at 202-479-2527 or rbroz@politicaldg.com Contribution: $5000 Host, $2500 Sponsor, $1500 PAC Committee: Friends of Jim Clyburn, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
6/11/09 7:00 pm - 6/11/09 9:00 pm	**Hon. Gwen Moore (WI-04)** Evening Reception: Oldak Residence 6801 Tulip Hill Terrace, Bethesda, MD 20816 Contact: James Modie or Randy Broz at 202-479-2527 or jmodie@politicaldg.com Contribution: $1000 PAC, $500 Host, $250 Friend, $100 Guest Committee: Moore for Congress, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
6/12/09 12:00 am - 6/14/09 5:00 pm	**Hon. Earl Blumenauer (OR-03)** Pinot in Portland Weekend Portland, Oregon, Portland, OR Contact: Elizabeth Wilson at 503-235-3399 or elizabeth@earlblumenauer.com Contribution: $5000 Committee: Blumenauer for Congress, 830 NE Holladay, #105, Portland, OR 97232
6/13/09 1:00 pm - 6/15/09 12:00 pm	**The Madison PAC - with Honorary Chair Hon. Richard Neal (MA-02)** Summer Weekend on Cape Cod: The Chatham Bars Inn 297 Shore Road, Chatham, MA 02633 Contact: 202-306-9585 or themadisonpac@gmail.com Contribution: $5000 PAC Committee: The Madison PAC, PO Box 15906, Chevy Chase, MD 20825
6/13/09 7:00 pm - 6/13/09 11:00 pm	**Hon. Patrick Kennedy (RI-01)** Eric Clapton Concert: Verizon Center 601 F St NW, Washington, DC 20004 Contact: Jon Sack or 202-543-0624 or sack@kennedyforri.com Contribution: $5000, $2500 Committee: Friends of Patrick J. Kennedy, 501 Capitol Court NE, Suite 100, Washington, DC 20002
6/15/09 12:00 pm - 6/15/09 1:00 pm	**Hon. Jesse Jackson, Jr. (IL-02)** Healthcare Luncheon: Charlie Palmer Steak 101 Constitution Avenue NW, Washington, DC 20001 Contact: James Modie or Randy Broz at 202-479-2527 or jmodie@politicaldg.com Contribution: $1000 Committee: Jesse Jackson Jr. for Congress Committee, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
6/15/09 12:30 pm - 6/15/09 1:30 pm	**Hon. Doris Matsui (CA-05)** Lunch: Sonoma Restaurant 233 Pennsylvania SE, Washington, DC 20003 Contact: Talya Yefet at 202-204-9050 or talya@ashmeadgroup.com Contribution: $1000 PAC, $500 Individual Committee: Matsui for Congress, PO Box 1738, Sacramento, CA 95812
6/15/09 5:00 pm - 6/15/09 6:30 pm	**Hon. Raúl Grijalva (AZ-07)** Fundraising Reception 437 New Jersey Ave. SE, Washington, DC 20003 Contact: Danielle Neville at 202-347-3042 or Raul.M.Grijalva@FraioliAssociates.com Contribution: $5000 Chair, $2500 Host, $1000 PAC, $500 Personal Committee: A Whole Lot of People for Grijalva Congressional Committee, PO Box 1242, Tucson, AZ 85702

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

6/6/09 5:30 pm - 6/6/09 7:00 pm	**Hon. G. K. Butterfield (NC-01)** Evening Reception: National Democratic Club Townhouse 40 Ivy Street SE, Washington, DC 20003 Contact: Jeff Bogacki at 202-547-1334 or jeff@kieloch.com Contribution: $5000 Chair, $2500 Co-Host, $1000 PAC, $500 Individual Committee: Butterfield for Congress Committee, 800 Hines St. W, Wilson, NC 27893
6/8/09 5:00 pm - 6/8/09 6:30 pm	***Hon. Zachary Space (OH-18)** Reception: National Democratic Club Townhouse 40 Ivy Street, Washington, DC 20001 Contact: Taylor Beis or Ben Frech at 202-347-3042 or ZackSpace@fraioliassociates.com Contribution: PAC: $5000 Host, $2500 Sponsor, $1000 Friend Committee: Zack Space for Congress Committee, PO Box 75214, Washington, DC 20013-5214
6/8/09 5:00 pm - 6/8/09 6:30 pm	***Hon. Chet Edwards (TX-17)** Reception: Democratic National Headquarters; Wasserman Room 430 South Capitol Street, SE, Washington, DC 20001 Contact: Taylor Beis at 202-347-3042 or Chet.Edwards@fraioliassociates.com Contribution: PAC: $5000 Host, $2500 Sponsor, $1000 Friend Committee: Chet Edwards for Congress, PO Box 75214, Washington, DC 20013-5214
6/9/09 12:00 pm - 6/9/09 1:30 pm	**Hon. Adam Schiff (CA-29)** Luncheon: National Democratic Club Townhouse 30 Ivy Street SE, Washington, DC 20003 Contact: Ashley Mild at 202-544-3536 or adam.schiff@ericksoncompany.com Contribution: $1000 Committee: Schiff for Congress, 35 S. Raymond, #301, Pasadena, CA 91105
6/9/09 5:00 pm - 6/9/09 6:30 pm	**Hon. Lois Capps (CA-23)** Summer Fiesta Reception: Erickson & Co. Townhouse 38 Ivy Street SE, Washington, DC 20003 Contact: Ashley Mild at 202-544-3536 or lois.capps@ericksoncompany.com Contribution: $1000 Committee: Friends of Lois Capps, P.O. Box 23940, Santa Barbara, CA 93121
6/9/09 6:00 pm - 6/9/09 7:30 pm	***Hon. Earl Pomeroy (ND-AL)** Reception: Twenty First Century Townhouse 434 New Jersey Avenue SE, Washington, DC 20001 Contact: Taylor Beis at 202-347-3042 or EarlPomeroy@fraioliassociates.com Contribution: PAC: $5000 Host, $2500 Sponsor, $1000 Friend Committee: Earl Pomeroy for Congress, PO Box 75214, Washington, DC 20013-5214
6/10/09 8:00 am - 6/10/09 9:00 am	**House Majority Whip Hon. James Clyburn (SC-06)** Agriculture Breakfast: Location TBD Location TBD, Washington, DC Contact: Sarah Auten or Randy Broz at 202-479-2527 or rbroz@politicaldg.com Contribution: $2500 Host, $1500 PAC Committee: Friends of Jim Clyburn, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
6/10/09 12:00 pm - 6/10/09 1:30 pm	**Hon. Michael Capuano (MA-08)** Luncheon: National Democratic Club Townhouse 30 Ivy Street SE, Washington, DC 20003 Contact: Amy Pfaehler at 202-544-3151, or michael.capuano@ericksoncompany.com Contribution: $1000 Committee: Capuano For Congress Committee, P.O. Box 440305, Somerville, MA 02144
6/10/09 12:00 pm - 6/10/09 1:30 pm	**Hon. Dutch Ruppersberger (MD-02)** Lunch: Johnny's Half Shell 400 N. Capitol Street NW, Washington, DC 20001 Contact: Lindsay Angerholzer or Alden Knowlton at 202-488-1445 or Alden@sutters-mill.com Contribution: $5000 Host, $2500 Sponsor, $1000 PAC, $500 Individual Committee: Dutch Ruppersberger for Congress, 499 S. Capitol Street SW, Suite 404, Washington, DC 20003

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

4/29/09 12:00 pm - 4/29/09 1:30 pm	**Hon. Zachary Space (OH-18)** Lunch: NRECA Capitol Hill Office 219 Pennsylvania Avenue SE, Washington, DC 20003 Contact: Taylor Beis or Ben Frech at 202-347-3042 or ZackSpace@fraioliassociates.com Contribution: PAC: $5000 Host, $2500 Sponsor, $1000 Friend Committee: Zack Space for Congress Committee, PO Box 75214, Washington, DC 20013-5214
4/29/09 5:30 pm - 4/29/09 7:00 pm	**Hon. Jim Marshall (GA-08)** Evening Reception: National Democratic Club Townhouse 40 Ivy Street SE, Washington, DC 20002 Contact: 478-742-1100 or RSVP@FriendsofJimMarshall.com Contribution: $1000 Suggested Minimum Committee: Friends of Jim Marshall, PO Box 125, Macon, GA 31202
4/29/09 5:30 pm - 4/29/09 7:30 pm	**Hon. Donald Payne (NJ-10)** Reception 434 New Jersey Avenue SE, Washington, DC 20003 Contact: LaVerne Alexander at 202-741-7268 or lalexander52@aol.com Contribution: $2500 PAC, $500 Individual Committee: Payne for Congress, 1924 Oakwood Street, Temple Hills, MD 20748
4/29/09 5:30 pm - 4/29/09 7:30 pm	**Hon. Paul Tonko (NY-21)** Triple Crown Kick Off Party 403 C Street NE, Washington, DC 20002 Contact: Emily Buttrey at 202-488-1445 or Emily@Sutters-Mill.com Contribution: $5000 Host, $2500 Sponsor, $1000 PAC, $500 Individual Committee: Paul Tonko for Congress, 499 South Capitol Street SW, Suite 404, Washington, DC 20003
4/29/09 6:30 pm - 4/29/09 8:30 pm	**House Majority Whip Hon. James Clyburn (SC-06)** HighTech & Telecom Dinner: Corduroy 1122 9th Street, NW, Washington, DC Contact: Sarah Auten or Randy Broz at 202-479-2527 or rbroz@politicaldg.com Contribution: $5000 Chair, $3000 PAC Host, $2000 PAC Guest, $1000 Individual Committee: Friends of Jim Clyburn, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
4/30/09 8:00 am - 4/30/09 9:00 am	**Hon. Susan Davis (CA-53)** Home-Cooked-to Order Omelet Breakfast Event 613 E Street SE, Washington, DC 20003 Contact: Margret Hernandez at 619-237-6020 or hernandez@finkhernandez.com Contribution: PAC: $5000 Host, $2500 Sponsor, $1000 Friend, $500 Guest Individual Committee: Susan Davis for Congress, PO Box 84049, San Diego, CA 92138
4/30/09 8:00 am - 4/30/09 9:30 am	**Hon. Charles B. Rangel (NY-15)** Breakfast: Phoenix Park Hotel 520 North Capitol Street, NW, Washington, DC 20001 Contact: Allison Griner at 202-554-0355 or allison.griner@gmail.com Contribution: $2500 PAC Sponsor, $1000 PAC Guest Committee: Rangel for Congress, PO Box 5577 Manhattanville Station, New York, NY 10027
4/30/09 8:00 am - 4/30/09 9:00 am	**Hon. Earl Blumenauer (OR-03)** Railroad Industry Breakfast: Association of American Railroads 50 F Street NW, 4th Floor, Washington, DC 20001 Contact: Elizabeth Wilson at 503-235-3399 or elizabeth@earlblumenauer.com Contribution: $5000 Host, $2500 Sponsor, $1000 PAC, $500 Individual Committee: Blumenauer for Congress, 830 NE Holladay, #105, Portland, OR 97232
4/30/09 8:30 am - 4/30/09 9:30 am	*****Hon. Betsy Markey (CO-04)** Breakfast with Special Guest Chairman Hon. Oberstar: Bistro Bis 15 E Street NW, Washington, DC 20001 Contact: 202-669-5199 or mandqevents@yahoo.com Contribution: $1000 PAC, $500 Individual Committee: Markey for Congress, PO Box 1333, Fort Collins, CO 80522

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

6/23/09 7:30 pm - 6/23/09 9:00 pm	*****Bobby Bright (AL-02) & Hon. Parker Griffith (AL-05)** DCCC Frontline Reception Featuring Majority Leader Hon. Steny H. Hoyer: National Democratic Headquarters: Wasserman Room 430 South Capitol Street SE, Washington, DC 20003 Contact: Gina Natale at 202-485-3528 or natale@dccc.org Contribution: $10000 PAC Leader, $5000 PAC Chair, $2000 PAC, $2000 Individual Leader, $1000 Individual Chair, $500 Individual *Please make checks payable to each campaign and send to the DCCC* Committee: Democratic Congressional Campaign Committee, 430 South Capitol Street, 2nd Floor, Washington, DC 20003
6/24/09 8:00 am - 6/24/09 9:00 am	*****Hon. Sam Farr (CA-17)** Breakfast: Democratic Club Townhouse 40 Ivy Street SE, Washington, DC 20003 Contact: Jennifer Frost at 202-285-0966 or jennifer@frostgroup.net Contribution: $5000 Chair, $2500 Host, $1000 Sponsor, $500 Friend Committee: Sam Farr for Congress, 555 Capitol Mall, Suite 1425, Sacramento, CA 95814
6/24/09 8:00 am - 6/24/09 9:00 am	**House Majority Whip Hon. James Clyburn (SC-06)** Entertainment Industry Breakfast: Jacobs House 413 New Jersey Avenue SE, Washington, DC 20003 Contact: Sarah Auten or Randy Broz at 202-479-2527 or rbroz@politicaldg.com Contribution: $3500 PAC, $1000 Individual Committee: Friends of Jim Clyburn, 499 S. Capitol St. SW, Ste 422, Washington, DC 20003
6/24/09 8:30 am - 6/24/09 9:30 am	**Hon. Doris Matsui (CA-05)** Breakfast: Corning, Inc. 325 7th Street NW, Suite 600, Washington, DC 20004 Contact: Talya Yefet at 202-204-9050 or talya@ashmeadgroup.com Contribution: $1000 PAC, $500 Individual Committee: Matsui for Congress, P.O. Box 1738, Sacramento, CA 95812
6/24/09 8:30 am - 6/24/09 9:30 am	*****Hon. Suzanne Kosmas (FL-24)** Breakfast: Johnny's Half Shell 400 North Capitol Street NW, Washington, DC 20001 Contact: Molly Allen or Todd Brooks at 202-454-5262 or todd@mollyallenassociates.com Contribution: $1000 PAC, $500 Individual Committee: Kosmas for Congress, P.O. Box 1547, New Smyrna Beach, FL 32170
6/24/09 8:30 am - 6/24/09 9:30 am	**Hon. Kurt Schrader (OR-05)** Breakfast: Democratic Club 30 Ivy Street SE, Washington, DC 20003 Contact: Pattie Fiorello or Lucas Sanders at 703-354-7444 or Pattie@CHPF.net Contribution: $5000 PAC Host, $4600 Individual Host, $2500 PAC Sponsor, $2300 Individual Sponsor, $1000 PAC/Individual Guest Committee: Kurt Schrader for Congress, PO Box 636, Annandale, VA 22003
6/24/09 12:00 pm - 6/24/09 1:00 pm	**Hon. Baron Hill (IN-09)** Lunch Hosted by Jocelyn Hong 434 New Jersey Avenue SE, Washington, DC 20003 Contact: Jennifer Frost at 202-285-0966 or jennifer@frostgroup.net Contribution: $5000 Chair, $2500 Host, $1000 Sponsor, $500 Friend Committee: Hoosiers for Hill, PO Box 1071, Seymour, IN 47274
6/24/09 5:30 pm - 6/24/09 7:00 pm	**Hon. Mike Ross (AR-04)** Healthcare Industry Reception 319 Constitution Avenue NE, Washington, DC 20002 Contact: Emily Liner or Molly Allen at 202-454-5262 or eliner@mollyallenassociates.com Contribution: $5000 PAC Host, $2500 PAC Sponsor, $1000 PAC Guest, $500 Individual Committee: Mike Ross for Congress, P.O. Box 360, Prescott, AR 71857

Paid for and authorized by the Democratic Congressional Campaign Committee, 430 S. Capitol St. SE, Washington DC 20003, 202-863-1500, www.dccc.org, and not authorized by any candidate or candidate's committee.

Exhibit D

BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

AFFIDAVIT OF ASHLEE REID MOREHOUSE

Ashlee Reid Morehouse, being first dully sworn, states:

1. My name is Ashlee Reid Morehouse and I reside in Washington, D.C. I have read the Office of Congressional Ethics ("OCE") Report, Findings of Fact and Citations to Law ("Findings"), and the Memorandum of Interview from my testimony that is attached to the Findings as Exhibit 5 ("MOI") in Review Number 10-8839 that was referred to the Committee on Standards of Official Conduct ("Committee"). I make this affidavit to provide some additional background and correct and clarify several facts summarized in the Memorandum of Interview for my testimony.

2. Initially, I am the sole owner of Reid Political Consulting, a political fundraising company that was founded in 2006.

3. I began working for Representative Price in August 2009, providing fundraising and donor outreach services. I provide these services in connection with his fundraising events in Washington, D.C. for his campaign and leadership PAC. Representative Price retains the services of a fundraising consultant in Georgia who organizes and schedules his Georgia fundraising programs.

4. On July 20, 2010, I was interviewed by OCE investigative attorneys Kedric Payne and Elizabeth Horton at the offices of Patton Boggs, LLP, in OCE Review Number 10-8839. Christina Sarchio and William McGinley of Patton Boggs, LLP, Representative Price's counsel, were also present during the interview.

5. With respect to the OCE MOI for my testimony, I wish to provide the Committee with the following information:

a. MOI paragraph 13 states: "Representative Price's Chief of Staff, Matt McGinley, assists her with follow-up phone calls." The Committee should know that I also informed the OCE attorneys that Mr. McGinley does not make these fundraising phone calls on a regular basis and that he did not make such calls in connection with the December 10, 2009 fundraising event.

b. With respect to the distribution of the December 10, 2009 fundraising event invitation, MOI paragraph 28 states: "The witness compiled the invitation list by reviewing her entire database and selecting financial services organizations. She estimated that those invited were less than half the number of the entire database." This is not an accurate description of my testimony. While the invitation was not sent to my entire 5,000 contact list, it was sent to less than half of my list and less than half of the recipients of the invitation were affiliated with the financial services industry. I understand that the invitation was also distributed by the National Republican Congressional Committee ("NRCC") to its list, an expansive list that is not industry specific.

6. With respect to the OCE Findings, I wish to provide the Committee with the following information:

a. The OCE Findings paragraph 36 states that I "distributed the invitation to financial services industry organizations that [I] selected from a larger database of past and potential donors to Representative Price's campaign." As stated in paragraph 5.b of this affidavit, the invitation for the December 10, 2009 fundraising event was sent a list that also included past and potential donors who are not affiliated with the financial services industry. In addition, I understand that the NRCC also sent the invitation to individuals and organizations on its list, an expansive list that is not industry specific. The NRCC list was not targeted to only financial services industry organizations.

b. OCE Findings paragraphs 38 and 39 seem to suggest that I sent the email to Edward Hill requesting that he contact a number of organizations in connection with the December 10, 2009 fundraising event solely because they are financial services organization political action committees. As stated in the email I sent to him on December 9, 2009, one reason I asked him to contact the organizations is because they were past contributors to the campaign who had not made similar contributions to the campaign this cycle.

c. With respect to the December 1, 2009 one-on-one meeting discussed in OCE Findings paragraphs 40-43, this meeting was scheduled in response to an email I sent to my entire contact list, and not just to financial services industry organizations, after I was retained by Representative Price as his Washington, D.C. fundraiser. As I stated to the OCE investigative attorneys, the email asked if anyone was interested in meeting Representative Price and getting to know him. The meeting took place in the downstairs grille at the Capitol Hill Club and Representative Price, his chief of staff, the Investment Company Institute representative and I were present. The December 1, 2009 meeting lasted approximately twenty minutes and the discussion focused on politics, the election and personal histories. The ICI representative did not make a contribution to the campaign which is why I do not believe it was a fundraiser.

