



Andrew D. Herman
Counsel
202-626-5869
aherman@milchev.com

July 8, 2015

Thomas A. Rust, Esq.
Chief Counsel & Staff Director
Committee on Ethics, U. S House of Representatives
1015 Longworth House Office Building
Washington, DC 20515-6328

Dear Mr. Rust:

We write on behalf of our respective clients, Representative Mike Honda and his Chief of Staff and former District Director. We appreciate the opportunity to respond to the report and findings of the Office of Congressional Ethics (“OCE”) in regard to Matter No. 15-2070. The information presented in the report demonstrates that the OCE has found no conduct that merits further action from the House Committee on Ethics (“the Committee”).

The report addresses actions which either do not violate applicable ethics rules or, at worst, present narrow concerns. Most importantly, the report clearly establishes that Representative Honda acted ethically and had no participation in, knowledge of, or reason to know about any of the allegations at issue. It also demonstrates that Representative Honda established appropriate guidelines to separate office and campaign duties and that office staff took this separation of duties seriously.

Further, no credible evidence exists that the current or former staff interviewed by the OCE knowingly violated standards of conduct governing their actions or engaged in any material breaches of the separation between official and campaign-related activities established by the Committee. To the extent that the staff’s conduct could be construed or argued to fall too close to that line, Representative Honda has already imposed stringent remedial measures to ensure compliance therewith. Specifically, Representative Honda’s office has used the report to establish stricter guidelines and implement best practices in both the congressional and campaign offices. In light of the public release of this report as mandated by Committee Rule 17(A) and Representative Honda’s immediate and comprehensive response, the Committee should dismiss this matter without taking further action.



Thomas A. Rust, Esq.
July 8, 2015
Page 2

I. The OCE Report Demonstrates that Representative Honda Acted Ethically and Took Appropriate Steps to Inform and Educate his Staff About Ethics Requirements

The report's conclusion that Representative Honda used official resources to benefit his campaign is contradicted by the evidentiary materials contained the report.¹ Representative Honda and his office provided approximately 1,400 pages of emails and other documents to the OCE. The OCE conducted 12 interviews, including conversations with Representative Honda and members of his current and former staff. Yet, *not a single document* produced to the OCE establishes Representative Honda's knowledge of, or participation in, any of the issues of concern identified by the OCE. Moreover, as detailed below, consistent testimony from Representative Honda and his current and former staff establish that he did not participate in, or know of, any of the actions underlying the allegations in the report.

Representative Honda acknowledges the Committee's instruction that "each Member should be aware that he or she may be held responsible for any improper use of House resources that occur in the Member's office."² However, the Committee has consistently "distinguished between cases where a Member knew, or had reason to know, of improper conduct and instances where a Member reasonably believed that staff was acting properly."³ Representative Honda's conduct falls squarely within the latter category.

During Representative Honda's interview with the OCE, he repeatedly stated that he neither knew, nor had reason to know, of any potential improper conduct by members of his office or campaign staff.⁴ Specifically, Representative Honda stated the following:

- He never requested that staff members perform work for his campaign and he did not know of any instance where his chief of staff made such a request.⁵
- He was not aware of any campaign work being performed within the congressional office nor did he sanction the use of congressional resources for such work.⁶

¹ OCE Report & Findings ("OCE Report"), at 40-41.

² *House Ethics Manual* ("*Ethics Manual*") at 133 (2008).

³ House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Judy Chu*, H. Rept. 113- 665, 113th Cong. 2nd Sess. (2014) at 6.

⁴ See OCE Report, Exhibit 1 (Tr. of Representative Mike Honda Interview), at 15-2070_0002-0018.

⁵ See *id.* at 15-2070_0005-0006.