FURTHER, THE AFFIANT SAYETH NOT

Ashlee Reid Morehouse

Washington, DC

Subscribed to and sworn before me this 21st day of September, 2010.

Notary Public

Karen Queen-Williams
Notary Public, District of Columbia
My Commission Expires 11/14/2012

My Commission Expires: _____

Exhibit E

Sunlight Foundation's

Today is September 22nd

PARTY TIME

Documenting the Political Partying Circuit

BLOG WIDGETS ABOUT METHODOLOGY FAQ CONTACT

From the early hours of the morning until late in the evening, politicians are partying. Sunlight's PARTY TIME can help you find out who is partying, where and when.

PARTYFINDER™

Beneficiary

Find a Party!

Search Hints

Events By Committee | Leadership PAC Events | Events by Congressional Leadership | Events by Committee Leadership | Bulk Data

The 411

Dec. 10th, 2009 (12 p.m.) View Invitation

For: Rep. Tom Price (R, GA-6)

When: Dec. 10th, 2009 (12 p.m.)

Where: Capitol Hill Club - 300 First Street SE

Type of Event: Financial Services Luncheon

Other Lawmakers Mentioned: Rep. Spencer Bachus (R, AL-6) (Ranking Member, House Committee on Financial Services)

Contribution Information: $2,500 PAC Host; $1,000 Pac; $500 Individual

Make Checks Payable To: Price for Congress - PO Box 425, Roswell, GA 30077

RSVP: Ashlee Reid Morehouse; 202-341-6966; ashlee@tomprice.com

Distribution Paid for by: NRCC

The Invite

Sunlight Foundation Download Print Fullscreen

Thursday, December 10, 2009
Event: Congressman **Glenn Thompson** (PA-5) Lunch
Time: 12:00 PM
Location: Capitol Hill Club Presidential Dining Room, 300 First Street SE, Washington DC
Details: $1,000 per PAC, $250 per individual
Make Checks Payable to: Friends of Glenn Thompson
PO Box 1112State College, PA 16804
RSVP to Nathan Wurtzel—nathan@catalysgroupllc.com or 202.589.0720

Thursday, December 10, 2009
Event: Congressman **Wally Herger** (CA 2) - Healthcare Industry Lunch
Host: National Assn. of Chain Drug Stores PAC, Procter & Gamble PAC, American Dental Assn. PAC, Mark Rayder & Colin Roskey
Time: 12:00 PM
Location: 950 F. Street, NW, Washington, DC
Details: Requested Contribution: $2,000 Host / Attend: $1,000 PAC / $250 Personal
Please make checks payable to: Herger for Congress
PO Box 1007, Willows, CA 95988
RSVP: Jeff Livingston at 703-683-6703 or email jeff@thetownsendgroup.com

Thursday, December 10, 2009
Financial Services Luncheon for Rep. **Tom Price, M.D.** with Special Guest Rep. **Spencer Bachus**
Time: 12:00 PM
Location: Capitol Hill Club, 300 First Street, SE
Details: $2,500/PAC Host $1,000/PAC or $500/Personal
Please make checks payable to: Price for Congress
P.O. Box 425, Roswell, GA 30077
Please RSVP to Ashlee Reid Morehouse at 202-341-6966 or by email ashlee@tomprice.com

Thursday, December 10, 2009
Rep. **Leonard Lance** (NJ-7) – Late Lunch and Political Briefing with Special Guest Ed Gillespie
Time: 1:00 PM
Location: Sonoma Restaurant , 223 Pennsylvania Ave SE, Washington, DC
Details: Suggested Contribution: Host: $2,000/ Attend: $1,000 PAC / $500 Individual
Please make checks payable to: Lance for Congress; PO Box 225, Colonia, NJ 07067
RSVP: Jeff Livingston at 703-683-6703 or jeff@thetownsendgroup.com

Thursday, December 10, 2009
Event: Congressman **John Sullivan** (OK-1) – "Three for Thursday" Lunch - 3 Person Lunch
Time: 1:00 PM
Location: Capitol Hill Club- Grille Room, 300 First Street, SE
Details: $1000 per PAC / $500 per individual
Checks payable to: Sullivan for Congress; PO Box 651374, Potomac Falls, VA 20165-1375
RSVP to Margo Tennison at RSVP@bellwethergroup.net or (202) 737- 9091

Thursday, December 10, 2009
Event: Congressman **Darrell Issa** (CA-49) Reception
Time: 5:00 PM - 6:30 PM
Location: Jordan's 8, 523, 8th Street, SE
Details: $2,500 HOST – $1,000 PAC – $500 Individual
Make checks payable to: Issa for Congress; PO BOX 368, Falls Church, VA 22040
RSVP to Jill Pasqualetto – Hammond & Associates 703.237.7773 x102

Paid for by the National Republican Congressional Committee and not authorized by any candidate or candidate's committee.
www.nrcc.org

Scribd.

Scroll 1 / 1 Search

Get Your Party On!

UPCOMING FUNDRAISING EVENTS

Sept. 22
Breakfast @ National Republican Congressional Committee
For: Charles Kong Djou (R, HI-01)

Sept. 22
Breakfast @ Capitol Hill Club
For: Rep. Vernon Buchanan (R, FL-13)

Sept. 22
Breakfast @ 434 New Jersey Ave SE
For: Rep. Nita Lowey (D, NY-18)

Sept. 22
Breakfast @ TBD
For: Voice for Freedom PAC

Sept. 22
Meet and Greet @ National Republican Senatorial Committee
For: Jim Huffman (R, OR)

View More Events

Got Invitations?
Send them to us!

What A Party!

RECENT FUNDRAISING EVENTS

Sept. 21
High Definition 3-D TV Reception and Dinner @ National Cable and Telecommunications Association
For: Spirit Fund

Sept. 21
Reception @ Democratic National Headquarters
For: Rep. Steny Hoyer (D, MD-5)

Sept. 21
@ 2400 Tilden Street, NW
For: John Callahan (D, PA-15) David Cicilline (D, RI-1) Scott McAdams (D, AK)

Sept. 21
Annual Southern Arizona Fall Fiesta @ Sons of the American Legion Kenneth H. Nash Post 8
For: Rep. Raul Grijalva (D, AZ-7)

Sept. 21
Reception @ Capitol Hill Club
For: Jon Barela (R, NM-01)

View More Events

Sunlight Foundation

Founded in 2006, the Sunlight Foundation supports, develops and deploys new Internet technologies to make information about Congress and the federal government more accessible to the American people. Through its projects and grant-making, Sunlight serves as a catalyst to create greater political transparency and to foster more openness and accountability in government. Visit SunlightFoundation.com to learn more.

Appendix H

Board
David Skaggs, Chair Porter Goss, Co-Chair
Yvonne Burke Jay Eagen
Karan English William Frenzel
Allison Hayward Abner Mikva
Leo J. Wise, Staff Director & Chief Counsel

Congress of the United States
House of Representatives
OFFICE OF CONGRESSIONAL ETHICS

(202) 225-9739
(202) 226-0997 (FAX)
Washington, DC 20515
oce.house.gov
oce@mail.house.gov

Mailing Address:
P.O. Box 895
Washington, DC 20515-0895

Office Address:
425 3rd Street, SW
Suite 1110
Washington, DC 20024

RECEIVED
2010 SEP -1 PM 6:00
COMMITTEE ON STANDARDS

September 1, 2010

Honorable Zoe Lofgren, Chair
Honorable Ben Chandler
Honorable G. K. Butterfield
Honorable Kathy Castor
Honorable Peter Welch
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Honorable Jo Bonner, Ranking Member
Honorable Mike Conaway
Honorable Charles Dent
Honorable Gregg Harper
Honorable Michael McCaul
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Re: Review No. 10-3055 (Representative Jeb Hensarling)
REFERRAL

Dear Chair Lofgren, Ranking Member Bonner and Members of the Committee on Standards of Official Conduct:

We write to notify you of the transmittal of a report recommending dismissal in Review No. 10-3055, concerning Representative Jeb Hensarling. The entire report and supporting documentation have been delivered to the Offices of the Committee on Standards of Official Conduct where it is available for your review.

If you would like to receive a copy of the Board's referral or have any questions regarding it, our staff is available at your convenience.

Sincerely yours,

David E. Skaggs

Porter J. Goss

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 10-3055

The Board of the Office of Congressional Ethics (hereafter the "Board"), by a vote of no less than four members, on August 27, 2010, adopted the following report and ordered it to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

SUBJECT: Representative Jeb Hensarling

NATURE OF THE ALLEGED VIOLATION: H.R. 4173, formally known as the Wall Street Reform and Consumer Protection Act of 2009 (hereafter the "Financial Reform Bill") was reported out of the Committee on Financial Services on the afternoon of December 2, 2009. The Financial Reform Bill was passed by the House on December 11, 2009. In that nine day interim period, Representative Hensarling held a fundraising event for his campaign committee attended by entities or individuals registered to lobby on the Financial Reform Bill.

If Representative Hensarling solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors or the appearance that the contributions were linked to an official act, then he may have violated House Rules and Standards of Conduct.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Standards of Official Conduct dismiss the above allegations because there is not substantial reason to believe that Representative Hensarling solicited or accepted contributions in a manner which gave the appearance that special treatment or access was provided to donors or that contributions were linked to any official act.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Leo Wise, Staff Director & Chief Counsel.

Board
David Skaggs, Chair Porter Goss, Co-Chair
Yvonne Burke Jay Eagen
Karan English William Frenzel
Allison Hayward Abner Mikva
Leo J. Wise, Staff Director & Chief Counsel

Congress of the United States
House of Representatives

OFFICE OF CONGRESSIONAL ETHICS
(202) 225-9739
(202) 226-0997 (FAX)
Washington, DC 20515
oce.house.gov
oce@mail.house.gov

Mailing Address:
P.O. Box 895
Washington, DC 20515-0895

Office Address:
425 3rd Street, SW
Suite 1110
Washington, DC 20024

RECEIVED
2010 NOV -3 PM 3:12
COMMITTEE ON STANDARDS

November 3, 2010

Honorable Zoe Lofgren, Chair
Honorable Ben Chandler
Honorable G. K. Butterfield
Honorable Kathy Castor
Honorable Peter Welch
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Honorable Jo Bonner, Ranking Member
Honorable Mike Conaway
Honorable Charles Dent
Honorable Gregg Harper
Honorable Michael McCaul
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Re: Review No. 10-7308 (Representative Chris Lee)
<u>REFERRAL</u>

Dear Chair Lofgren, Ranking Member Bonner and Members of the Committee on Standards of Official Conduct:

Pursuant to the Office of Congressional Ethics' September 1, 2010 letter, we write to notify you of the transmittal of a report recommending dismissal in Review No. 10-7308, concerning Representative Chris Lee. The report has been delivered to the Offices of the Committee on Standards of Official Conduct where it is available for your review.

If you would like to receive a copy of the Board's referral or have any questions regarding it, our staff is available at your convenience.

Sincerely yours,

David E. Skaggs

Porter J. Goss

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 10-7308

The Board of the Office of Congressional Ethics (hereafter the "Board"), by a vote of no less than four members, on August 27, 2010, adopted the following report and ordered it to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

SUBJECT: Representative Christopher Lee

NATURE OF THE ALLEGED VIOLATION: H.R. 4173, formally known as the Wall Street Reform and Consumer Protection Act of 2009 (hereafter the "Financial Reform Bill") was reported out of the Committee on Financial Services on the afternoon of December 2, 2009. The Financial Reform Bill was passed by the House on December 11, 2009. In that nine day interim period, Representative Lee held two fundraising events for his campaign committee attended by entities or individuals registered to lobby on the Financial Reform Bill.

If Representative Lee solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors or the appearance that the contributions were linked to an official act, then he may have violated House Rules and Standards of Conduct.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Standards of Official Conduct dismiss the above allegations because there is not substantial reason to believe that Representative Lee solicited or accepted contributions in a manner which gave the appearance that special treatment or access was provided to donors or that contributions were linked to an official act.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Omar S. Ashmawy, Acting Staff Director & Chief Counsel.

Board
David Skaggs, Chair Porter Goss, Co-Chair
Yvonne Burke Jay Eagen
Karan English William Frenzel
Allison Hayward Abner Mikva
Leo J. Wise, Staff Director & Chief Counsel

Congress of the United States
House of Representatives

OFFICE OF CONGRESSIONAL ETHICS
(202) 225-9739
(202) 226-0997 (FAX)
Washington, DC 20515
oce.house.gov
oce@mail.house.gov

Mailing Address:
P.O. Box 895
Washington, DC 20515-0895

Office Address:
425 3rd Street, SW
Suite 1110
Washington, DC 20024

September 1, 2010

Honorable Zoe Lofgren, Chair
Honorable Ben Chandler
Honorable G. K. Butterfield
Honorable Kathy Castor
Honorable Peter Welch
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Honorable Jo Bonner, Ranking Member
Honorable Mike Conaway
Honorable Charles Dent
Honorable Gregg Harper
Honorable Michael McCaul
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Re: Review No. 10-6421 (Representative Frank Lucas)
REFERRAL

Dear Chair Lofgren, Ranking Member Bonner and Members of the Committee on Standards of Official Conduct:

We write to notify you of the transmittal of a report recommending dismissal ("the referral") in Review No. 10-6421, concerning Representative Frank Lucas. The referral has been delivered to the Offices of the Committee on Standards of Official Conduct where it is available for your review.

If you would like to receive a copy of the Board's referral or have any questions regarding it, our staff is available at your convenience.

Sincerely yours,

David E. Skaggs

Porter J. Goss

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 10-6421

The Board of the Office of Congressional Ethics (hereafter the "Board"), by a vote of no less than four members, on August 27, 2010, adopted the following report and ordered it to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

SUBJECT: Representative Frank Lucas

NATURE OF THE ALLEGED VIOLATION: H.R. 4173, formally known as the Wall Street Reform and Consumer Protection Act of 2009 (hereafter the "Financial Reform Bill") was reported out of the Committee on Financial Services on the afternoon of December 2, 2009. The Financial Reform Bill was passed by the House on December 11, 2009. In that nine day interim period, Representative Lucas held a fundraising event for his campaign committee attended by entities or individuals registered to lobby on the Financial Reform Bill.

If Representative Lucas solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors or the appearance that the contributions were linked to an official act, then he may have violated House Rules and Standards of Conduct.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Standards of Official Conduct dismiss the above allegations because there is not substantial reason to believe that Representative Lucas solicited or accepted contributions in a manner which gave the appearance that special treatment or access was provided to donors or that contributions were linked to an official act.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Leo Wise, Staff Director & Chief Counsel.

Board
David Skaggs, Chair Porter Goss, Co-Chair
Yvonne Burke Jay Eagen
Karan English William Frenzel
Allison Hayward Abner Mikva
Leo J. Wise, Staff Director & Chief Counsel

Congress of the United States
House of Representatives

OFFICE OF CONGRESSIONAL ETHICS
(202) 225-9739
(202) 226-0997 (FAX)
Washington, DC 20515
oce.house.gov
oce@mail.house.gov

Mailing Address:
P.O. Box 895
Washington, DC 20515-0895

Office Address:
425 3rd Street, SW
Suite 1110
Washington, DC 20024

September 1, 2010

Honorable Zoe Lofgren, Chair
Honorable Ben Chandler
Honorable G. K. Butterfield
Honorable Kathy Castor
Honorable Peter Welch
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Honorable Jo Bonner, Ranking Member
Honorable Mike Conaway
Honorable Charles Dent
Honorable Gregg Harper
Honorable Michael McCaul
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, DC 20515

Re: Review No. 10-6028 (Representative Melvin Watt)
REFERRAL

Dear Chair Lofgren, Ranking Member Bonner and Members of the Committee on Standards of Official Conduct:

We write to notify you of the transmittal of a report recommending dismissal ("the referral") in Review No. 10-6028, concerning Representative Melvin Watt. The referral has been delivered to the Offices of the Committee on Standards of Official Conduct where it is available for your review.

If you would like to receive a copy of the Board's referral or have any questions regarding it, our staff is available at your convenience.

Sincerely yours,

David E. Skaggs

Porter J. Goss

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 10-6028

The Board of the Office of Congressional Ethics (hereafter the "Board"), by a vote of no less than four members, on August 27, 2010, adopted the following report and ordered it to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

SUBJECT: Representative Melvin Watt

NATURE OF THE ALLEGED VIOLATION: H.R. 4173, formally known as the Wall Street Reform and Consumer Protection Act of 2009 (hereafter the "Financial Reform Bill") was reported out of the Committee on Financial Services on the afternoon of December 2, 2009. The Financial Reform Bill was passed by the House on December 11, 2009. In that nine day interim period, Representative Watt held a fundraising event for his campaign committee attended by entities or individuals registered to lobby on the Financial Reform Bill.

If Representative Watt solicited or accepted contributions in a manner which gave the appearance that special treatment or access was being provided to donors or the appearance that the contributions were linked to an official act, then he may have violated House Rules and Standards of Conduct.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Standards of Official Conduct dismiss the above allegations because there is not substantial reason to believe that Representative Watt solicited or accepted contributions in a manner which gave the appearance that special treatment or access was provided to donors or that contributions were linked to an official act.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Leo Wise, Staff Director & Chief Counsel.

Appendix I

REPORTS

Letter to Representative Tom Delay

October 6, 2004

The Honorable Tom DeLay

Majority Leader

U.S. House of Representatives

Suite H-107, The Capitol

Washington, D.C. 20515

Dear Colleague:

As you are aware, the Committee has made a number of decisions regarding the allegations made in the complaint that was filed against you by Representative Bell on June 15, 2004. This letter implements determinations made by the Committee that you be admonished for your conduct in two respects:

your participation in and facilitation of an energy company golf fundraiser at The Homestead resort for your leadership PACs on June 2-3, 2002. Those actions were objectionable under House standards of conduct because, at a minimum, they created an appearance that donors were being provided special access to you regarding the then-pending energy legislation.

your intervention in a partisan conflict in the Texas House of Representatives using the resources of a Federal agency, the Federal Aviation Administration. This action raises serious concerns under House standards of conduct that preclude use of governmental resources for a political undertaking.

The bases of these Committee determinations are as follows.

Your actions regarding the energy company golf fundraiser at The Homestead resort on June 2-3, 2002. With regard to the solicitation and receipt of campaign contributions, the Committee has clearly stated that a Member may not make any solicitation that may create even an appearance that, because of a contribution, a contributor will receive or is entitled to either special treatment or special access to the Member in his or her official capacity. This point is made on p. 34 of the *Campaign Activity* booklet that the Committee issued in December 2001.[1] In the same vein, a Member should not participate in a fundraising event that gives even an appearance that donors will receive or are entitled to either special treatment or special access.