⁶ See *id.*



Thomas A. Rust, Esq.
July 8, 2015
Page 3

- He never requested that congressional staff prepare campaign materials for him.⁷
- He never requested that congressional staff identify political supporters or collect information from them.⁸
- He was not aware of any efforts relating to the solicitation of political contributions addressed in the report.⁹
- Although he attended some office retreats periodically, Representative Honda was never present at a retreat during a discussion about campaign issues.¹⁰ Staffers interviewed by the OCE confirmed that Representative Honda did not attend.¹¹
- He did not participate in the issuing of invitations to the State Department event discussed in the report and was not aware of the invitation process.¹² Nor did he solicit contributions from attendees after the event.¹³

No document in the OCE's extensive report contradicts the conclusion that Representative Honda was neither involved in, nor aware of, any of the allegations at issue.

The report also demonstrates that Representative Honda took appropriate steps to ensure that his staff understood the prohibition on using official resources for campaign-related purposes. His office issued an employee handbook and he required that staff acknowledge that they "have read and understand the contents of the handbook."¹⁴ In his interview with the OCE, Representative Honda stated that "we have office policies and the Chief of Staff has made those things very clear."¹⁵ He also stated that, "All new staff are required to go to ethics training that the House provides."¹⁶ As demonstrated by documents produced to the OCE, Representative

⁷ See *id.* at 15-2070_0007.

⁸ See *id.* at 15-2070_0011.

⁹ See *id.* at 15-2070_0012.

¹⁰ See *id.* at 15-2070_0013-0014.

¹¹ See, e.g., OCE Report, Exhibit 2 (Tr. of Former Senior Congressional Aide Interview), at 15-2070_0050; Exhibit 4 (Tr. of Former Campaign Coordinator Interview), at 15-2070_0109; Exhibit 10 (Tr. of Former District Director Interview), at 15-2070_0315, 0319; Exhibit 11 (Tr. of Former Congressional Aid #1 Interview), at 15-2070_0368; Exhibit 12 (Tr. of Former Congressional Aide #3 Interview), at 15-2070_0407.

¹² See OCE Report, Exhibit 1 (Tr. of Representative Mike Honda Interview), at 15-2070_015.

¹³ See *id.* at 15-2070_016.

¹⁴ OCE Report, Exhibit 9 (Employee Handbook for the Office of Congressman Mike Honda), at 15-2070_0291.

¹⁵ OCE Report, Exhibit 1 (Tr. of Representative Mike Honda Interview), at 15-2070_0005.

¹⁶ *Id.*



Thomas A. Rust, Esq.
July 8, 2015
Page 4

Honda's office also periodically distributed the "pink sheets" issued by the Committee that addressed various questions regarding ethical conduct. In the OCE interview, a number of staff members confirmed that these policies separating office and campaign functions were enforced.¹⁷ For example, the Senior Congressional Aide referenced the office's "clear separation" between campaign and official work.¹⁸ He also stated that the Chief of Staff "was very explicit that campaign and official work were separate."¹⁹ On the campaign side, the Former Campaign Coordinator also stated that the separation between office and campaign work was "an agenda item" that he "definitely discussed" with the Chief of Staff and Former District Director.²⁰

In light of the above, there is nothing in the OCE report that warrants additional action by the Committee relating to Representative Honda. Indeed, the evidence establishing Representative Honda's state of mind in this matter is identical to that of another recent matter where the Committee "did not find that [the Member] failed to properly supervise her staff, or that she is otherwise responsible for any of her staffs'" actions.²¹ In that decision, the Committee declined to issue any sanction against the member for conduct undertaken by her staff of which she was unaware.²²

In light of the complete absence of evidence relating to Representative Honda in the OCE's report and this Committee's recent precedent, the OCE's "substantial reason to believe" finding relating to Representative Honda is unsupported. Indeed, the report establishes the exact opposite of the OCE's conclusion: there is simply no substantial reason to believe that Representative Honda used official resources or activities for any improper purpose, nor that he was, or should have been, aware of any such alleged conduct.

¹⁷ OCE Report, Exhibit 2 (Tr. of Former Senior Congressional Aide Interview), at 15-2070_0028, 0035, 0038-0039; Exhibit 5 (Tr. of Former Congressional Aide #2 Interview), at 15-2070_0136-0140.