On the basis of the information before the Committee, the Committee concluded that your participation in and facilitation of the energy company golf fundraiser at The Homestead resort on June 2-3, 2002 is objectionable in that those actions, at a minimum, created such an improper appearance. As a general matter, fundraisers directed to a particular industry or to others sharing a particular federal interest are permissible, and at such events Members are free to talk about their record and positions on issues of interest to the attendees. In addition, of course, a Member has no control over what the donors at a fundraising event spontaneously say to or ask of the Member with regard to their legislative interests. Nevertheless, there are a number of

considerations regarding this particular fundraiser that make your participation in and facilitation of the fundraiser objectionable under the above-stated standards of conduct.

In particular, there was the timing of the fundraiser, *i.e.*, it took place just as the House-Senate conference on major energy legislation, H.R. 4, was about to get underway. Indeed, one of the communications between organizers of the fundraiser that you provided to us – an e-mail of May 30, 2002 from Mr. Maloney to Mr. Perkins that notes the legislative interests of each of the attendees – includes a specific reference to the conference. That legislation was of critical importance to the attendees. In addition, there was the fact that you were in a position to significantly influence the conference, both as a member of the House leadership and, by action taken about a week and a half after the fundraiser, your appointment as one of the conferees.

In view of these considerations, other aspects of the fundraiser that would have been unobjectionable otherwise had the effect, in these specific circumstances, of furthering the appearance that the contributors were receiving impermissible special treatment or access. One of these aspects was the presence at the fundraiser of two of your key staff members from your leadership office: Jack Victory, who handled energy issues, and your office counsel, Carl Thorsen. In addition, there were the limited number of attendees, and the fact that the fundraiser included several events at a resort over a two-day period, both of which facilitated direct contact with you and your congressional staff members.

We also note the description of the event that was provided to the Committee by counsel for the attendees of one of the contributors, Westar Energy, Inc. That description includes the following:

On Sunday, June 2, 2002 Douglas Sterbenz and Doug Lawrence [Westar executives] attended a reception and dinner with fifteen to twenty others at the Homestead. Representative Tom DeLay was present for the reception and dinner. Mr. DeLay asked the group to advise him of any interest we had in Federal Energy Legislation. Mr. Lawrence advised Mr. DeLay that Westar supported repeal of the P.U.C.H.A. [sic] provision in the Energy Bill, provided that Westar's restructuring wouldn't be harmed by the [r]epeal. Lawrence advised that Westar needed a grandfather clause to continue as a safe harbor if P.U.C.H.A. was to be repealed. The following day, Mr. Lawrence provided a staff aide to Rep. DeLay a bound briefing book that Westar had put together on this issue. [emphasis added]

On June 3rd, 2002, Mr. Lawrence attended a golf outing at the Homestead where he played golf with the attendees. Mr. Lawrence shared a cart with an aide to Congressman Delay and advised the aide he would give him the materials in the briefing book and later did. At lunch that day, Mr. Sterbenz, Mr. Lawrence and others participating in the golf outing had lunch. During the lunch Mr. Lawrence restated to Rep. DeLay Westar's position regarding the need for a grandfather clause if P.U.H.C.A. was to be repealed.

When we brought the above-quoted statement to your attention and requested your response to it, you stated that you gave a general briefing on energy issues at that event, but that you have no recollection of your specific remarks. You also stated that "it would not be typical" for you to have made such a statement at a fundraiser, and that this is not at all consistent with the manner in which you "normally would interact with attendees at such an event." In view of your response, the Committee's determination on this matter is not based on Mr. Lawrence's characterization of your remarks. Rather, the other circumstances of the event, as set forth above, are more than sufficient to support the Committee's determination.

In addition, while the views of any one donor are not dispositive on whether a fundraising activity creates an appearance of impropriety, the documents we obtained indicate that the individuals who were active on Westar's behalf were of the view that the company's participation in the fundraiser provided special access to you. In this regard, later in June 2002, when Mr. Lawrence was proposing that Westar executives make additional contributions, he stated that Westar had made "significant progress" with you and Representative Barton, and that, "The contributions made in the first round were successful in opening the appropriate dialogue." When we asked Mr. Lawrence about that statement, he said he was referring to the presentations he was able to make at the fundraiser earlier that month. In addition, the following month, when Westar's lobbyist, Mr. Richard Bornemann, sent a memorandum to your staff seeking an appointment with you for the company's CEO, he noted Westar's participation in The Homestead fundraiser.

Your use of governmental resources for a political undertaking. The Committee has long taken the position that House standards of conduct prohibit Members from taking (or withholding) any official action on the basis of the partisan affiliation (or the campaign support) of the individuals involved. This is the point made in an advisory memorandum that the Committee issued to House Members, officers and employees on May 11, 1999. In addition, a provision of the Code of Ethics for Government Service, which the Committee deems to be fully applicable to House Members and staff, requires that federal officials "[u]phold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion." These laws include, of course, those that generally prohibit the use of governmental resources for political purposes – particularly 31 U.S.C. § 1301, which provides that official funds are to be used only for the purposes for which appropriated, and, with regard to executive branch personnel, the Hatch Act, which prohibits those employees from engaging in political activity while on duty or in a government building.

Your intervention in a partisan conflict in the Texas House of Representatives using the resources of a Federal agency, the Federal Aviation Administration, raises serious concerns under these standards of conduct. Your contacts with the FAA were in connection with the dispute over congressional redistricting in the Texas House of Representatives that occurred in May 2003. The purpose of these contacts was to obtain information on the whereabouts of Democratic Members of the Texas House who had absented themselves from Austin for the purpose of denying the House a quorum. You have stated to us that you made these contacts at the request of the Speaker of the Texas House of Representatives, who was seeking information on the location of an airplane that was shuttling the absent legislators, and that you relayed the information you had obtained on the location of the airplane solely to the Texas House Speaker.

The submissions that you made to the Committee argue that those contacts with the FAA were proper, but those arguments are not persuasive.

First, your submissions assert that the Inspector General of the U.S Department of Transportation (DOT IG) found no wrongdoing in this matter. It is correct that the statement that the DOT IG submitted to the House Transportation and Infrastructure Committee states, "We did not find that actions [taken by the FAA official whom your office contacted] in this matter to have violated any rules or regulations." However, the assertion made in your submissions disregards a number of important considerations. To begin with, the DOT IG's statement raises specific concern about the FAA official's failure to inquire of your staff member as to why she was requesting information on the location of the particular airplane, "[W]e do not understand why he did not ask the staffer about the purpose of her request – particularly since he told us he thought it might involve a safety issue." In addition, there are the statements made by the FAA official to the DOT IG regarding his views of the requests of your office and his handling of them after he learned about the absent Texas legislators on May 13th:

> I figured out why they were calling. . . I just felt like I had been used. . . I don't do anything for political purposes. . . and I just did not like. . . somebody calling me for political reasons. . . I would never use my office to help somebody politically, for any political reasons, period.

He also stated that in hindsight, "he would have handled the staffer's request differently, by coordinating with the FAA Chief Counsel's Office and senior agency officials, along with asking the requestor for background about the request." In short, without being apprised of the reason for the request, the FAA was denied the opportunity to make a prior, reasoned determination on whether collecting and providing the requested information would be both permissible and appropriate under the laws, rules and policies governing the FAA at the time.

Yet another pertinent point here is that on July 15, 2003, upon the recommendation of the DOT IG, the FAA issued an order setting out a specific policy regarding disclosure of aircraft and flight data from FAA information systems. That policy includes the following basic provision:

> No request for Flight Track Data shall be granted unless it is first determined that the request is being made in the interest of aviation safety or efficiency, or for an official purpose by a United States Government agency or law enforcement organization with respect to an ongoing investigation.

In sum, the statements made by the FAA official regarding his views of his actions after he had learned the purpose of the requests, and the FAA's later establishment of a restrictive policy on

responding to such requests, indicate a larger concern about the propriety of the FAA's response to your requests for information, regardless of whether, in the specific circumstances, the actions of the FAA official did not violate the FAA rules or regulations that were in effect at the time.

Second, it is asserted that the House Committee on Transportation and Infrastructure found no wrongdoing in this matter. In this regard, the report that the Transportation Committee issued on this matter states with regard to the DOT IG's report, "[T]here were no findings that federal resources were misused or that agency personnel violated any departmental rules or regulations." Because the Transportation Committee report merely characterizes the findings of the DOT IG, the materials set out above regarding the DOT IG's report respond to this assertion as well. It should also be noted that it is the Committee on Standards of Official Conduct, and not the Transportation Committee, that has the jurisdiction to make determinations regarding the official conduct of House Members and staff.

Third, your submissions assert that the information that you sought and that was provided to you is publicly available over the Internet. Indeed, according to the statement of the DOT IG, "[C]omparable information – including near real-time aircraft locator data – is currently available to the general public through commercial databases accessible via the internet." However, the issues discussed here have arisen because you did not obtain the information on the location of the particular aircraft from one of the commercial databases, but instead you obtained it from FAA databases using the services of FAA personnel.

Finally, your submissions assert that these contacts were proper because they were made in the context of a "legitimate law enforcement issue." While acknowledging that this matter arose out of a political dispute, one of your submissions states that it "was a proper matter for the law enforcement authorities of Texas," citing certain letters of the Sergeant-at-Arms and the Texas Attorney General on the matter. However, review of those documents establishes that to the extent that there was any "enforcement" issue here, it was solely a matter of enforcement of rules of the Texas House of Representatives that govern its Members.

Indeed, this consideration highlights a separate basis on which the contacts with the FAA were objectionable, and that is that such use of federal executive branch resources to resolve an issue before a state legislative body raises serious concerns under the fundamental concepts of separation of powers and federalism. The enforcement of the rules of the Texas House – like enforcement of the rules of the U.S. House of Representatives or any other legislative body – is the responsibility of the Members, officers and employees of that body.

Insofar as enforcing the rules of the Texas House on Member attendance is concerned, the rules of that body provide that this is the responsibility of "the sergeant-at-arms or an officer appointed by the sergeant-at-arms." Whether it is permissible and appropriate for the Texas House Sergeant-at-Arms to appoint every official of the Texas Department of Public Safety as such an officer, as occurred here, is a matter to be resolved by Texas authorities under Texas law. However, the invocation of Federal executive branch resources in a partisan dispute before a state legislative body is a different matter entirely, and such action raises the serious concerns that are set out here.

* * *

We note that your response to the Committee's decision of last week included the statement, "During my entire career I have worked to advance my party's legislative agenda." Your actions that are addressed in this letter, as well as those addressed in the Committee's decision of last week and in prior Committee actions, are all ones that, in a broad sense, were directed to the advancement of your legislative agenda. Those actions are also ones that your peers who sit on this Committee determined, after careful consideration, went beyond the bounds of acceptable conduct.

As you are aware, it does not suffice for any House Member to assert that his or her actions violated no law, or violated no specific prohibition or requirement of the House Rules. The

House Code of Official Conduct broadly requires that every House Member, officer and employee "conduct himself at all times in a manner that shall reflect creditably on the House." It is particularly important that members of the House leadership, who are the most publicly visible Members, adhere to this requirement scrupulously. The fact that a violation results from the overaggressive pursuit of one's legislative agenda simply does not constitute a mitigating factor.

In addition, a state criminal investigation of the 2002 election activities of the Texans for a Republican Majority PAC, with which you were involved during the period in question, is underway. While Committee action on Count II of the complaint regarding those activities has been deferred pending further action in the state cases and investigation, the Committee will act on the underlying allegations at an appropriate time.

In view of the number of instances to date in which the Committee has found it necessary to comment on conduct in which you have engaged,[2] it is clearly necessary for you to temper your future actions to assure that you are in full compliance at all times with the applicable House Rules and standards of conduct. We remind you that the House Code of Official Conduct provides the Committee with authority "to deal with any given act or accumulation of acts which, in the judgment of the committee, are severe enough to reflect discredit on the Congress."[3]

Sincerely,

Joel Hefley
Chairman

Alan B. Mollohan
Ranking Minority Member

---

[1] More generally, under House standards of conduct as set out in Committee publications, a Member may not make any solicitation for campaign or political contributions that is linked with any specific official action taken or to be taken by that Member. In addition, a Member may not accept any contribution that is linked with any specific official action taken or to be taken by that Member.

[2] In addition to the two matters addressed in this letter and the conduct addressed in the Committee report of last week, there was the Committee letter to you of November 7, 1997 that concerned, in part, statements that may create the impression that official access or action are linked with campaign contributions, and a confidential Committee letter to you of May 7, 1999.

[3] *House Ethics Manual* at 12 (reprinting excerpt from the 1968 committee report on the House Code of Official Conduct (emphasis added)).

Letter to Representative Tom Delay

Print

REPORTS

Memorandum of the Chairman and Ranking Minority Member

MEMORANDUM TO THE MEMBERS OF THE COMMITTEE

FROM: s/Joel Hefley, Chairman

s/Alan B. Mollohan, Ranking Minority Member

SUBJECT: Recommendations for disposition of the complaint filed against Representative DeLay

As the members of the Committee are aware, we, in our capacities as Chairman and Ranking Minority Member, have been considering the complaint filed by Representative Bell against Representative DeLay on June 15, 2004.[1] Committee Rule 16 provides the Chairman and the Ranking Minority Member, acting jointly, with two options regarding the allegations made in a properly filed complaint:

to establish an investigative subcommittee, and forward the complaint, or any part of it, to that subcommittee for a formal investigation, or

to "recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member . . . against whom the complaint is made."

After carefully considering the allegations of the complaints, and engaging in extensive fact-gathering under Committee Rule 16(c), we have determined to make recommendations to the Committee regarding disposition of each of the three counts of the complaint. Briefly stated, for the reasons detailed below, our recommendations to the Committee are as follows.

1. Count I of the complaint alleges that Representative DeLay violated both criminal law and House Rules by soliciting and receiving campaign contributions from Westar Energy, Inc. "in return for legislative assistance on the energy bill" in 2002, and that his actions constituted the dispensing of impermissible special favors. In particular, the complaint references a $25,000 contribution that Westar made in May 2002 to the Texans for a Republican Majority PAC ("TRMPAC"), a PAC with which Representative DeLay was affiliated. **The information we obtained indicates that (1) neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and (2) Representative DeLay took no action with regard to Westar that would constitute an impermissible special favor.**

However, we also obtained information indicating that Representative DeLay's participation in and facilitation of an energy company fundraiser in June 2002 is objectionable in that his actions, at a minimum, created the appearance that donors were

being provided with special access to Representative DeLay regarding the then-pending energy legislation. Accordingly, our recommendation is that this count be disposed of by means of a letter of admonition to Representative DeLay that states that while, on the basis of the information before the Committee, a formal investigation of the violations alleged in Count I is not warranted, his actions with regard to the June 2002 energy company fundraiser raise an appearance of impropriety under House standards of conduct.

2. Count II alleges that Representative DeLay used TRMPAC, the Texans for a Republican Majority PAC, to "funnel" corporate funds to Texas state campaigns in 2002 in violation of provisions of the Texas election code. **Our recommendation is that action on this count be deferred under Committee Rule 15(f) pending further action both in the cases that were initiated by the recent TRMPAC-related indictments in state court in Texas and in the District Attorney's continuing investigation TRMPAC's activities in 2002.**

3. Count III alleges that the contacts of Representative DeLay's staff with the Federal Aviation Administration and the Justice Department in May 2003 regarding absent Texas state legislators constituted an effort to use federal resources in a political issue and hence were improper under Committee guidance on contacts with federal agencies. **Our recommendation is that this count be dismissed insofar as it concerns the contacts with the Justice Department, and that insofar as it concerns the contacts with the FAA, it should be disposed of by means of a letter of admonition to Representative DeLay that sets out the serious concerns that those contacts raise under House standards of conduct that preclude using governmental resources for a political undertaking.**

Our recommendation that Counts I and III be resolved by a letter of admonition is made pursuant to Committee Rule 16(b)(1), which provides that with Committee approval, a complaint may be resolved "by a letter to the Member, officer, or employee of the House against whom the complaint is made." That Committee Rule, as well as the House Rule on which it is based (House Rule 11, clause 3(k)(1)(A)), took effect in 1997, and it reflects prior Committee practice.

Resolution of a complaint by means of a letter to the respondent is appropriate where, according to the information before the Committee, the respondent's conduct either violates or raises concerns under House Rules or standards of conduct, but the circumstances – including the completeness of the information before the Committee, and the nature of the violation – indicate that a formal investigation is not warranted.[2] While the Committee does not hesitate to launch a formal investigation where there is any unresolved issue of material fact, or the conduct involved indicates that a formal sanction may be in order, the Committee has resolved a number of complaints by such a letter.[3] In the past such letters have not been formally termed as "letters of admonition,"[4] but this term accurately describes the substance of these letters.

Put another way, neither one of us believes that a formal investigation is warranted now with regard to any count of the complaint, and thus we do not recommend that an investigative subcommittee be established with regard to any of the complaint's allegations. **It is our intention to publicly release this memorandum and its attachments under our authority under Committee Rule 7(g). To the extent that this memorandum does not fully reflect the reasons for the Committee's actions on the complaint, we recommend that the Committee issue a public statement that provides such an explanation.**

Two additional matters are addressed in this memorandum. First, Representative DeLay's submissions raised three major objections to the complaint and Representative Bell's conduct in this matter. For the reasons set out below, our conclusion is that two of those objections – that the complaint was not properly filed under Committee Rule 14(a), and that Representative Bell's acceptance of assistance in drafting of the complaint violated House Rule 24 – are not valid. Representative DeLay's other major objection – which is that the complaint includes innuendo, speculative assertions and conclusory statements in violation of Committee Rule 15(a)(4) – is a matter that should be taken up separately by the Committee, and we intend to bring it before the Committee in the near future. In addition, in the last section of this memorandum, we address the requests made by various entities that the Committee employ outside counsel in its consideration of the complaint.

Our fact-gathering activities under Committee Rule 16(c). During our consideration of the complaint, Committee Rule 16(c) authorized us to "jointly gather additional information concerning alleged conduct which is the basis of a complaint." As noted above, we made extensive use of that authority, and our efforts included the following. We sought and received relevant documents from Westar Energy, Inc. and the Inspectors General of the U.S. Department of Transportation and the U.S. Department of Justice. In addition to Representative DeLay, individuals who provided documents and/or written responses to our requests for information included the following:

Mr. Doug Lawrence, who had been Vice President for Public Affairs of Westar and was the author of two documents on which Count I of the complaint relies; Mr. Lawrence is currently a lobbyist and consultant at the state level in Kansas;

Messrs. Richard Bornemann, Timothy Smith and William Kenworthy, who are Washington-area lobbyists who represented Westar in the relevant period;

Mr. Drew Maloney, who is a lobbyist and a former DeLay staff member; prior to his departure from the DeLay staff at the end of March 2002, among the issues he handled were those relating to energy;

Representatives Billy Tauzin and Joe Barton, who in 2001-2002 were, respectively, Chairman of the Energy and Commerce Committee, and Chairman of that Committee's Energy and Air Quality Subcommittee;

Mr. Jack Victory of Representative DeLay's leadership office staff; Mr. Victory is a policy advisor to Representative DeLay and in 2002 handled energy issues after the departure of Mr. Maloney from the staff;

Ms. Juliane Sullivan of Representative DeLay's leadership office staff; Ms. Sullivan is Representative DeLay's Policy Director; and

Mr. Andy Black of Representative Barton's Energy and Commerce Committee staff.