¹⁸ OCE Report, Exhibit 2 (Tr. of Former Senior Congressional Aide Interview), at 15-2070_0028.

¹⁹ *Id.*

²⁰ OCE Report, Exhibit 4 (Tr. of Former Campaign Coordinator Interview), at 15-2070_0101.

²¹ House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Judy Chu*, H. Rept. 113- 665, 113th Cong. 2nd Sess. (2014) at 6-7.

²² *See Id.*



Thomas A. Rust, Esq.
July 8, 2015
Page 5

II. The OCE Report Establishes Only Incidental Areas of Concern Relating to Staff Activities

While the OCE report addresses several instances where activities by Representative Honda's office staff may raise ethical considerations, these activities were either permissible or at worst, incidental, sporadic and immaterial. As detailed below, the OCE made numerous errors in reaching its "substantial reason to believe" conclusion relating to staff conduct.

The OCE utilizes witness statements that are equivocal or contradicted elsewhere and the report credits statements to support its finding without addressing the conflicting testimony. Most disturbingly, the report relies heavily on the testimony of two former staffers whose conduct renders their testimony unreliable.²³ The report also focuses on discrete discussions during the "coffee breaks" and retreats that were either permissible or inconsequential. Further, no subsequent inappropriate conduct by either office or campaign staff occurred as a result of these tangential conversations. The report also ignores explicit discussions at the retreats that, for example, stressed the need to act "ethically and practically."²⁴ In sum, the OCE has cherry-picked testimony and facts to support its conclusion. A full and fair reading of this material contradicts its findings:

- Simply stated, neither Representative Honda's Chief of Staff's service as campaign manager nor her coordination with the paid campaign manager in 2012 and 2014 violate ethics rules.²⁵ The OCE report does not allege that the Chief of Staff failed to fulfill her office role or acted improperly in her permissible role as campaign manager. The evidence does not support a finding of misconduct.

²³ In considering the allegations in the report supported by the testimony of these two employees, the Committee should be aware of the facts relating to their conduct. Most notably, the employee named as "Former Congressional Aide #1" made threats of violence and "revenge" against Representative Honda, his chief of staff and her then 9-year-old daughter, other staff members, and their families. He is currently subject to a court-ordered temporary restraining order that extends until February 28, 2017. The order prevents contact with those individuals and Representative Honda's congressional office. It is particularly noteworthy that, despite having an extensive discussion about Former Congressional Aide #1's misconduct with one former staff member (OCE Report, Exhibit 14 (Tr. of Former Deputy District Director Interview), at 15-2070_0432-0434), the OCE never addressed this issue with Former Congressional Aide #1. The report also fails to note or consider the effect of his misconduct on the reliability of his testimony. In addition, Representative Honda's office terminated Former Congressional Aide #3 in 2012 for what the former aide acknowledged was "low morale and low performance." OCE Report, Exhibit 12 (Tr. of Former Congressional Aide #3 Interview) at 15-2070_0389.

²⁴ OCE Report, at 22 (¶ 102) (citing Exhibit 21 (District Office Staff Retreat Notes, September 13, 2012), at 15-2070_0502).

²⁵ *Ethics Manual* at 137.