This fact-gathering activity does not and is not intended to substitute for a formal investigation.[5] Rather, this informal fact-gathering has the more limited purpose of "ensur[ing] that the chairman and ranking minority member have sufficient information to make a recommendation" to the full Committee.[6] Put another way, its purpose is to inform us and the Committee on whether a formal investigation of any allegation made in a complaint is warranted.

If in the future credible information that is materially at odds with the information we have obtained to date regarding Counts I or III of the complaint were to come to the Committee's attention, the Committee retains the authority to act on that information as appropriate.

The TRMPAC-related indictments of September 21, 2004. On September 21, 2004, a grand jury of the District Court for Travis County, Texas issued a total of 32 indictments of individuals affiliated with TRMPAC and certain of TRMPAC's corporate donors. The indictments included the following: fourteen against Mr. John D. Colyandro, who was Executive Director of TRMPAC, nine against Mr. Warren M. RoBold, who was a fundraiser for the PAC, and eight against corporate donors. Copies of certain of the key indictments are Attachment A to this memorandum.

As shown in Attachment A, one of the corporations indicted was Westar, and the charge is that Westar's May 2002 contribution to TRMPAC of $25,000 "was not authorized by Subchapter D of Chapter 253 of the Election Code."[7] In this regard, Subchapter D of the Texas Election Code sets out certain limited contributions or expenditures that a corporation may make. One provision of Subchapter D (§ 253.094) states that a corporation "may not make a political contribution or political expenditure that is not authorized by this subchapter," and that a person who violates that provision commits a third degree felony. One of the indictments of Mr. Colyandro was that he knowingly accepted the Westar contribution, which

the defendant knew to have been made in violation of Chapter 253 of the Election Code, and that, having been made by a corporation and not having been authorized by Subchapter D of Chapter 254 of the Election Code, was made in violation of Subchapter D of Chapter 253 of the Election Code.[8]

Of course, for many months we have been monitoring the grand jury investigation through media reports. These indictments are directly pertinent to one of the key issues raised by Count II of the complaint, which is whether TRMPAC's use of corporate funds in 2002 Texas state elections was lawful under the Texas Election Code. In this regard, two of the indictments – one of Mr. Colyandro, and one of another individual affiliated with TRMPAC, Mr. James W. Ellis – concern a specific TRMPAC transaction with the Republican National Committee that is the subject of ¶¶ 32-34 of Representative Bell's complaint. The issuance of these indictments is a major step by Texas authorities to resolve issues that are also raised in Count II, and thus their issuance supports our recommendation that action on Count II be deferred.

Westar's contribution of $25,000 to TRMPAC is a major focus of Count I of the complaint, and as we've noted, two of the Texas indictments relate to that contribution. However, the issue raised by those indictments – *i.e.*, whether the contribution was lawful under the Texas Election Code – is entirely different from the issues raised by Count I – *i.e.*, whether Representative DeLay improperly solicited the contribution, and whether he granted Westar impermissible special favors. We see nothing in the indictments that affects our analysis of Count I of the complaint.[9] Of course, if further proceedings on the Westar-related indictments were to produce information that is materially at odds with the information we obtained relating to Count I, the Committee retains the authority to act on that information as appropriate.

* * *

The specifics of our recommendations, and the reasons for them, are detailed below.

Count I of the Complaint, relating to contributions from Westar Energy and congressional action on the legislation it was seeking in 2002.

Facts and violations alleged in Count I. Count I alleges that Representative DeLay's conduct relating to Westar Energy, Inc. in 2002 violated applicable laws, rules or standards of conduct in two respects. First, the complaint alleges that Representative DeLay solicited and received campaign contributions from Westar "in return for legislative assistance on the energy bill" and thereby violated the following –

the provisions of federal criminal law on bribery and illegal gratuities, 18 U.S.C. § 201, and

a provision of the House Code of Official Conduct, House Rule 23, clause 3, that provides that a Member, officer or employee "may not receive compensation and may not permit compensation to accrue to his beneficial interest . . . the receipt of which would occur by virtue of influence improperly exerted from his position in Congress."

Second, the complaint also alleges Representative DeLay's actions with regard to Westar constituted the dispensing of special favors in violation of ¶ 5 of the Code of Ethics for Government Service. That provision of the Code states in part that a federal official should "[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not."

In support of these allegations, the complaint refers to three matters:

two internal Westar documents from May 2002 that tie campaign contributions by the company and its executives with the company's efforts to have a particular provision that would benefit Westar only included in the then-pending energy legislation,

the contributions actually made by Westar and its executives in 2002 to House Members, PACs affiliated with House Members, and one non-incumbent candidate for the House, and

the action of Representative Barton in inserting a provision pertaining to Westar in the House-Senate conference on energy legislation on September 18, 2002, and a vote taken by the House conferees the next day, September 19th, in which an attempt to strike that provision was defeated.

The two internal Westar documents referenced in the complaint are attached to this memorandum as Attachments B and C. Both of those documents had been authored by Mr. Doug Lawrence, who, as noted above, was at the time Westar's Vice President for Public Affairs. They were among a group of documents that was publicly released by Westar last year in connection with a report of a special committee to the company's board of directors on matters that were or might become the subject of a federal investigation of the company that was then underway.[10]

Attachment B is a memorandum of May 17, 2002 that sets out proposed campaign contributions by 13 Westar executives to five House Members, including Representative DeLay, and one non-incumbent candidate for the House. The memorandum characterizes the proposed contributions as "the total budget for our Washington efforts regarding the Federal Energy Bill and its impact on our financial restructuring plan." The proposed contribution to Representative DeLay's campaign is $2,500. The memorandum also refers to corporate "soft money" in the amount of $25,000, without identifying a proposed recipient. It also notes that the budget allocations were "as recommended by our Washington Lobbyist."

Attachment C is the text of a follow-up e-mail of May 20, 2002 to one of the Westar executives that, among other things, refers to the company's efforts to insert "our grandfather provision on PUHCA [Public Utility Holding Company Act] repeal into the Senate version of the energy bill," and characterizes the proposed contributions as "a plan to get a seat at the table" of the Conference Committee. The e-mail also refers to the proposed recipients as "a group of candidates associated with Tom Delay [sic], Billy Tauzin, Joe Barton and Senator Richard Shelby." As to the relationship between the proposed recipients and the energy legislation, the e-mail states the following:

Delay [sic] is the House Majority Leader [sic: at the time, he was Majority Whip]. His agreement is necessary before the House Conferees can push the language we have in place in the House bill. [Representative] Shimkus is a close associate of [Representative] Billy Tauzin and Joe Barton, who are key House Conferees on our legislation. They made this request in lieu of contributions made to their own campaign. Tom Young is Senator Shelby's Chief of staff who is running for the House in Alabama. Shelby . . . is our anchor on the Senate side. He's made a substantial request of us for supporting Young's campaign.

The second matter that the complaint references, as noted above, is the campaign contributions actually made by Westar and its executives in 2002 after the above two documents were sent. Those contributions included $25,000 from Westar to the Texans for a Republican Majority PAC (TRMPAC), a political action committee with which Representative DeLay was affiliated, in May 2002, and a total of $33,200 in "hard money" donations by Westar executives. The recipients of the contributions from the executives included the six House campaigns noted in the May 17, 2002 memorandum (Attachment B). Later in the year, the recipients included the campaign and leadership PAC of Representative Barton, the leadership PAC of Representative Tauzin, and the campaigns or PACs of several other House Members. Representative DeLay's campaign received a total of $2,400 from Westar executives in June 2002.

Finally, as noted above, the third point referenced in Count I of the complaint is action that was taken on the Westar provision in the House-Senate conference on the energy legislation. The pertinent paragraph of the complaint (¶ 12) alleges the following:

On September 18, 2002, in the conference on the energy bill, Mr. Barton inserted the Westar provision. The next day, Mr. Barton, who held Mr. Tauzin's proxy, defeated Congressman Edward Markey's motion to strike the Westar provision on a party line vote of 8 to 6. During the discussion of Mr. Markey's motion, Mr. Barton stated, "[t]his particular provision benefits one company. That company is . . . Western Resources [former name of Westar] in Topeka, Kansas." [citation omitted.]

Referring to the above three matters together, the complaint asserts (in ¶ 19),

[T]he Westar 'get a seat at the table' e-mail, together with the temporal proximity of the contributions and the legislative action taken regarding the 'Westar amendment' establishes a *prima facie* case that Rep. DeLay violated both federal statutes and House rules." (footnote omitted).

The applicable laws, rules and standards of conduct. Under House standards of conduct as set out in Committee publications, a Member may not make a solicitation for campaign or political contributions that is linked with any specific official action taken or to be taken by that Member. In addition, a Member may not accept any contribution that is linked with any specific official action taken or to be taken by that Member.[11] These standards are grounded on the fundamental requirement of the House Code of Official Conduct that a Member, officer or employee "shall conduct himself at all times in a manner that shall reflect creditably on the House."[12]

Quite clearly, if a Member were to agree to take official action in exchange for a campaign contribution, that Member would be subject not only to disciplinary action by this Committee for violation of the House Code of Official Conduct, but also to criminal prosecution by the Justice Department under the bribery statute. However, the scope of the House standards of conduct in this area is broader than that of the criminal bribery statute. In this regard, the bribery statute is violated only where it is shown that there was a "quid pro quo," *i.e.*, a specific intent to give or receive something of value in exchange for an official act.[13]

In contrast, the House standards of conduct generally preclude <u>any</u> link between the solicitation or receipt of a contribution and a specific official action.[14] Thus, for example, the Committee has stated that where a constituent simply encloses a campaign contribution in a letter requesting casework assistance, the Member should return the contribution.[15] In addition, the Committee has stated that a Member should not make any solicitation that creates even the appearance that campaign contributors will receive or be entitled to either special treatment or special access to the Member in his or her official capacity.[16] Put another way, there are fundraising activities that do not violate any criminal statute but may well violate House standards of conduct.

In addition – and entirely apart from the authorities that govern the solicitation and receipt of political contributions – the Committee has long advised that a Member may not take or withhold any official action on the basis of whether the person involved is a campaign contributor.[17] This guidance is substantially based on ¶ 5 of the Code of Ethics for Government Service, which provides that a federal official should "[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not."[18] The Committee has made it clear that this provision does <u>not</u> prohibit a Member from taking action on behalf of a person who is a contributor, but instead it prohibits a Member from taking an official action solely or substantially on the basis that a person has made a contribution.[19]

As noted above, the complaint also alleges a violation of clause 3 of House Rule 23, which prohibits receipt of compensation that "would occur by virtue of influence improperly exerted from [one's] position in Congress." The legislative history of that provision indicates that it was intended to prohibit the use of one's official position "to make pecuniary gains" (*see House Ethics Manual* at 88), and historically the Committee has not applied the provision with regard to receipt of campaign contributions.

Summary and analysis of the information before the Committee regarding Count I. Based on the analysis set out above, we sought information relating to two issues under Count I:

did Representative DeLay make a solicitation of campaign funds from Westar that was improperly linked with action on legislation sought by the company, and

did Representative DeLay take any actions with regard to the Westar legislation, and if so, did his actions constitute the granting of an impermissible "special favor" to a campaign donor?

As detailed below, the information that we obtained relating to these two issues indicates that (1) neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and (2) Representative DeLay took no action with regard to Westar that would constitute an impermissible special favor. However, we also obtained information indicating that Representative DeLay's participation in and facilitation of an energy company fundraiser in June 2002 – the fundraiser in which Westar made a $25,000 contribution to TRMPAC – is objectionable in that, at a minimum, his conduct created at least the appearance that donors were being provided with special access to Representative DeLay regarding the then-pending energy legislation.

Below in this memorandum we set out the facts we obtained on, first, the circumstances of Westar's contribution to TRMPAC, then the matter of the June 2002 energy company fundraiser, and, finally, Representative DeLay's actions with regard to the legislative provision sought by Westar. Preliminarily, however, we set out the basic facts regarding Westar and the legislative provision it was seeking in 2001-2002, as well as a chronology of the actions taken relating to that legislation. This basic information helps to place the allegations of Count I in proper context.

Westar, and the legislative provision sought by the company in 2001-2002. Westar, which is headquartered in Topeka, Kansas, provides electric service for customers in the eastern part of Kansas. The company's name had been Western Resources, but in mid-2002, its name was changed to Westar Energy. In the mid-1990's, the company began to acquire businesses outside the regulated utility field, and primarily in the field of home security monitoring. However, in 2000 the company decided to undertake an effort to split its regulated utility business and its non-regulated businesses into two separate companies. It appears that the basic purpose of the legislative provision that Westar sought in this period was to enable the company to proceed with this restructuring plan.

As is indicated in some of the materials quoted above, the legislative provision sought by Westar concerned the then-pending proposals to repeal the Public Utility Holding Company Act of 1935 (PUHCA),[20] and the interplay between that Act and the Investment Company Act of 1940 (ICA),[21] which is the major statute that regulates mutual funds. Under a provision of the ICA,[22] companies that are subject to regulation under PUHCA are exempt from regulation under the ICA.

Attachment D to this memorandum is a set of lobbying materials that Westar distributed in support of its proposal. These materials were provided to us by Mr. Jack Victory, who handled energy issues for Representative DeLay, and who said he received them in meetings with a Westar lobbyist. Those materials indicate that if the then-pending proposal for the repeal of PUHCA were enacted, one result would be that because of the company's particular circumstances, Westar – and Westar alone – would become subject to regulation under the ICA. Accordingly, Westar proposed a provision, the effect of which would have been to exempt the company (or, more accurately, one of the companies that would result from Westar's proposed restructuring plan) from regulation under the ICA.[23] The provision was in the nature of a "grandfather", as it would have exempted Westar from the ICA on the basis of certain corporate attributes that it had as of December 31, 2001.

Chronology of action on the Westar "grandfather" provision. The following chronology of actions on the Westar provision is based on information we obtained in our fact-gathering. Among the points indicated in this chronology are that (1) the Member who was most active on the Westar legislation was Representative Barton, who was at the time Chairman of the House Energy and Air Quality Subcommittee, and (2) significant action on that legislation was initiated by Representative Barton more than seven months before the Westar communications on contributions on which the complaint relies were sent.

On June 27, 2001, Representative Barton and his committee staff member met with Westar's lobbyist, Richard Bornemann, on the company's circumstances.[24]

On September 21, 2001, Representative Barton circulated a discussion draft of electricity legislation to the members of the Energy and Air Quality Subcommittee, and that draft included the Westar provision as § 125 of the bill. The title page and § 125 are Attachment E to this memorandum.

On October 9, 2001, Representative Barton circulated another discussion draft of electricity legislation to the subcommittee members, and the Westar provision was § 125 of that draft as well. The title page and § 125 of the October 9th draft are also in Attachment E to this memorandum.

On December 5, 2001, Representative Barton introduced H.R. 3406, the Electric Supply and Transmission Act, in which the Westar provision appeared as § 125 – see Attachment F.

On April 26, 2002, the Senate passed an amended version of H.R. 4, the energy legislation that the House had passed on August 2, 2001.[25] While the House version did not include repeal of PUHCA, the Senate version did include repeal, and thus the matter of PUHCA repeal was expected to come before the House-Senate conference on H.R. 4.

On July 24, 2002, Representative Barton and his committee staff member met with two Westar lobbyists, Mr. Bornemann and Ms. Marianne Smythe, to discuss a revised version of the Westar provision. After H.R. 3406 was introduced, concerns had been raised that the Westar provision as it appeared in that bill might allow companies in addition to Westar to avoid regulation under the ICA. To address those concerns, Westar proposed a narrower version. That narrower version is discussed in the Westar lobbying materials that are Attachment D to this memorandum.

On both September 13 and September 18, 2002, Chairman Tauzin and Representative Barton circulated to the House conferees on H.R. 4 drafts of an offer to the Senate on electricity issues. Both of those drafts included the narrower version of the Westar provision that is set out in Attachment D. The Westar provisions in these two drafts are Attachment F to this memorandum (in the draft circulated on September 18th, the Westar provision was § 136).[26]

On September 19, 2002, the House conferees voted on an amendment offered by Representative Markey to strike § 136, the Westar provision, from the House offer. The transcript of the debate on his amendment is Attachment H. Representative Barton spoke in "mild opposition" to the amendment, indicating that the purpose of the provision was to prompt the Securities and Exchange Commission to use its existing authority to exempt Westar from the ICA. The amendment was defeated on a party line vote of 8 to 6, and Representative Barton cast his vote as well as those he held by proxy – including the vote of Representative DeLay – against the amendment.

On September 27, 2002 Westar filed an SEC Form 8-K disclosing that the company and some of its employees had been served with federal grand jury subpoenas by the U.S. Attorney's office in Topeka, Kansas on various matters relating to the company and its CEO, including on the use of the company's aircraft. A copy of that Form 8-K is in Attachment I to this memorandum.

On September 30, 2002, Westar's SEC Form 8-K was circulated among the conferees on H.R. 4, along with a letter from the Chairman of the Kansas Corporation Commission (KCC) expressing opposition to the Westar provision. A copy of the KCC Chairman's letter is also in Attachment I.[27]

On September 30, 2002, according to Representative Barton, he instructed the staff to drop the Westar provision from subsequent offers to the Senate on electricity issues, after learning that Westar was under federal investigation and considering criticisms of the provision.

The conference committee did not report any bill before the end of the 107th Congress, and thus no energy legislation was enacted at that time. Among the documents that Westar provided us is a copy of an e-mail from Westar executive Doug Lawrence to company CEO David Wittig of September 30, 2002, which is Attachment J. According to that message, the Westar provision was killed by both of the two above-noted factors: Westar's disclosure that the company was under federal investigation, and the letter of the KCC Chairman expressing opposition to the provision.

The issue of whether Representative DeLay made a solicitation of campaign funds from Westar that was improperly linked with official action.

Review of the materials presented in the complaint on this matter reveals a significant gap between the violations alleged against Representative DeLay, on the one hand, and the information offered in support of those allegations, on the other. The major violation alleged could hardly be more serious: that Representative DeLay solicited a bribe from Westar in the form of campaign contributions. However, the information presented in the complaint on Westar's reasons for making the contributions at issue here –

specifically, the Westar documents that are attached hereto as Attachments B and C – includes no reference whatsoever to any solicitation by Representative DeLay or anyone acting on his behalf.

In the absence of any information in the complaint regarding a solicitation of Westar by or on behalf of Representative DeLay, we sought such information under our authority under Committee Rule 16(c). As detailed below, we obtained information regarding the discussions between Westar's lobbyist and the organizer of a June 2002 fundraiser for Representative DeLay's leadership PACs, as well as information on Westar's participation in that event. The information that we obtained does not indicate that there was any improper solicitation of Westar by either Representative DeLay or anyone acting on his behalf.

Turning, first, to Westar's program for the making of campaign contributions in 2002 as described in Attachments B and C, one of the documents that Westar provided to us significantly illuminates that program. That document, which is Attachment K, is a memorandum to Doug Lawrence, who was then Westar's Vice President for Public Affairs and was the author of Attachments B and C. The memorandum, which is dated April 23, 2002 and thus pre-dates Attachments B and C[28] sets out recommendations for a program of political contributions by Westar and its executives. While that memorandum is unsigned, Mr. Lawrence has advised us that he received it from Westar's lobbyist, Mr. Bornemann.

As detailed below, the relationship between the two Westar documents of May 2002, on the one hand, and the April 23rd memorandum, on the other, is evident from a review of their texts. The documents of May 2002, which were authored by Mr. Lawrence and propose that Westar executives make a number of specific political contributions, merely characterizes the contents of the April 23rd memorandum from Westar's lobbyist. As is also detailed below, the May 2002 communications mischaracterize the April 23rd memorandum in certain key respects, and it is those mischaracterizations that have generated much of the controversy in this matter.

The April 23, 2002 memorandum recommending a program of Westar political contributions. The April 23rd memorandum by Mr. Bornemann is important here for several reasons. To begin with, the memorandum presents the program for campaign contributions as part of a long-term program for the company to establish a presence in Washington.[29] In contrast to Attachments B and C, it does not tie that program to the provision that Westar was seeking in the then-pending energy legislation. The program's purpose is stated in the April 23rd memorandum as follows:

Below are our recommendations for beginning to develop a significant and positive profile for the Company's federal presence. A couple of observations.

First, this is not a random wish list that simply matches titles with solicitations. We have thought this through, and we're happy to explain it in more detail.

Secondly, this will strike you as very big . . . . But that's largely because of the rapidity and reach of the Company's move to enlarge its traditional single-state delegation-based approach to Washington. The Company now seeks a committee and leadership-based approach to Capitol Hill – and we do well to recognize that there are high 'up-front' costs for a long-term presence.

Issues come and go, and we know you agree that the 'switch' cannot be turned on and off according to the issue *de jure* [sic]. There's significant value in securing your 'place at the table' for a much longer period ahead. .... [emphasis added]

In short, it appears that the "seat at the table" language in Attachment C, on which the complaint focuses attention (see ¶¶ 9, 19), was simply taken from this earlier memorandum by Mr. Bornemann, and that it was not indicative of a solicitation made by or on behalf of any House Member that linked campaign contributions with action on the energy legislation.[30] Moreover, Mr. Lawrence, who was the author of Attachment C, has confirmed to us that this was the case. A letter to us on behalf of Mr. Lawrence from his counsel states the following on this point:

Mr. Lawrence had no communication with a Member of Congress or an individual affiliated with a Member of Congress, regarding any campaign contribution being linked to legislation. The reference to 'getting a seat at the table' [in Mr. Lawrence's e-mail of May 20, 2002] was from Westar's Lobbyist, Richard Borneman [sic], who had used the phrase in an earlier communication. Mr. Lawrence did not believe, nor was it communicated to him, that Westar's campaign contributions were linked to any legislation. [emphasis added]

In addition, the above-quoted materials from Mr. Bornemann's memorandum indicate that that campaign contributions discussed in that memorandum did not reflect solicitations received from any Member or anyone acting on behalf of a Member, but instead were simply proposals of the lobbying firm. Thus the memorandum refers to "our recommendations," and states that, "We have thought this through . . . ."

In this regard, the proposed contribution to Representative Shimkus is particularly noteworthy. In referring to that contribution, the e-mail of May 20, 2002 (Attachment C) states that Representatives Tauzin and Barton "made this request in lieu of contributions to their own campaign." In contrast, the April 23rd memorandum indicates merely that the Shimkus campaign was to be the first beneficiary of a series eight "Tex-Cajun Cookout" fundraisers that Representatives Tauzin and Barton were proposing to hold in the period of April to July 2002. Mr. Bornemann's memorandum "strongly recommend[ed]" participation in all eight."[31] In sum, while Attachment C suggests that Representatives Tauzin and/or Barton personally requested that Westar executives contribute to Representative Shimkus' campaign, the information we have obtained indicates that there was nothing more involved than the receipt of routine printed invitations from a campaign committee.[32]

Contacts between Westar's lobbyist and the organizer of an energy company fundraiser for Representative DeLay. Finally, and most importantly, insofar as contributions to Representative DeLay are concerned, the April 23rd memorandum arguably suggests that Westar sought out Representative DeLay, rather than vice versa. On this subject, Mr. Bornemann's memorandum has a section on "Soft Money", the text of which is as follows:

We believe that the most beneficial way to spend corporate dollars – as opposed to cutting personal or PAC checks – is with the House Leadership. That means joining the fold, so to speak, of House Majority Leader Tom Delay (R-TX) [sic: at the time, he was Majority Whip].

We have been looking for an effective, but relatively inexpensive way to do this because the conventional

route is near-prohibitive in cost.

For example, Mr. Delay has two leadership PACs – the reportable 'Americans for a Republican Majority (ARM)', and the non-reportable 'Texans for a Republican Majority (TRM)'. But, as near we can tell, checks in the range of $50-$100K seem to be the norm here.

. . . .

How does one play for a more reasonable dollar amount?

We may have an opportunity later this summer, for an energy industry 'roundtable' golf match at the Homestead for a 'mere' $25,000. We have spoken to the former Delay staffer who's putting this together, and his preference – for the time being – is to admit generation-only type companies. These are more entrepreneurial, more naturally Republican, in some views of the world.

Nonetheless, we think we can get by with that if we beg. We're not suggesting you do it now since the ability to use a corporate check would allow quick turn-around – should you decide to do it.

As the complaint notes, and as suggested in Mr. Bornemann's memorandum, Westar did make a $25,000 contribution to the Texans for a Republican Majority PAC (TRMPAC), and Westar officials attended the event at The Homestead that is noted in the memorandum. The contribution was made by means of a company check dated May 14, 2002 that was paid on May 29th.[33]

Moreover, consistent with the suggestion made in the memorandum, both Mr. Bornemann and the former DeLay staff member who is referred to in that document have stated to us that it was Mr. Bornemann who initiated contact on Westar's participation in this fundraiser. The former DeLay staff member who organized the event was Mr. Drew Maloney, who had departed the staff at the end of March 2002 to become a lobbyist.[34] A letter to us on behalf of Mr. Bornemann from his counsel states the following:

Mr. Bornemann recalls initiating a discussion with Mr. Maloney, at a time after Mr. Maloney had left the Hill to join the private sector, about Westar's contributing to one of Congressman DeLay's political entities. Because 'Texans For A Republican Majority' ('TRIMPAC') [sic] – an entity about which Mr. Bornemann was completely unfamiliar – was legally able to accept so-called soft money, Mr. Bornemann opted to recommend to Westar that it contribute directly to TRIMPAC.[35]

On this matter, Mr. Maloney stated to us,

My recollection is that Mr. Bournemann [sic] approached me about participating in an event for Congressman DeLay. I believe I explained that I was organizing an energy event for Congressman DeLay at the Homestead on June 2-3, 2002. I was seeking $25-50K per participant. I told him the preference would be to have members from the company (Westar) attend, not a contract lobbyist. I also checked with the other participants to see if Westar participation was compatible, and then confirmed to Mr. Bournemann that Westar could join the group to attend the event. At some point following the initial discussion, Mr. Bournemann advised me that Westar would participate at the $25,000 level and send two representatives from the company to the event.

Communications among Mr. Lawrence, Mr. Bornemann and Mr. Maloney related to Westar's attendance at the event are attached hereto in Attachment M. Also included in Attachment M are communications between Mr. Maloney and Chris Perkins, who worked for ARMPAC, and Dani DeLay Ferro (Mr. DeLay's daughter, who was also involved in the arrangements for the event) that include reference to Westar's participation in the event.

Mr. Bornemann has also stated to us, through a letter from his counsel, that in his later contacts with the DeLay office on the Westar legislation, as well as in the one other contact he had with Mr. Maloney regarding Westar, there was no discussion of political contributions. In addition, a letter to us on behalf of Mr. Lawrence from his counsel states the following with regard to solicitations of contributions:

Mr. Lawrence had no conversation with any member of the House of Representatives, or those affiliated with a House Member, regarding campaign contributions nor is he aware of any other officer of Westar discussing with any House Member, or those affiliated with any House Member, regarding campaign contributions as named in the enclosed documents [*i.e.*, the documents that are Attachments B and C to this memorandum].

In sum, the information we have obtained does not indicate that Representative DeLay or anyone acting on his behalf solicited campaign contributions from Westar in an improper manner.

Representative DeLay's participation in and facilitation of the June 2002 energy company fundraiser.

In the course of seeking information relating to the two issues raised by Count I of the complaint, we obtained information on the June 2002 energy company fundraiser with Representative DeLay in which Westar participated. That information indicates that the fundraiser was not consistent with House standards of conduct providing that fundraising activities should not involve even an appearance that donors are being provided with special access to a Member in his or her official capacity.

The standards relating to this point are discussed on p. 34 of the Committee's *Campaign Activity* booklet. The booklet there references circumstances that arose in 1987 when a Senate Committee Chairman invited lobbyists and PAC directors to join a "Chairman's Council" that involved having breakfast with him once a month. As the booklet reflects, the Standards Committee has endorsed the ruling made by the Senate Select Committee on Ethics on such activities:

While solicitations offering access to policy discussion groups may violate no law or Senate rule, they nonetheless affect public confidence in the Senate. Therefore, Senators should not make solicitations which may create the appearance that, because of a campaign contribution, a contributor will receive or is

entitled to either special treatment or special access to the Senator.[36]

In a similar vein, a Member should not participate in a fundraising event that gives even the appearance that special treatment or special access to the Member in his or her official capacity is being provided to donors.

As shown by the documents in Attachment M, the fundraiser here included both a briefing and a golf outing, and attendance at the event was limited to executives of five energy companies: Reliant Energy, Williams Energy, Mirant Energy, El Paso and Westar. According to Mr. Maloney, the idea for the event originated in a discussion he had with an official of Reliant Energy after he had left the Hill, and they had decided that they would ask for $25,000 to $50,000 from each participant. The event was a fundraiser for another of Representative DeLay's leadership PACs, the Americans for a Republican Majority PAC (ARMPAC), but companies were given the option to donate to TRMPAC.

As a general matter, fundraisers directed to a particular industry or to others sharing a particular federal interest are permissible, and at such events Members are free to talk about their record and positions on issues of interest to the attendees. In addition, of course, a Member has no control over what the donors at a fundraising event spontaneously say to or ask of the Member with regard to their legislative interests. Nevertheless, there are a number of considerations regarding this particular fundraiser that raise serious concerns under the standards of conduct discussed above.

In particular, there was the timing of the fundraiser, *i.e.*, it took place just as the House-Senate conference on major energy legislation, H.R. 4, was about to get underway. Indeed, one of the communications between organizers of the fundraiser – an e-mail of May 30, 2002 from Mr. Maloney to Mr. Perkins that notes the legislative interests of each of the attendees – includes a specific reference to the conference. (That e-mail is included in Attachment M.) In addition, there was the fact that Representative DeLay was in a position to significantly influence the conference, both as a member of the House leadership and, by action taken about a week and a half after the fundraiser, his appointment as one of the conferees.

In view of these considerations, other aspects of the fundraiser that would have been unobjectionable otherwise had the effect, in these specific circumstances, of furthering the appearance that the contributors were receiving impermissible special treatment or access. One of these aspects was the presence at the fundraiser of two key staff members from Representative DeLay's leadership office: Jack Victory, who handled energy issues, and the office counsel, Carl Thorsen.[37] In addition, there were the limited number of attendees, and the fact that the fundraiser included several events at a resort over a two-day period, both of which facilitated direct contact with Representative DeLay and his congressional staff members.

Furthermore, there is the description of the event that was provided to the Committee by counsel for the Westar attendees, Messrs. Doug Lawrence and Doug Sterbenz. That description includes the following:

On Sunday, June 2, 2002 Douglas Sterbenz and Doug Lawrence attended a reception and dinner with fifteen to twenty others at the Homestead. Representative Tom DeLay was present for the reception and dinner. Mr. DeLay asked the group to advise him of any interest we had in Federal Energy Legislation. Mr. Lawrence advised Mr. DeLay that Westar supported repeal of the P.U.C.H.A. [sic] provision in the Energy Bill, provided that Westar's restructuring wouldn't be harmed by the [r]epeal.

Lawrence advised that Westar needed a grandfather clause to continue as a safe harbor if P.U.C.H.A. was to be repealed. The following day, Mr. Lawrence provided a staff aide to Rep. DeLay a bound briefing book that Westar had put together on this issue.

On June 3rd, 2002, Mr. Lawrence attended a golf outing at the Homestead where he played golf with the attendees. Mr. Lawrence shared a cart with an aide to Congressman Delay and advised the aide he would give him the materials in the briefing book and later did. At lunch that day, Mr. Sterbenz, Mr. Lawrence and others participating in the golf outing had lunch. During the lunch Mr. Lawrence restated to Rep. DeLay Westar's position regarding the need for a grandfather clause if P.U.H.C.A. was to be repealed. [emphasis added]

We brought the above-quoted statement to Representative DeLay's attention and requested his response to it. He stated that he gave a general briefing on energy issues at that event, but that he has no recollection of his specific remarks. He also stated that,

[I]t would not be typical for me at such events to have 'asked the group to advise' me of 'any interest' the attendees had in 'Federal Energy Legislation.' That is not at all consistent with the manner in which I normally would interact with attendees at such an event.

He also stated that none of his staff members who were in attendance recalled having any conversation with Mr. Lawrence or receiving any materials from him.

Two additional documents that we obtained in the course of our fact-gathering relate to the energy company fundraiser. One is a document that we obtained from Westar, and it is a memorandum of June 25, 2002 from Mr. Lawrence to other Westar officers that sets out a second round of proposed campaign contributions. That memorandum, a copy of which is Attachment N, includes the following statement:

Right now, we have made significant progress with House Majority Whip Tom Delay, and Energy Subcommittee chairman Joe Barton. The contributions made in the first round were successful in opening the appropriate dialogue. [emphasis added]

In response to a question that we posed to Mr. Lawrence on this statement, he stated that his reference here was to the opportunities he had at the Homestead event to meet with Representative DeLay, make a presentation on Westar's position on PUHCA repeal, and present a briefing book to a DeLay staff member.

The other document is a memorandum from Westar's lobbyist, Mr. Bornemann, to a DeLay staff member requesting an appointment for the company's CEO with Representative DeLay. That memorandum, which is Attachment O to this memorandum, specifically references Westar's participation in the energy company fundraiser, stating,

[T]wo of our officers recently had the opportunity to attend a get-together and meeting that Mr. DeLay

held at the Homestead in West Virginia [sic: it is in Virginia]. Our people thought [he] was terrific, and enjoyed their time with the Majority Whip.

We further address Representative DeLay's activities in connection with this fundraiser in the section below in which we set out our conclusions and recommendations regarding Count I.

The issue of whether Representative DeLay took any actions with regard to the Westar legislation, and if so, whether those actions constituted the granting of an impermissible "special favor" to a campaign donor.

While the complaint states (in ¶ 17) that the Committee "should find that Rep. DeLay was 'dispensing special favors' in violation of House Rules," the complaint does not allege any particular "favors" that Representative DeLay dispensed to Westar. One paragraph of the complaint (¶ 12) alleges actions taken by certain House Members in support of the Westar provision, but that paragraph includes no reference to Representative DeLay:

On September 18, 2002, in the conference on the energy bill, Mr. Barton inserted the Westar provision. The next day, Mr. Barton, who held Mr. Tauzin's proxy, defeated Congressman Edward Markey's motion to strike the Westar provision on a party line vote of 8 to 6. During the discussion of Mr. Markey's motion, Mr. Barton stated, "[t]his particular provision benefits one company. That company is . . . Western Resources [former name of Westar] in Topeka, Kansas." [citation omitted]

Indeed, as detailed above in this memorandum (on pp. 11-13), the information that we obtained indicates that Representative Barton was the Member who was most active on the legislative provision sought by Westar.

We sought information specifically relating to any actions taken by Representative DeLay or his staff on the Westar provision. The information we obtained indicates that neither he nor any member of his staff took any action with regard to that provision other than engaging in meetings and other communications with representatives of Westar.[38] In addition to the Homestead event, those communications were as follows:

Jack Victory, who handled energy issues for Representative DeLay, met with one or more Westar lobbyists on two occasions – June 26 and July 24, 2002 – and also had telephone conversations with one of the lobbyists, Mr. Bornemann, and

Representative DeLay and Mr. Victory met with Westar CEO David Wittig, Doug Lawrence and Mr. Bornemann on September 25, 2002.[39]

It is possible that in certain circumstances, the granting to a person of access to a Member or staff person in

his or her official capacity may in itself constitute an impermissible special favor. Here, however, the information we have obtained does not indicate that the meetings and other conversations that Representative DeLay and his staff held with Westar representatives constituted an impermissible special favor or were otherwise improper.

According to Mr. Victory, he met with Westar's lobbyist, Mr. Bornemann, on June 26, 2002 because Mr. Bornemann had called and requested a meeting. Of course, having attended the fundraiser on June 2-3, Mr. Victory was aware that Westar was a donor to a campaign committee affiliated with Representative DeLay. However, Mr. Victory stated to us that it is his policy to try to meet with everyone that requests a meeting on a matter within the scope of his assigned duties. He also stated that at the meeting, his advice to Mr. Bornemann was that he should talk to members or staff of the conference regarding Westar's position.[40]

According to Mr. Victory, at the meeting of July 24, 2002, Mr. Bornemann was accompanied by two former employees of the Securities and Exchange Commission, and they explained the legislative language that would resolve Westar's concern.[41] Mr. Bornemann's recollection of this meeting is similar. He stated that the meeting consisted largely of a presentation by Marianne Smythe, who was Westar's counsel on securities law matters.[42]

The meeting with Representative DeLay on September 25, 2002 lasted 10 to 15 minutes and was attended by David Wittig, who was then CEO of Westar, Mr. Lawrence, and Mr. Bornemann, as well as by Mr. Victory. A memorandum from Mr. Bornemann to Representative DeLay's staff requesting the meeting (and which also references the Homestead event) is Attachment O to this memorandum.

According to Mr. Lawrence, the September 25th session was a "meet and greet," at which the Westar representatives presented another copy of their briefing book on the Westar grandfather provision. Mr. Lawrence also stated that at that meeting, "Mr. DeLay advised that there would be an Energy Bill with P.U.C.H.A. [sic] repeal but there was no certainty that Westar's provision on grandfathering would be in that legislation." Mr. Bornemann recalled Representative DeLay's remarks somewhat differently, stating to us that,

Congressman DeLay referred to Westar's proposed amendment to the Investment Company Act of 1940, in the context of the PUHCA repeal provisions of the energy bill, and said that there was little chance of this happening legislatively; Congressman DeLay also indicated that he thought that the SEC could resolve the problem administratively.

Mr. Bornemann also recalled that the initial part of the meeting included "social chit chat" and discussion of the upcoming elections and tax legislation. He also stated that there was no discussion of political contributions in this meeting.

Mr. Victory also stated to us that he also has a vague recollection that after learning that Westar was under federal investigation – a development which appeared in the news media on September 30, 2002[43] – he spoke to Mr. Bornemann telling him that he thought the provision was dead. A document that we obtained from Westar refers to a contact with the DeLay staff that occurred in that time period. That document, which is Attachment J to this memorandum, is an e-mail from Doug Lawrence to Westar CEO David Wittig of September 30, 2002, and it states in part,

Things are grim in DC. The Delay staff has asked us to release people from their commitment to support our provision. The Wine letter has killed us, it has been circulated along with last week's 8K [Westar's SEC filing announcing the federal investigation of the company]."