Thomas A. Rust, Esq.
July 8, 2015
Page 6

- While the OCE report similarly details employees who were paid a salary by both Representative Honda's office and campaign, and split their time in both offices, the report does not demonstrate that this arrangement presented any ethical concerns.²⁶
- The OCE report alleges that three former employees discussed the "expectation" that office staff would assist with the campaign.²⁷ The report offers no documentary evidence that any such "expectation" existed. Indeed, in response to direct questions from the OCE, the terminated Former Congressional Aide #3 stated that he never felt pressure to volunteer on the campaign and that such work was completely voluntary.²⁸ Likewise, the Former Deputy Director echoed this point: "[It] was never an expectation We would volunteer on our own time."²⁹ Further, the report's conclusion on this point relies largely on statements by the "Former Legislative Assistant."³⁰ A review of her statements, however, reveals that her answers were made in response to suggestions of an "expectation" from OCE staff and that she was far more equivocal in her responses than the report suggests.³¹
- Similarly, with respect to the use of personal emails for campaign work, the report provides no indication why this commonly used practice was improper in this instance.³² Nor does it contain any indication that the provision of information about volunteer campaign opportunities on personal email accounts made such requests compulsory. Indeed, refuting the report's conclusion that campaign requests made to personal email addresses were improper, the former congressional aide with the restraining order stated that "sometimes I just didn't do it."³³

²⁶ OCE Report, at 9 (¶ 28).

²⁷ On this claim, the report relies largely on statement from the former congressional aide with the restraining order and the former congressional aide who was terminated. *See* OCE Report, at 12.

²⁸ OCE Report, Exhibit 12 (Tr. of Former Congressional Aide #3 Interview), at 15-2070_0391.

²⁹ OCE Report, Exhibit 14 (Tr. of Former Deputy Director Interview), at 15-2070_0440.

³⁰ OCE Report, at 11-12 (¶¶ 43-47).

³¹ OCE Report, Exhibit 3 (Tr. of Former Legislative Assistant Interview), at 15-2070_0077-0078.

³² OCE Report, at 12 (¶ 47-49).

³³ OCE Report, Exhibit 12 (Tr. of Former Congressional Aide #3 Interview), at 15-2070_0398.

Thomas A. Rust, Esq.
July 8, 2015
Page 7

- The report cites an email regarding a 2012 email from the Chief of Staff calling a book by a potential challenger to Representative Honda “required reading.” The Chief of Staff, however, stated that she was being “facetious” in her description.³⁴ She also stated, “It was not a requirement. No, I didn’t have any authority to require them to do anything with regard to the campaign.”³⁵ Indeed, when asked about this email, the staff member with the restraining order stated that “[t]here was no follow up” on the email and the book was never discussed again.³⁶ The terminated staff member echoed this sentiment: “I didn’t read the book. I don’t think a lot of people read the book.” He also stated that other books had been “required” and he “actually never read any of those books either.”³⁷ Others said the same.³⁸ The report also fails to acknowledge that the email from the Chief of Staff notes that “Regardless of any electoral purpose, there is discussion of issues key to CA 17 including many issued that [Representative Honda] has already been involved with either legislatively or through appropriations - It is a good read for a [member of Congress] representing Silicon Valley.”³⁹ While the report discussed a “side-by-side” memo relating to the book, the Chief of Staff stated that any work would have been done voluntarily and “would not have been an ask or a requirement.”⁴⁰
- Without any evidentiary foundation, the OCE report speculates that “congressional staff appear to have prepared written materials for the campaign.”⁴¹ Again, volunteer work performed during non-working hours and without the use of office resources is permissible.⁴² The report contains no evidence that any work performed

³⁴ OCE Report, at 13 (¶ 53) (citing Exhibit 6 (Tr. of Chief of Staff Interview), at 15-2070_0169).

³⁵ OCE Report, Exhibit 6 (Tr. of Chief of Staff Interview), at 15-2070_0169.

³⁶ OCE Report, Exhibit 11 (Tr. of Former Congressional Aide #1 Interview), at 15-2070_0353.

³⁷ OCE Report, Exhibit 12 (Tr. of Former Congressional Aide #3 Interview), at 15-2070_0444.

³⁸ See OCE Report, at 14 (¶ 57).

³⁹ OCE Report, 13 (¶ 52) (citing Exhibit 13 (Email from Chief of Staff to members of Representative Honda’s congressional and campaign staff, Dec. 26, 2012), at 15-2070_0426).

⁴⁰ OCE Report, at 15 (¶ 65) (citing Exhibit 6 (Tr. of Chief of Staff Interview), at 15-2070_0176). In response to the OCE’s inquiry about the memo, the Former Legislative Assistant stated that she couldn’t recall where she wrote the memo and that she would have been able to produce it at home. OCE Report, Exhibit 3 (Tr. of Former Legislative Assistant Interview), at 15-2070_80.

⁴¹ OCE Report, at 14 (¶ 58).

⁴² *Ethics Manual* at 135.



Thomas A. Rust, Esq.
July 8, 2015
Page 8

for Representative Honda's campaign was completed in violation of this standard. Even the terminated Former Congressional Aide #3 acknowledged that he had no "specific" information about improper activities.⁴³ Similarly, the former congressional aide with the restraining order stated that he was not asked to prepare campaign materials and was "not aware" of any other staffer receiving such a request.⁴⁴

On this topic, the report again utilizes evidence of permissible conduct and speculates, without any documentary evidence, that some actions may have been improper. Such speculation cannot support a finding of misconduct and does not warrant further inquiry by this Committee.

- The report improperly credits speculation by the Former Campaign Coordinator about an official "labor breakfast" event.⁴⁵ While the report cites an email about the event that was sent by a legislative staff member to the Former Campaign Director, along with office staff, there is no indication that campaign staff performed any work on the event.⁴⁶ Indeed, the Former Campaign Coordinator's testimony indicates that he did not remember the purpose of the event and that he did not attend.⁴⁷ The OCE inaccurately cites his testimony as establishing the nature of the event, which the Chief of Staff clearly describes as "official."⁴⁸
- Similarly, the report cites to an "event brief" prepared by two members of Representative Honda's office staff.⁴⁹ However, the report fails to acknowledge that both staff members periodically volunteered to work on the campaign and that there is no indication that the brief was prepared during work hours or with office resources. The report's conclusion rests on the fact that the brief utilized a generic and widely-used format that is similar to some documents drafted by the office.

⁴³ OCE Report, Exhibit 12 (Tr. of Former Congressional Aide #3 Interview), at 15-2070_0404, 0409-0410.

⁴⁴ OCE Report, Exhibit 11 (Tr. of Former Congressional Aide #1 Interview), at 15-2070_0361.

⁴⁵ OCE Report, at 16 (¶ 69).

⁴⁶ OCE Report, Exhibit 16 (Email from Chief of Staff to Representative Honda Staff, Jan. 24, 2013), at 15-2070_0471.

⁴⁷ OCE Report, Exhibit 4 (Tr. of Former Campaign Coordinator Interview), at 15-2070_0103-0104.

⁴⁸ OCE Report, Exhibit 6 (Tr. of Chief of Staff Interview), at 15-2070_0179-0180.

⁴⁹ OCE Report, at 16 (¶ 70).



Thomas A. Rust, Esq.
July 8, 2015
Page 9

Certainly, this generic resemblance between documents does not create any ethical implications.

- The report cites testimony from the terminated Former Congressional Aide #3 relating to campaign work allegedly conducted in Representative Honda's district office.⁵⁰ It also cites to a "screen shot" of a computer chat about the conversation with Former Congressional Aide #2.⁵¹ Interestingly, while the OCE interviewed Former Congressional Aide #2, it did not inquire about this computer chat. Indeed, the former aide contradicted the OCE's assertion in her testimony by stating that she did not see this type of conduct.⁵² The Former District Director also stated that she did not observe any campaign calls while in the district office.⁵³ Moreover, the report provides no evidence that either Representative Honda or members of his supervisory staff saw or approved of any improper conduct.
- In contrast, the report cites to allegations about the improper use of an office printer for campaign materials. The report acknowledges that when the instance was brought to the attention of the Chief of Staff, the conduct ceased.⁵⁴
- A single paragraph about the "expectation" of staffing assistance for campaign events is also wholly unsupported by evidence other than the testimony of the terminated Former Congressional Aide #3.⁵⁵

⁵⁰ See OCE Report, at 17 (¶¶ 75-77).