The "Wine letter" that is noted in the e-mail, which was a letter from the Chairman of the Kansas Corporation Commission expressing opposition to the Westar provision, is included in Attachment I and was discussed above. With regard to the reference to commitments of support in this e-mail, Mr. Lawrence has told us that he has no personal knowledge of any such commitments, and that in this e-mail, he was simply repeating a statement that had been made to him by Mr. Bornemann. However, in his counsel's letter to us, Mr. Bornemann denied making such a statement to Mr. Lawrence. According to that letter,

[T]he e-mail does not reflect information that Mr. Lawrence received from Mr. Bornemann. Mr. Bornemann states that he had no other activities or communications with any DeLay staff member on this matter [other than the ones identified above], and he denies hearing or receiving recommendations from Mr. DeLay, or from any other member of Congress or staff person, any recommendation as to how to handle congressional advocacy of any issue pertaining to Westar . . . .

In response to a question we posed to Representative DeLay on this e-mail, he said, "I was not aware of the existence of any commitments made to Westar by any Members, staff, or any other individuals regarding the provision and thus had no involvement whatsoever." In addition, with regard to this e-mail, Mr. Victory told us, "I remember no instance when Representative DeLay, I or any other member of his staff talked to anyone about any such commitment or about releasing people from their commitment to Westar. I do not know why the email says what it does."

More broadly, Representative DeLay has stated to us that neither he nor anyone in his office took any actions to advance the Westar provision:

To my knowledge, neither I nor anyone in my office took any affirmative action to assist Westar in having this legislation included in the conference report. I took no action regarding the legislation of interest to Westar. I made no request, took no action, nor did I suggest or express any interest in including the legislation in the energy conference report. . . . .

Moreover, even if the reference to the DeLay staff in the September 30th e-mail were to be fully credited – *i.e.*, even if a DeLay staff member were involved in monitoring or even seeking commitments for the Westar provision – that circumstance, taken with the other information we have obtained, would not indicate that Representative DeLay conferred an impermissible special favor on Westar. As detailed in this memorandum, the other information we have obtained includes that the major actions taken in furtherance of the Westar provision were taken by Representative Barton, and that his actions on that legislation long pre-date the contributions that are the subject of Count I of the complaint.

The actions taken by Representative Barton are detailed above, on pp. 11-13, and with regard to those actions, Representative Barton stated to us,

I had many conversations with Majority Leader DeLay about the energy conference during this time period. I do not recall, however, any discussion specifically concerning PUHCA or the Investment Company Act provisions.

Similarly, Mr. Andy Black, Representative Barton's committee staff member, stated to us,

I do not recall Congressman DeLay or his staff taking any action on this issue. Mr. Barton and Mr. Tauzin were leading the electricity discussions with Senate negotiators.

We also asked Mr. Victory and Mr. Black about any communications they had about the Westar provision. Mr. Black said he did not recall any specific discussions, and Mr. Victory stated the following:

My recollection is on 2 occasions I talked with Andy Black, of Chairman Barton's staff, about the Westar language. I believe the first conversation was on what Chairman Barton thought about the policy and the second was to find out if it would be included in Chairman Barton's package. I do not believe Andy offered any response during the first conversation, and I believe the second conversation, which happened around the date of the conference meeting, Andy informed me that Chairman Barton decided to include the language.

In sum, the information we have obtained indicates that Representative DeLay took no action with regard to the Westar provision that constituted an impermissible special favor or was otherwise improper.

* * *

We also note that the complaint carries the suggestion that <u>any</u> action on any legislative provision that would benefit only one company or entity is by definition an impermissible special favor. That is not the case. Where, for example, a company or other entity, because of its particular circumstances, is uniquely and unfairly harmed by a provision of federal law, a measure to remedy that situation may be entirely permissible.

Here, for example, Westar argued that if PUHCA were repealed without exempting the company from regulation under the ICA, Westar would be placed "in the untenable position of being required to register under a statute that will make it impossible for it to continue its current business operations."[44] In this regard, on its Web site the SEC notes that the ICA "regulates the organization of companies, including mutual funds, that engage primarily in investing, reinvesting, and trading in securities . . . ." In a memorandum of February 13, 2002 prepared in connection with the proposed Westar provision, the SEC noted that, "An operating company typically finds the requirements of the Investment Company Act incompatible with its business needs," in part because it imposes limitations on a company's "ability to use leverage, engage in affiliated transactions, and provide incentive compensation to employees."

Of course, we do not here attempt to make any judgment on the merits of the arguments that were

made in 2001-2002 in support of or in opposition to the Westar grandfather provision. However, while sponsoring or taking actions in behalf of legislation that benefits only one or a small number of entities does not necessarily constitute an impermissible special favor, this episode makes clear that Members need to be very cautious in taking such actions. This is particularly the case where the entity that would benefit from the legislation is a political contributor or supporter.[45] It is also clear from this episode that one of the most effective ways to ensure that a substantial claim of special favors will not be raised with regard to legislation of this kind is to have the legislation considered in an entirely open process, in which all interested parties are provided with an opportunity to state their views.

Conclusions and recommendations with regard to Count I. We first set out our conclusions and recommendations regarding the two violations alleged in Count I of the complaint, and then set out our conclusions and recommendations with regard to the related matter of Representative DeLay's activities in connection with the June 2002 energy company fundraiser.

The violations alleged in Count I. Based on the results of our fact-gathering activities, as detailed above, we do not recommend that either of the violations alleged in Count I – *i.e.*, that Representative DeLay made a solicitation of campaign funds from Westar that was improperly linked with official action, and that he took actions that constituted an impermissible "special favor" to Westar – be referred to a subcommittee for a formal investigation.

We recognize that a number of individuals and organizations have called for a formal investigation of the allegations made in the complaint, and particularly the allegations made in Count I. The point on which we most strongly disagree with those persons is most apparent in the following paragraph, ¶ 19, of the complaint:

> [T]he Westar 'get a seat at the table' e-mail, together with the temporal proximity of the contributions and legislative action taken regarding the 'Westar amendment' establishes a *prima facie* case that Rep. DeLay violated both federal statutes and House rules.

In fact, that set of allegations does not establish a *prima facie* case that Representative DeLay violated any laws or rules, because as we have established, those allegations do not include any reference whatsoever to any solicitation of Westar by Representative DeLay, or any action he took on the Westar legislation.

Notwithstanding this failing in the nature of Count I, we accepted the complaint, and we sought information from those having personal knowledge of the circumstances of Westar's contributions and the actions taken on the Westar legislation. As detailed above, the information we obtained indicates that neither Representative DeLay nor anyone acting on his behalf improperly solicited contributions from Westar, and Representative DeLay took no action with regard to Westar that would constitute an impermissible special favor.

When all of the rhetoric and irrelevant considerations are stripped away from the violations alleged in Count I, the question presented to the Committee with regard to those allegations is a simple one: whether the Committee should launch a formal investigation of a Member solely on the basis of entirely unsubstantiated allegations – here, allegations of a solicitation of a bribe and related offenses – made by a person or persons who have no personal knowledge whatsoever of the relevant facts. Our answer to this question here is the same as it would be in any other case that presents similar circumstances: no.

Representative DeLay's actions in connection with the June 2002 energy company fundraiser. As explained above, Representative DeLay's participation in and facilitation of the June 2002 energy company fundraiser is a matter separate from, albeit related to, the matters alleged in Count I of the complaint. The information we obtained related to that matter, as detailed in this memorandum, indicates that Representative DeLay's conduct with respect to this fundraiser did not conform to House standards providing that fundraising activities should not involve even an appearance that donors are being provided with special access to a Member in his or her official capacity.

The broad House standards of conduct in this area, as described in this memorandum, are extremely important ones. The history of Committee enforcement actions, as well as our own personal experience, indicate that with rare exception, Members do not violate the basic prohibitions that apply in this area, *i.e.*, Members do not enter into agreements, either explicit or implicit, to trade their votes or other official actions for campaign contributions, and Members do not take a particular official action merely because a campaign donor has requested them to do so.

Yet it is also true that so long as the current campaign finance system is in place, individuals and organizations seeking legislation or some other official action from House Members will make campaign contributions to those Members, and some of the time those Members will take the action sought by those persons. And whenever this occurs, there will be some who will claim that those actions were the result of corruption, and that governmental actions are being bought and sold for campaign contributions.

With the current campaign finance system, it is not possible to preclude such claims from being made. However, if Members comply with the applicable standards on soliciting and accepting contributions, it is possible at least to mitigate any valid concerns that may be raised by those activities. These standards extend to the appearances created by fundraising activities. In short, under those standards, there are certain proffered campaign contributions that must be declined, and certain fundraising opportunities that must be forgone, solely because they create an appearance of improper conduct.

-

In view of the circumstances of the June 2002 energy company fundraiser, as detailed in this memorandum, Representative DeLay's facilitation of and participation in that event were contrary to those standards. Those circumstances included not only the nature of the event, but also its timing, in that it took place just as the House-Senate conference on the energy legislation – legislation of vital importance to the contributors at the fundraiser – was about to commence. Moreover, Representative DeLay was in a strong position to influence the conference, both because of his leadership position and the fact that about a week and a half after the fundraiser, he was named a conferee. At a minimum, his actions created the appearance that donors were being provided with special access to him with regard to the pending energy legislation.

In addition, while the views of any one donor are not dispositive on whether a fundraising activity creates an appearance of impropriety, the documents we obtained indicate that the individuals who were active on Westar's behalf were of the view that the company's participation in the fundraiser provided special access to Representative DeLay. As noted above, later in June 2002, when Mr. Lawrence was proposing that Westar executives make additional contributions, he stated that Westar had made "significant progress" with Representatives DeLay and Barton, and that, "The contributions made in the first round were successful in opening the appropriate dialogue." (see Attachment N). When we asked Mr. Lawrence about that statement, he said he was referring to the presentations he was able to make at the fundraiser earlier that month. In addition, the following month, when Mr. Bornemann, Westar's lobbyist, sent a memorandum to the DeLay staff seeking an appointment with Representative DeLay for the company's CEO, he noted Westar's participation in the Homestead event (Attachment O).

The information that the Committee has before it regarding Representative DeLay's actions in connection with the June 2002 fundraiser, as set forth in this memorandum, is sufficient for the Committee to make a determination on them, and a formal investigation of the fundraiser is not warranted. While a formal investigation would likely elicit additional testimony on whether, at the event, Representative DeLay did or did not make the remarks that Mr. Lawrence attributed to him, that question is not a critical one here. The other circumstances of the event are more than sufficient to support a determination that his activities with regard to it were not proper.

It is also pertinent to note here a statement that the Committee issued in 1997 at the time it dismissed a complaint against Representative DeLay that charged, among other things, that he gave preferential treatment in legislative matters to those who had made contributions to Republican candidates. That statement said in part,

Rep. DeLay was advised that it is particularly important that a Member not make statements that create the impression that the Member would consider an individual's requests for access or for official action based on . . . campaign contributions.

The focus in the present matter is not so much on statements made by Representative DeLay, but more on actions he took – *i.e.*, his actions in facilitating and participating in the energy company fundraiser – that raise the very same concern expressed in that earlier Committee statement.

In sum, our recommendation is that Count I of the complaint be disposed of by means of a letter of admonition to Representative DeLay that states that while, on the basis of the information before the Committee regarding the violations alleged in Count I, a formal investigation of those allegations is not warranted, his actions with regard to the June 2002 energy company fundraiser raise an appearance of impropriety under House standards of conduct.

Count II of the Complaint, relating to TRMPAC's use of corporate funds in 2002.

Facts and violations alleged in Count II. Count II alleges that in 2002 Representative DeLay used a Texas-based political action committee, the Texans for a Republican Majority PAC (TRMPAC), to funnel corporate money to state legislature campaigns in violation of Texas election law. Regarding TRMPAC's use of corporate funds in 2002, the complaint cites to and attaches copies of the following items:

several news articles that appeared in 2003-2004 regarding a grand jury investigation of use of corporate funds in the 2002 elections, including by TRMPAC, that was initiated by the District Attorney of Travis County, Texas,

a letter of March 31, 2003 that an organization named Texans for Public Justice sent to the Travis County District Attorney requesting an investigation of possible illegal corporate political expenditures by TRMPAC in 2002, and

certain of the Form 8872 filings that TRMPAC made with the Internal Revenue Service regarding its contributions and expenditures in 2002.

As a related matter, the complaint alleges that in September 2002 TRMPAC sent a check for $190,000 to the Republican National Committee, and within the next three weeks the RNC wrote checks totaling $190,000 to seven candidates for the Texas House. The complaint alleges that, "The implication of this transaction is that TRMPAC and the RNC engaged in money laundering and a conspiracy to launder money." These allegations are based on three items: a newspaper article that appeared on this matter in February 2004, and copies of two TRMPAC e-mails that the newspaper had obtained.

As to Texas law on the use of corporate funds by a political committee, the complaint refers to and attaches a copy of an advisory opinion that the Texas Ethics Commission issued in 1993. That opinion interprets the provision of the Texas Election Code that generally limits the political expenditures of corporations to those that "finance the establishment or administration of a general purpose [political] committee."

Finally, with regard to Representative DeLay's involvement in TRMPAC, the complaint alleges that he formed the committee and appointed "one of his top aides" as its director, and that he was head of TRMPAC's advisory board and was "integrally involved in its administration." In support of these allegations the complaint cites a newspaper article that appeared in March 2004 regarding, among other things, testimony provided by TRMPAC's executive director in a deposition in a civil lawsuit. The complaint alleges that Representative DeLay's conduct is a felony under the Texas statutory law.

The applicable laws, rules and standards of conduct. Paragraph 2 of the Code of Ethics for Government Service requires that federal officials "[u]phold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion." A violation of that standard of conduct may implicate the requirement of the House Code of Official Conduct that a Member, officer or employee "shall conduct himself at all times in a manner that shall reflect creditably on the House."[46] In the same vein, the Committee has stated that a Member or staff person must take reasonable steps to ensure that any outside organization over which he or she exercises control, including any political committee, operates in compliance with applicable law.[47]

In view of the indictments and the ongoing investigation by Texas authorities of the violations alleged in Count II, the Committee should defer action on that count. The indictments that were issued last month by a grand jury of the District Court for Travis County, Texas were discussed at the outset of this memorandum. Representative DeLay was not indicted, and according to comments of his that were quoted in the news media, he has not been subpoenaed or asked to testify in that matter. However, according to news media reports, officials of the Travis County District Attorney's office have stated that the investigation is continuing, and no one has been ruled out of the investigation. Of course, the indictments are directly pertinent to the threshold question presented by Count II of the complaint, which is whether TRMPAC's use of corporate funds in the 2002 Texas state elections was lawful under the Texas Election Code.

The Committee Rules include provisions that address the handling of a complaint that alleges a violation of a law or rule that is enforced by law enforcement or regulatory authorities. Committee Rule 15 (f) provides that the Committee "may defer action on a complaint against a Member" where either of two circumstances is present –

"when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities," or

"when the Committee determines that it is appropriate for the conduct alleged in a complaint to be reviewed initially by law enforcement or regulatory authorities."

A 1975 Committee report explained the Committee's approach in the circumstance of an ongoing investigation by law enforcement authorities as follows:

[W]here an allegation involves a possible violation of statutory law, and the committee is assured that the charges are known to and are being expeditiously acted upon by the appropriate authorities, the policy has been to defer action until the judicial proceedings have run their course. This is not to say the committee abandons concern in statutory matters – rather, it feels it normally should not undertake duplicative investigations pending judicial resolution of such cases.[48]

Under the rule, deferral by the Committee where there is an ongoing law enforcement proceeding is not mandatory, but rather is discretionary. Historically, the Committee has been more reluctant to defer where the Member conduct that is at issue is related to the discharge of his or her official duties as a Member of the House. Here, whatever Representative DeLay's role was in the TRMPAC activities challenged in Count II, his participation in those activities, if any, was not related to the discharge of his or her official duties as a Member of the House.

In addition, it appears that the second circumstance in which, under Committee Rule 15(f), deferral may be indicated – *i.e.*, "it is appropriate for the conduct alleged in a complaint to be reviewed initially by law enforcement or regulatory authorities" – is present here as well. In this regard, resolution of the allegations of Count II requires interpretation of provisions of the Texas Election Code and determinations on how they apply to the specific facts presented here. The disposition of the recently initiated criminal cases should provide information that bears directly on these points.

Based on the above considerations, our recommendation is that the Committee defer action on Count II pending further action in both the cases that were initiated by the recent indictments and in the District Attorney's investigation. If the Committee concurs that action on Count II should be deferred, Committee staff will monitor the Travis County proceedings. When circumstances arise indicating that the deferral should end, the Chairman and Ranking Minority Member will make appropriate recommendations for action on Count II to the Committee.

Count III of the Complaint, relating to DeLay office contacts in May 2003 with the FAA and the Justice Department regarding the absent Texas legislators.

Facts and violations alleged in Count III. Count III concerns contacts made by DeLay staff members with the Federal Aviation Administration and the U.S. Department of Justice in May 2003 regarding members of the Texas House of Representatives who had absented themselves from the session on congressional redistricting in order to deny the House a quorum. The complaint's allegations on this matter purport to be based on reports that were issued by, respectively, the Inspectors General of the U.S. Department of Transportation (DOT IG) and the U.S. Department of Justice (DOJ IG), and the complaint cites to and attaches a copy of the DOJ IG report. In lieu of the DOT IG report, the complaint cites to and attaches a copy of a report of the House Committee on Transportation and Infrastructure on the matter (with separate views). That report was in turn substantially based on a prepared statement and the oral testimony of the DOT IG before that Committee on July 15, 2003.

The complaint's allegations regarding the DeLay staff contact with the FAA are as follows. The subject of the contact, which occurred on May 12, 2003, was an airplane owned by State Representative Pete Laney that was believed to be flying some legislators out of the state. The FAA also received requests for assistance regarding this aircraft from the Texas Department of Public Safety (Texas DPS), as well as from the Federal Air and Marine Interdiction Center as a result of inquiries made to the Center by the Texas DPS. The DeLay staff member gave the FAA the tail number of that airplane and without giving any explanation for the request, asked the FAA its location. The FAA responded that the aircraft was about to land in Ardmore, Oklahoma. According to the complaint, the request for information required the efforts of "at least 13 FAA officials at several different facilities," and the FAA instituted a safety "alert" on the airplane.

The allegations regarding the DeLay staff contact with the Justice Department, which occurred on May 13, 2003, are as follows. According to the complaint, "Armed with the location of the absent legislators," counsel for Representative DeLay telephoned the Office of Legislative Affairs of the Justice Department "requesting the Department's assistance in enforcing the 'arrest' warrant issued by the Texas House Sergeant-at-Arms." The complaint also alleges that Representative DeLay's counsel contacted the U.S. Attorney for the Western District of Texas, Johnny Sutton, and that Mr. Sutton reported back that the U.S. Attorney would not get involved in the matter.

The complaint further alleges that the above-described activities constitute "an acknowledged improper use of federal resources in a political issue," as well as a violation of guidance issued by the Standards Committee that contact with government agencies may "not be for 'political . . . considerations,'" citing the Committee's Advisory Opinion No. 1.

The applicable laws, rules and standards of conduct. The use of executive branch resources for a partisan political purpose may implicate several provisions of law. Such activity may violate 31 U.S.C. § 1301(a), which provides that official funds are to be used only for the purposes for which appropriated. As the Justice Department has stated, "If . . . there is no reasonable connection between the expense incurred and the official purposes to be served by an appropriation – as, generally speaking, there would not be when an expense is incurred purely for partisan political purposes – official funds may not be used to pay the expense."[49] In addition, an executive branch employee who participates in political activity while on duty or in a government building violates a provision of the Hatch Act.[50] "Political activity" is defined broadly for purposes of the Hatch Act as "an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group."[51]

As noted above, ¶ 2 of the Code of Ethics for Government Service requires that a House Member, like any other person in Government service, "[u]phold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion." Quite clearly, this provision may be implicated if a House Member were to act in a manner contrary to any of those authorities. It may also be implicated if a Member were to request that an executive branch employee engage in an activity having an impermissible political purpose under the above statutes. Such conduct by a Member may also implicate the fundamental requirement of the House Code of Official Conduct that a Member, officer or employee "shall conduct himself at all times in a manner that shall reflect creditably on the House." (House Rule 23, cl. 1).

In addition, where the primary purpose of an action taken by a Member in his or her official capacity is politically related, and the action is taken on behalf of a political ally or supporter, that action practically by definition constitutes an impermissible special favor under ¶ 5 of the Code of Ethics for Government Service. As the Committee has explained, under that standard of conduct, the actions one takes in his or her official capacity are to be taken without regard to the political affiliation of the individuals involved,[52] but in an action of the nature described here, the political affiliation of the involved individuals would be the overriding consideration.

Summary and analysis of the information before the Committee regarding Count III. By way of background, on May 11 and 12, 2003, Democratic Members of the Texas House of Representatives absented themselves from a legislative session on congressional redistricting for the purpose of denying the House a quorum.[53] In documents dated May 12, 2003, the Speaker of the Texas House of Representatives issued directives to the Texas House Sergeant-at-Arms "to send for and arrest" each of the absent legislators, and "to return that person to the Hall of the Texas House of Representatives and there secure and retain that person." A copy of one of those directives is in Attachment P to this memorandum.

By letter of May 12, 2003, the Sergeant-at-Arms requested the assistance of the Director of the Texas Department of Public Safety (Texas DPS) in securing the attendance of the absent legislators, and in doing so, he cited a rule of the Texas House (House Rule 5, § 8) that provides that in certain circumstances, absentees may be –

sent for and arrested, wherever they may be found, by the sergeant-at-arms or an officer appointed by the sergeant-at-arms for that purpose, and their attendance shall be secured and retained. [emphasis added]

In a letter to the Director of the Texas DPS of May 12, 2003, the Texas Attorney General stated that the Texas House Speaker had asked him to review the law underlying the request that the Sergeant-at-Arms had made of him. That letter cites the above-quoted rule of the Texas House and indicates that an officer appointed by the sergeant-at-arms under the rule "would include the Texas Department of Public Safety." Copies of those two letters are also in Attachment P.

The DeLay staff contacts with the FAA. Representative DeLay stated to us that the Texas House Speaker called him and told him that there was an airplane shuttling the absent legislators, and he asked Representative DeLay if there was anything he could do to help locate the plane. Representative DeLay believes that in that conversation, the Speaker also gave him the tail number of the particular plane, N711RD. Representative DeLay then provided the tail number to Juliane Sullivan, who was Policy Director in the Majority Leader's office, and asked her to contact the FAA to see if it were possible to determine the location of the airplane.

Late in the afternoon of May 12th, Ms. Sullivan called David Balloff, who is the FAA's Assistant Administrator for Government and Industry Affairs, on the matter. She told him that she was trying to locate a particular aircraft, the tail number of which was N711RD. She did not give Mr. Balloff any explanation for her inquiry, and he did not ask her about it, although Mr. Balloff later told the DOT IG that his first thought was that there was a safety issue. He told her that he would check and call back. Mr. Balloff then called the FAA's Washington Operations Center with the question. A Center official checked an FAA database and told him that the airplane would be landing in 7 minutes in Ardmore, Oklahoma.

Mr. Balloff relayed this information to Ms. Sullivan (at 4:21 p.m., according to DOT records), and she informed Representative DeLay. He then asked her if it was possible to obtain information on where else the airplane had been over the past couple of days. Ms. Sullivan called Mr. Balloff with that question, and he told her that he would see what he could do. He called the Washington Operations Center and was told that this information could be obtained only by calling other FAA offices, and that the Center would make those contacts. An official of the Center called three other FAA offices and was told that the requested information was not immediately available. However, subsequently one of those offices called the Center official back and advised him that the airplane had flown from Austin to Plainview on May 11th. Information on the airplane's flights on that date was relayed to Mr. Balloff when he visited the Center later in the evening, and he then relayed information to Ms. Sullivan (at 6:23 p.m., according to DOT records).

Ms. Sullivan relayed the information she received from the FAA to Representative DeLay, who in turn relayed it to the Texas House Speaker. The next day, May 13th, Ms. Sullivan e-mailed Mr. Balloff an article from the *Houston Chronicle* of May 12, 2003 about the absent Texas legislators with the note, "I thought you would find this article of interest." The article stated, among other things, that the Texas House Speaker had announced that most of the absent Texas House Members were in Ardmore, Oklahoma, and that Texas DPS officers were arriving in Ardmore "to offer to escort them back to Austin."

According to the report of the DOT IG, on May 12, 2003 FAA offices had also been contacted regarding this airplane by the Texas DPS and an office of the U.S. Department of Homeland Security.

The DeLay staff contacts with the Justice Department. On May 12, 2003, Carl Thorsen, who was counsel in the Majority Leader's office, had a discussion with staff in the office of the Texas Attorney General on the matter of the absent Texas legislators. In the course of that discussion Mr. Thorsen was informed that the Texas Attorney General's office planned to make an inquiry to the Justice Department. According to Representative DeLay, neither that office nor any other state official suggested or requested that Mr. Thorsen take any action. On May 13th, however, Representative DeLay asked Mr. Thorsen to make an inquiry with the DOJ, and Mr. Thorsen contacted DOJ solely on the basis of his request.

Mr. Thorsen called William Moschella, who was the Assistant Attorney General in the Office of Legislative Affairs. The report of the DOJ IG states (on p. 4) that according to Mr. Moschella, Mr. Thorsen "said that he was calling to find out if the Department of Justice had any legal authority to intervene in the Texas legislators matter, although [Mr. Thorsen] said he thought he knew what the response would be." Mr. Thorsen "did not ask him to take any action, and phrased his request as a legal question." Mr. Moschella responded that he would consult with other Department officials and provide a quick answer.

Mr. Moschella then e-mailed the question to Edward Whelan, the Acting Assistant Attorney General in the Department's Office of Legal Counsel (OLC), with copies to two other DOJ officials. There were several more e-mails and telephone conversations between DOJ officials on the matter, and about one or

two hours after Mr. Moschella's initial inquiry to Mr. Whelan, they had a telephone conversation on it. Mr. Whelan advised Mr. Moschella that there was nothing criminal involved, and so DOJ had no jurisdiction and would not become involved. Mr. Moschella then called back Mr. Thorsen stating that there was nothing that DOJ could do.

The DOJ IG report states in two places (on pp. 4, 22) that on May 13th, Mr. Thorsen also spoke with Johnny Sutton, the U.S. Attorney for the Western District of Texas. According to both of these individuals, Mr. Sutton placed the calls to Mr. Thorsen. Mr. Thorsen received a call from him that morning that apparently was prompted by officials of the Texas Attorney General's office. According to Mr. Thorsen, the conversation was brief and concluded with both agreeing that any discussion of the matter of the absent legislators should be routed through the DOJ Office of Legislative Affairs. After that conversation, Mr. Thorsen called Mr. Moschella. In addition, Mr. Sutton stated to the DOJ IG that he called Mr. Thorsen later in the day to say that he would not get involved in this matter, but Mr. Thorsen states that he does not have a specific recollection of this conversation.

The report of the DOJ IG also describes the contacts that various DOJ offices received on this matter from the office of the Texas Attorney General, the Texas Rangers, the Texas DPS, and a Texas House Member.

Conclusions and recommendations with regard to Count III. The contacts of Representative DeLay's office with the Justice Department were of a different nature from those with the Federal Aviation Administration, and we reach different conclusions with regard to those two sets of contacts.

With regard to the contacts with the Justice Department, the information we have obtained indicates that they were not improper. According to that information, those contacts did not involve either an explicit or implicit request or demand that DOJ take action with regard to the absent legislators. Instead, they consisted of a straightforward inquiry on whether there was any legal basis for DOJ to intervene.

In contrast, our conclusion regarding the contacts with the FAA seeking flight information is that, at a minimum, they raise serious concerns under the House standards of conduct summarized above. Briefly stated, according to the information we have obtained, those contacts were made solely at the request the Texas House Speaker; the request was made in connection with a partisan conflict in which he was engaged at the time with Democratic members of the Texas House; and the information that Representative DeLay's office obtained from the FAA was relayed solely to the Texas House Speaker.

Representative DeLay's submissions argue that the contacts that his office made with the FAA were entirely proper, and the major assertions made in support of that position are as follows.

First, Representative DeLay's submissions assert that the DOT IG found no wrongdoing in this matter. It is correct that the statement that the DOT IG submitted to the House Transportation and Infrastructure Committee states (on p. 17), "We did not find that Balloff's actions in this matter to have violated any rules or regulations." However, this assertion disregards a number of important considerations. To begin with, the DOT IG's statement (on p. 17) raises specific concern about Mr. Balloff's failure to inquire of Ms. Sullivan as to why she was requesting information on the particular airplane, "[W]e do not understand why he did not ask the staffer about the purpose of her request – particularly since he told us he thought it

might involve a safety issue." In addition, there are the statements made by Mr. Balloff to the DOT IG regarding his views of Ms. Sullivan's requests and his handling of them after he learned about the absent Texas legislators on May 13th:

I figured out why they were calling. . . I just felt like I had been used. . . I don't do anything for political purposes. . . and I just did not like. . . somebody calling me for political reasons. . . I would never use my office to help somebody politically, for any political reasons, period.[54]

He also stated that in hindsight, "he would have handled the staffer's request differently, by coordinating with the FAA Chief Counsel's Office and senior agency officials, along with asking the requestor for background about the request."[55] In short, without being apprised of the reason for the request, the FAA was denied the opportunity to make a prior, reasoned determination on whether collecting and providing the requested information would be both permissible and appropriate under the laws, rules and policies governing the FAA at the time.

Yet another pertinent point here is that on July 15, 2003, upon the recommendation of the DOT IG, the FAA issued an order setting out a specific policy regarding disclosure of aircraft and flight data from FAA information systems.[56] That policy includes the following basic provision:

No request for Flight Track Data shall be granted unless it is first determined that the request is being made in the interest of aviation safety or efficiency, or for an official purpose by a United States Government agency or law enforcement organization with respect to an ongoing investigation.

In sum, the statements made by Mr. Balloff regarding his views of his actions after he had learned the purpose of the requests, and the FAA's later establishment of a restrictive policy on responding to such requests, indicate a larger concern about the propriety of the FAA's response to the requests of Representative DeLay's office, regardless of whether, in the specific circumstances, Mr. Balloff's actions did not violate the FAA rules or regulations that were in effect at the time.

Second, it is asserted that the House Committee on Transportation and Infrastructure found no wrongdoing in this matter. In this regard, the report that the Transportation Committee issued on this matter states with regard to the DOT IG's report, "[T]here were no findings that federal resources were misused or that agency personnel violated any departmental rules or regulations."[57] Because the Transportation Committee report merely characterizes the findings of the DOT IG, the materials set out above regarding the DOT IG's report respond to this assertion as well. It should also be noted that it is the Committee on Standards of Official Conduct, and not the Transportation Committee, that has the jurisdiction to make determinations regarding the official conduct of House Members and staff.

Third, Representative DeLay's submissions assert that the information he sought and was provided is publicly available over the Internet. Indeed, according to the statement of the DOT IG (on p. 14), "[C]omparable information – including near real-time aircraft locator data – is currently available to the general public through commercial databases accessible via the internet." However, the issues discussed here have arisen because Representative DeLay did not obtain the information on the location of the particular aircraft from one of the commercial databases, but instead he obtained it from FAA databases using the services of FAA personnel.

Finally, Representative DeLay's submissions assert that these contacts were proper because they were made in the context of a "legitimate law enforcement issue." While acknowledging that this matter arose out of a political dispute, one of his submissions states that it "was a proper matter for the law enforcement authorities of Texas," citing the letters of the Sergeant-at-Arms and the Texas Attorney General that are noted above. However, review of those documents establishes that to the extent that there was any "enforcement" issue here, it was solely a matter of enforcement of rules of the Texas House of Representatives that govern its Members.[58]

Indeed, this consideration highlights a separate basis on which the contacts with the FAA were objectionable, and that is that such use of federal executive branch resources to resolve an issue before a state legislative body raises serious concerns under the fundamental concepts of separation of powers and federalism. The enforcement of the rules of the Texas House – like enforcement of the rules of the U.S. House of Representatives or any other legislative body – is the responsibility of the Members, officers and employees of that body.

Insofar as enforcing the rules of the Texas House on Member attendance is concerned, as noted above, the rules of that body provide that this is the responsibility of "the sergeant-at-arms or an officer appointed by the sergeant-at-arms." Whether it is permissible and appropriate for the Texas House Sergeant-at-Arms to appoint every official of the Texas Department of Public Safety as such an officer is a matter to be resolved by Texas authorities under Texas law.[59] However that matter is resolved, the Committee action here should take account of the serious concerns raised by use of federal executive branch resources to resolve a partisan dispute before a state legislative body.

In view of the thorough investigations of the contacts with the Justice Department and the Federal Aviation Administration that were conducted by the departmental Inspectors General, as well as the additional information we obtained in our fact-gathering, there is no need for a formal investigation of the allegations of Count III. We recommend that insofar as Count III concerns the contacts with the Justice Department, it should be dismissed. Insofar as it concerns the contacts with the FAA, it should be resolved by a letter of admonition to Representative DeLay that sets out the above-stated concerns that those contacts raise under House standards of conduct that preclude using governmental resources for a political undertaking.

The objections raised in Representative DeLay's submissions to the complaint and Representative Bell's conduct, and the requests that the Committee employ outside counsel in its consideration of the complaint.

The objections raised to the complaint and Representative Bell's conduct. Representative DeLay's submissions in this matter raise a number of objections both to the complaint and to Representative Bell's conduct in this matter. The major objections raised by those submissions are as follows:

The complaint contains innuendo, speculative assertions and conclusory statements in violation of Committee Rule 15(a)(4);

In view of published reports that Representative Bell accepted assistance from a private organization in the drafting of his complaint, the complaint was not properly filed under Committee Rule 14(a)(1), regarding complaints transmitted directly to the Committee by a Member; and

Representative Bell's acceptance of assistance from a private organization in the drafting of his complaint violated House Rule 24, which generally prohibits private subsidy of official House business.

The first of these objections, regarding innuendo, speculative assertions or conclusory statements in the complaint, should be taken up separately by the Committee, and we intend to bring it before the Committee in the near future. As to the other two objections, our conclusions, for the reasons set out below, is that they are not valid.

The claim that the complaint was not properly filed under Committee Rule 14(a). This objection that Representative DeLay has raised to the complaint, like his other major objection that is addressed below, is based on published reports that Representative Bell accepted assistance from a private organization in the drafting of his complaint. In this regard, a private organization has posted on its Web site a press release dated June 15, 2004 stating that it had "assisted Congressman Bell in drafting the complaint . . . ."[60] This assistance was also referenced in news articles, including one that stated that an official of that organization "drafted the complaint for Bell," and that "the lawmaker had first approached her."[61]

In making this objection, Representative DeLay's submissions refer to Committee Rule 14(a), which provides for two forms of complaints:

under Committee Rule 14(a)(1), a complaint by a House Member that is "transmitted directly to the Committee," and

under Committee Rule 14(a)(2), a complaint by an individual who is not a House Member, as to which a House Member "certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee."[62]

The argument on this point that is made in his submissions is as follows. Because of the assistance that an outside organization provided in the drafting of the complaint here, the complaint is in fact not one offered by a House Member under Committee Rule 14(a)(1). Instead, it is a complaint by an individual who is not a House Member under Committee Rule 14(a)(2). However, according to this argument, the complaint was not properly filed under that provision, in that Representative Bell did not provide the written certification required by that provision. On this basis, Representative DeLay asserts that the complaint submitted by Mr. Bell is a "hybrid" that the rules do not contemplate, and Committee acceptance of the filing would mean that the Committee interprets the first two paragraphs of Committee Rule 14(a) to set out "a distinction without a difference."

This objection to the complaint is not valid. Quite clearly, House and Committee rules make it possible for an outside individual to be a complainant against a House Member, officer or employee, provided that a House Member provides the certification set out in Committee Rule 14(a)(2) regarding that individual's complaint, and the other applicable rules are complied with. If, however, instead of merely certifying the complaint of an outside individual, a Member wishes to make that complaint his or her own, as a general matter, the Member is free to do that, provided, again, that there is compliance with the other applicable rules. It appears that the alternative of the Member acting as the complainant will be particularly viable where, as here, the bases of the complaint are publicly available information.

The difference between these two alternatives is that in the instance in which a private individual is the complainant, the Member's responsibility insofar as the Committee is concerned is limited to his or her certification In contrast, where the Member elects to become the complainant, he or she assumes responsibility for the contents of the complaint in its entirety. In short, the manner in which we interpret paragraphs (a)(1) and (a)(2) of Committee Rule 14 does not result in those provisions setting out a distinction without a difference.

The claim that Representative Bell's acceptance of assistance in drafting the complaint violated House Rule 24. House Rule 24, which prohibits Members from maintaining an "unofficial office account," has long been interpreted generally to prohibit Members from accepting, from private sources, in-kind donations of goods and services in support of official House business.[63] The Committee has issued guidance on how the prohibition applies in a number of circumstances, including the acceptance of the services of individuals under volunteer or intern programs for the educational benefit of the participants;[64] the participation of outside individuals and private organizations in meetings, conferences and other events sponsored by a House office;[65] and acceptance of travel from private sources for official or officially connected purposes.[66]

The Committee has clearly stated that under the "unofficial office accounts" rule, it is impermissible for a Member to accept, on a regular or continuing basis, the uncompensated services of an individual to perform duties that are normally performed by congressional staff.[67] However, the Committee has never stated that the rule is so broad that a Member violates it by, for example, occasionally accepting a draft of legislation or related material that was prepared by an outside individual or organization that is advocating that legislation. It appears that there is no reason to treat the acceptance of outside assistance in the drafting of a complaint, or even acceptance of a draft of a complaint, any differently under House Rule 24. Accordingly, this objection to Representative Bell's conduct is not valid.

The requests that the Committee employ outside counsel in its consideration of the complaint. As the Committee members are aware, after this complaint was filed, a number of outside organizations and members of the media urged that outside counsel be employed for its consideration. With regard to our consideration of the complaint under Committee Rule 16 in our capacities as Chairman and Ranking Minority Member, we elected to utilize the assistance of the regular Committee staff, and we do not recommend that outside counsel be retained with regard to the Committee's consideration of the matter.

At least some of the requests for the use of outside counsel cite to the fact that certain of the Committee members have received campaign contributions from Representative DeLay. It appears that those requests do not reflect an objection to the use of regular Committee staff members in the consideration of this matter, but instead reflect an objection to the participation of the members of the Committee. To the extent that those requests reflect a view that the determinations on this complaint should be made by an outside counsel, rather than by the members of this Committee, that is a view that the House has consistently rejected, most recently in 1997. Under Article I, Section 5 of the Constitution, it is the responsibility of the House of Representatives itself to determine the rules of the House and discipline its Members. The 1997 report of the Task Force on Ethics Reform states that the Task Force Members

expressed the view that House Members better understand the rules, customs, and practices of the House, and . . . expressed the strong preference that House Members accused of misconduct be judged by their peers.[68]

To the extent that those requesting the use of outside counsel have the view that Committee members who accepted campaign contributions from Representative DeLay should be disqualified from acting on this complaint, they should refer to Committee Rule 9(e) on disqualification, which provides in pertinent part as follows:

A member of the Committee may disqualify himself from participating in any investigation of the conduct of a Member . . . upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision.

Under the rule, a member who submits such an affidavit will be disqualified only if the Committee "approves and accepts such affidavit." Accordingly, the matter of disqualification is left to each individual Committee member, but a member may disqualify himself or herself only upon swearing that the member "cannot render an impartial and unbiased decision."

Moreover, on September 23, 2004, both of us, in our capacities as Chairman and Ranking Minority Member of the Committee, joined in issuing a public statement addressed to this matter. We stated emphatically our belief in the integrity and ability of every member of the Committee, and that both of us are confident in the ability of our fellow members, without exception, to execute their responsibilities faithfully and fairly, regardless of any political affiliations or personal relationships. We went on to note that if either of us believed that any committee member were unable to discharge his or her duties properly, we would seek to have that member removed from the committee.[69]

Finally, to the extent that the requests for use of outside counsel reflect an objection to the use of regular Committee staff members in the consideration of this complaint, those making the requests may be overlooking the changes in House and Committee Rules regarding staff that were made in 1997. With regard to Committee staff, clause 3(g) of House Rule 11 includes the following provisions:

"the staff [shall] be assembled and retained as a professional, nonpartisan staff,"

"each member of the staff shall be professional and demonstrably qualified for the position for which he is hired,"

"the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner", and

"All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each

Congress and as necessary during the Congress."

These rules relating to Committee staff have been fully implemented.

---

[1]On June 22, 2004, we determined, under Committee Rule 16(a), that the complaint meets the requirements of the Committee Rules for complaints. The rule provides a 45-day period from the date of that determination for our consideration of a complaint and authorizes the Committee to extend that period for an additional 45 days. The Committee granted such an extension on July 22, 2004, and as a result, the period for our consideration of this complaint was extended through September 20, 2004.

While the Committee Rule 16(d) provides for the automatic creation of an investigative subcommittee if, by the end of that period, the complaint is not disposed of, it also provides that if at any time during that period either one of us places the complaint on the Committee agenda, then an investigative subcommittee may be established only by a vote of the Committee. On September 20, 2004, both of us acted to place the complaint on the Committee agenda.

[2] Committee Rule 24 provides for a number of formal sanctions that range from a "Letter of Reproval" to censure or expulsion from the House. However, those sanctions may be imposed by the Committee only after a formal investigation and, absent an admission to violations by the respondent, an adjudicatory hearing in which one or more alleged violations are proved by clear and convincing evidence.

[3] *See, e.g.,* House Comm. on Standards of Official Conduct, *Summary of Activities One Hundred Fourth Congress*, H. Rep. 104-886, 104th Cong., 2d Sess. (1997) at 19 (complaint against Representative Armey),

19-20 (referral from the Federal Election Commission regarding Representative Charles Wilson), 22 (complaint against Representative Torricelli), 23-24 (complaint against Representative Gephardt), 24-25 (complaint against Representative Solomon), and 25 (complaint against Representative McDermott).

[4] A provision of the rules of the Senate Select Committee on Ethics (Committee Rule 3(g)(2)) specifically provides for the resolution of cases by issuance by that Committee of letters of admonition.

[5] While responses to our requests for information are not provided under oath, those responses are subject to the "false statements" criminal statute, 18 U.S.C. § 1001, as amended in 1996. That statute, among other things, prohibits knowingly and willfully making any materially false statement or concealing a material fact in "any investigation or review, conducted pursuant to the authority of any committee . . . of the Congress, consistent with applicable rules of the House or Senate."

[6] House Comm. on Rules, *Report of the Ethics Reform Task Force on H. Res. 168*, 105th Cong., 1st Sess. (Comm. Print 1997) 16.

[7] The indictments of the seven other corporations are phrased in a virtually identical manner.

[8] Except for the indictment of Mr. Colyandro with regard to the TRMPAC transaction with the Republican National Committee, the other indictments of him are phrased in a virtually identical manner.

[9] In this regard, we note that each of the fourteen indictments of Mr. RoBold relates to his activity in connection with one of the corporate contributions. Those indictments allege in part that Mr. RoBold "did, with intent to promote and assist the commission of said offense [under the Texas Election Code], solicit, encourage, direct and aid the said corporation to commit the said offense." We had not obtained information indicating Mr. RoBold's involvement in any solicitation of Westar, and we note that he was not indicted with regard to the Westar contribution.

[10] The text of the report of the special committee, as well as the text of the documents released by the special committee, are available on Westar's Web site, www.westarenergy.com, through the "Corporate Governance" link.

[11] *See, e.g.,* House Comm. on Standards of Official Conduct, *Laws, Rules and Standards of Conduct on Campaign Activity*, 107th Cong., 1st Sess. (2001) (hereafter, *Campaign Activity* booklet) 32-34, 36-37; *House Ethics Manual*, 102d Cong., 2d Sess. (1992) 257-58.

[12] House Rule 23, cl. 1. As noted above, the complaint alleges a violation of the federal criminal bribery and gratuity statutes. Enforcement of the federal criminal statutes is province of the Justice Department, rather than this Committee, and thus typically the Committee does not either charge or attempt to prove that a Member has violated such a statute. Instead, Committee disciplinary proceedings generally are based on House Rules and standards of conduct.

It should also be noted that while the complaint alleges a violation of both the bribery and gratuity statutes, the gratuity statute applies only where an official accepts "anything of value *personally*" (emphasis added). For that reason, the statute does not apply to the receipt or acceptance of a bona fide campaign contribution, as such a contribution is not a benefit that is received "personally." *See* U.S. Dep't of Justice, *Criminal Resources Manual* § 2045; *United States v. Brewster*, 506 F.2d 62, 77 (D.C. Cir. 1974).

[13] *See United States v. Sun-Diamond Growers*, 526 U.S. 404-405 (1999).

[14] Sound guidance on this point appears in one of the earliest works on congressional ethics, the 1952 book by Senator Paul H. Douglas, *Ethics in Government* (at 89):

It is probably not wrong for the campaign managers of a legislator before an election to request contributions from those for whom the legislator has done appreciable favors, but this should never be presented as a payment for services rendered. Moreover, the possibility of such a contribution should never be suggested by the legislator or his staff at the time the favor is done. Furthermore, a decent interval of time should be allowed to lapse so that neither party will feel that there is a close connection between the two acts.

[15] *Campaign Activity* booklet at 37.

[16] *Id.* at 34.

[17] *See Campaign Activity* booklet at 37-39; Standards Committee Advisory Memorandum of May 11, 1999 on "Prohibition Against Linking Official Actions to Partisan or Political Considerations, or Personal Gain"; *House Ethics Manual* at 250-51.

[18] Committee precedent is that violation of a provision of the Code of Ethics for Government Service may be the basis of a Committee disciplinary action. *House Ethics Manual* at 18-19.

[19] *See House Ethics Manual* at 250-51.

[20] 15 U.S.C. §§ 79 *et seq.*

[21] *Id.* §§ 80a-1 *et seq.*

[22] *Id.* § 80a-3(c)(8).

[23] That the legislative provision was related to Westar's proposed restructuring is also indicated in the Westar memorandum that is attached hereto as Attachment N.

[24] For the sake of completeness, it should be noted that according to Federal Election Commission records, Mr. Bornemann made contributions to Representative Barton's campaign committee and/or his leadership PAC, the Texas Freedom Fund, in each year 1999 through 2001, including contributions of $1000 to his campaign committee on both May 29, 2001 and October 17, 2001. As to solicitations of Mr. Bornemann by or on behalf of Representative Barton, Representative Barton stated to us that they consisted of only blast-faxes from the fundraising consulting firm used by his committees and routine telephone calls or faxes from an individual who assisted his committees with their fundraising.

[25] The bill as passed by the House included provisions that opened the Arctic National Wildlife Refuge to oil and gas exploration, established vehicle fuel economy standards, and provided incentives for offshore oil and gas drilling, energy production and conservation, and other energy-related activities. *See 2001 CQ Almanac*, pp. 9-3 – 9-9.

[26] The September 13, 2002 draft that appears in Attachment G, which was provided to us by Representative Barton, bears a date at the bottom of July 19, 2004. Representative Barton advised us that neither he nor his staff were able to locate a copy of that draft in his office files, and thus the text of that draft that he provided to us is one that was printed from the database of the House Office of Legislative Counsel.

[27] As that letter indicates, the KCC had been at odds with Westar since the spring of 2001 regarding the company's plans to separate its regulated public utility business from its unregulated businesses. The Commission's view was that the plan would leave the company's utility business saddled with debt that was incurred in the acquisitions of the company's unregulated businesses.

[28] Westar also provided us with one other document that pre-dates Attachments B and C, and that is a brief memorandum from CEO David Wittig to twelve Westar executives that states in its entirety, "We are going to enter the donation season (particularly political), which will require us to write some checks. The attached Donation Schedule is a guideline of how we might share the responsibility." The attached schedule sets out only a proposal of the amount per thousand dollars of donations that each of the recipients would donate.

[29] By way of background, and as the April 23rd memorandum indicates, it appears that prior to 2002, the efforts of Westar executives to generate political contributions were limited to efforts on behalf of federal, state or local candidates in Kansas. In this regard, see Exhibits 238 and 239 to the Westar Energy, Inc. Report of the Special Committee to the Board of Directors of April 29, 2003. As noted above, the report with exhibits is available on Westar's Web site.

[30] The concept that the program of political contributions proposed by Westar's lobbyist was a long-term

program, rather than one that was tied specifically to the then-pending energy legislation, is supported by the fact that a number of the contributions that Westar executives made to House Members in 2002 were made in October and November 2002 – *i.e.*, after the demise of the Westar grandfather provision. Contributions made by Westar executives during all of 2002 are set out in Exhibit C to Representative Bell's complaint.

[31] Representative Tauzin stated to us that in April or May 2002, the Director of his Bayou Leader PAC received a call from Mr. Bornemann asking about the fundraising events that the PAC was planning. According to Representative Tauzin, the Director advised Mr. Bornemann of the series of cookouts that the PAC was sponsoring along with Representative Barton's Texas Freedom Fund, and Mr. Bornemann asked that copies of the invitations be sent to him. Copies of invitations to those cookout-fundraisers are in Attachment L.

[32] As noted above, Attachment C also includes the statement that Senator Richard Shelby has "made a substantial request of us for supporting [Tom] Young's campaign [for the House]." In this regard, it is noteworthy that according to news media reports, complaints were filed against Senator Shelby on the basis of the May 2002 Westar documents with both the Senate Select Ethics Committee and the Alabama State Bar, and both bodies dismissed those complaints. *See* Chappie, "Ala. Bar Dismisses Shelby Complaint," *Roll Call*, July 23, 2003; Kavanagh, "Senate Ethics Committee Declines to Investigate Shelby," *Federal Ethics Report*, Jan. 2004 at 18.

[33] As we have noted, this contribution is the subject of an indictment of Westar that charges that the contribution was unlawful under the Texas Election Code.

[34] As noted above, among the issues that Mr. Maloney handled in the DeLay office were those related to energy.

[35] Mr. Bornemann also stated to us that he had a separate conversation with Mr. Maloney in this same time period in which he described Westar's circumstances and the legislation it was seeking, and asked Mr. Maloney to introduce him to his successor in the DeLay office, Mr. Jack Victory. Mr. Bornemann stated to us that there was no discussion of political contributions in that conversation, and that he had had numerous social interactions with Mr. Maloney prior to this time.

Mr. Maloney's stated to us was that he had a conversation with Mr. Bornemann regarding the Westar legislation in this time period, but his recollection is that this conversation occurred shortly before he left the DeLay office.

[36] Senate Select Comm. on Ethics, Interpretative Ruling No. 427 (Sep. 25, 1987), *reprinted in Senate Ethics Manual*, 108th Cong., 1st Sess. (2003) at 291-92..

[37] Representative DeLay has stated that both were present at the event on their own time, rather than official time. The concern we are raising here is not that they were doing campaign work on official time, but rather that their presence may have furthered at least the appearance that the donors were obtaining special access to Representative DeLay in his official capacity.

[38] Representative DeLay was a conferee on the energy bill in 2002, but he was not present at the conference meeting at which Representative Markey's amendment to strike the Westar provision was voted on. As noted above, Representative Barton cast Representative DeLay's vote against the amendment by proxy.

[39] As was noted above, Mr. Bornemann also had one discussion with Mr. Victory's predecessor in the DeLay office, Mr. Maloney, on Westar's circumstances and proposed legislation. Mr. Maloney stated to us that this discussion occurred not long before he left the congressional office. However, Mr. Bornemann's recollection is that it occurred soon after he left the office, and that in it Mr. Bornemann requested that Mr. Maloney introduce him to Mr. Victory.

[40] Mr. Bornemann stated to us that he has no recollection of this meeting.

[41] As was noted above in the chronology of the Westar legislation, the Westar lobbyists had a similar meeting with Representative Barton and his staff member on the same date.

[42] Because Attachment D includes a letter from Ms. Smythe of the firm of Wilmer, Cutler and Pickering, it appears likely that those documents were provided to Mr. Victory in the meeting of July 24th.

[43] Further information regarding the federal investigation of Westar that was publicized on September 30, 2002 is set out in Attachment I, which includes a copy of the SEC Form 8-K that Westar filed on this matter on September 27, 2002.

[44] See Attachment D, letter of March 28, 2002 from Marianne K. Smythe, at 3.

[45] See, in this regard, the guidance set out on pp. 250-51 of the *House Ethics Manual.*

[46] House Rule 23, cl. 1. While the complaint alleges a violation of state election law, enforcement of that law is the province of state authorities, rather than this Committee. As noted above with regard to federal criminal statutes, typically the Committee does not either charge or attempt to prove that a Member has violated such a law. Instead, Committee disciplinary proceedings generally are based on House Rules and standards of conduct.

[47] *Campaign Activity* booklet at 7; *see also* House Select Comm. on Ethics, *In the Matter of Rep. Newt Gingrich*, H. Rep. 105-1, 105th Cong., 1st Sess. 7-8 (1997).

[48] House Comm. on Standards of Official Conduct, *Policy of the House of Representatives with Respect to Actions by Members Convicted of Certain Crimes*, H. Rep. 94-76, 94th Cong., 1st Sess. 2 (1975).

[49] 6 U.S. Op. Off. Legal Counsel 214, 216 (1982).

[50] 5 U.S.C. § 7321.

[51] 5 C.F.R. § 734.101.

[52] *See* Standards Committee Advisory Memorandum of May 11, 1999 on "Prohibition Against Linking Official Actions to Partisan or Political Considerations, or Personal Gain".

[53] Representative DeLay's strong support for and involvement in the congressional redistricting proposal that was then pending before the Texas House has been widely reported in the news media. *See, e.g., 2003 Congressional Quarterly Almanac*, pp. 14-6 – 14-7.

[54] DOT IG, *Federal Aviation Administration Efforts to Locate Aircraft N711RD*, Statement before the House Committee on Transportation and Infrastructure, July 15, 2003, at 17.

[55] DOT IG, *Detailed Investigative Findings & Chronology*, enclosure to letter of July 11, 2003 to Senator Joseph Lieberman, at 4.

[56] FAA Order 7210.3T, Facility Operation and Administration, Paragraph 2-1-5, effective Feb. 19, 2004.

[57] House Comm. on Transportation and Infrastructure, *Request for Department of Transportation Records on Use of Agency Resources Relating to Members of the Texas Legislature*, H. Rep. 108-220, 108th Cong., 1st Sess. (2003) at 4.

[58] While the documents issued by Texas authorities that are described above also refer to a provision of the Texas Constitution, that provision (Art. 3, § 10) provides in its entirety, "Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide."

[59] This matter has been the subject of litigation in Texas courts. *See Davis v. Burnam*, 137 S.W.3d 325 (Texas App. Ct. 2004) (vacating, on procedural grounds, a trial court ruling that the Texas DPS does not have statutory authority to arrest absent Texas House Members on request of the Speaker).

[60] www.citizensforethics.org/activities/20040615.

[61] Bolton, "Bell Takes Parting Shot," *The Hill*, June 15, 2004; *see also* Bresnahan, "Bell's Complaint Imperils Ethics Truce," *Roll Call*, June 15, 2004.

[62] These provisions of the Committee Rules reflect the provisions of House Rule 11, clause 3(b)(2).

[63] *See House Ethics Manual*, 102d Cong., 2d Sess. (1992) 217-21, 232-35.

[64] *Id.* 195-200, 206-10.

[65] House Comm. on Standards of Official Conduct, Advisory Memorandum of Sept. 28, 2001 on "Prohibition Against Private Subsidy of Conferences, Meetings and Other Events Sponsored by a House Office".

[66] House Comm. on Standards of Official Conduct, *Rules of the U.S. House of Representatives on Gifts and Travel*, 106th Cong., 2d Sess. (2000) 91-95.

[67] *See, e.g.*, House Comm. on Standards of Official Conduct, *In the Matter of Rep. E.G. "Bud" Shuster*, H. Rep. 106-979, 106th Cong., 2d Sess. at pp. 3F-3G,44-51 (2000); House Comm. on Standards of Official Conduct, *Summary of Activities, One Hundred Fourth Congress*, H. Rep. 104-886, 104th Cong., 2d Sess. 13, 16 (1997).

[68] House Comm. on Rules, *Report of the Ethics Reform Task Force on H. Res. 168*, 105th Cong., 1st Sess. (Comm. Print 1997) 6.

[69] In addition, on September 27, 2004, in response to an article that had appeared in the news media, we issued a statement that addressed the agreement we have had under which, as the need arises, either of us may provide to a member of the leadership information on the status of or the procedures relating to a Committee matter. That statement noted, among other things, that in no event does any such contact involve our disclosing information required to be kept confidential under Committee Rule 7, and in no event would either of us tolerate any attempt to "lobby" us on a case pending before the Committee

Memorandum of the Chairman and Ranking Minority Member

Print