⁵¹ See *id.* (citing Exhibit 18, Former Congressional Aide #3 and Former Congressional Aide #2 Chat Transcript), at 15-2070_0476).

⁵² OCE Report, Exhibit 2 (Tr. of Former Senior Congressional Aide Interview), at 15-2070_0139-0140.

⁵³ OCE Report, Exhibit 10 (Tr. of Former District Director Interview), at 15-2070_0298.

⁵⁴ See OCE Report, at 18 (¶ 79); see also OCE Report, Exhibit 7 (Tr. of Digital Strategy Director Interview), at 15-2070_0213.

⁵⁵ OCE Report at 18 (¶ 80); see also OCE Report, Exhibit 12 (Tr. of Former Congressional Aide #3 Interview), at 15-2070_0390, 0395, 397).

Thomas A. Rust, Esq.
July 8, 2015
Page 10

- The report discusses an email suggesting that the campaign seek a contribution from an individual who received assistance from the district office.⁵⁶ While Representative Honda acknowledges that this request creates a negative appearance, the report's conclusion that his staff used information from the district office to raise campaign funds is unsupported by evidence. Indeed, there is no indication in the report or elsewhere that Representative Honda's campaign made such a request to the individual or received any contribution.
- Similarly, while a former campaign manager requested that office staff provide collected business cards to the campaign, this conduct appears to have occurred for only a short period of time in 2014 and was halted quickly. Indeed, Representative Honda stated that his policy to require his campaign to "collect [its] own" business cards.⁵⁷
- The report's conclusion about the "coffee breaks" periodically held in the district office is unduly critical. While the testimony indicates that campaign issues were discussed on occasion during these informal periods, the report ignores that numerous other non-office related topics were discussed. As the District Director stated, the conversations involved "incidental, anecdotal" information, as well as "a personal time to discuss any personal matters."⁵⁸ The Former Senior Congressional Aide described the breaks as "for gossip in the community which did include gossip about campaigns in the community" including Representative Honda's campaign.⁵⁹ The record also contains no evidence that any follow-up occurred as the result of any of these discussions.

Moreover, the report cites no support for its conclusion that informal discussions about campaign issues or other non-official topics should be prohibited. It is simply unrealistic to expect that conversations in any office will never deviate from official topics. While Representative Honda acknowledges that the coffee breaks may be viewed negatively, activities like "coffee breaks" have now been discontinued. The

⁵⁶ OCE Report, at 19 (¶ 82) (citing Exhibit 19 (Email from District Director to Former Fundraising Consultant, *et al.*, May 17, 2013), at 15-2070_0478).

⁵⁷ OCE Report, Exhibit 1 (Tr. of Representative Honda Interview), at 15-2070_0011-0012.

⁵⁸ OCE Report, Exhibit 10 (Tr. of Former District Director Interview), at 15-2070_0312-0313.

⁵⁹ OCE Report, Exhibit 2 (Tr. of Former Senior Congressional Aide), at 15-2070_0044-0045.

Thomas A. Rust, Esq.
July 8, 2015
Page 11

report cites no rationale for why these activities merit additional action by the Committee.

- The OCE also adopts an unduly strict view of campaign updates presented at the district office retreats. The documents cited by the report, which are informal notes of the retreats, indicate that campaign-related conversations comprised only a small part of any retreat.⁶⁰ Part of the discussion at one retreat addressed accomplishing goals “ethically and practically.”⁶¹ Representative Honda’s office has now discontinued the presentation of any campaign information at office retreats. Indeed, in an abundance of caution, the office imposed strict requirements to ensure that no campaign discussion or involvement occurred at an all-staff retreat with the Congressman held in March of this year. Of course, the office will continue this strict policy at future retreats.
- The report’s conclusion that Representative Honda’s office may have linked a roundtable discussion with a State Department employee to political support is unfounded. Both the Chief of Staff and the Former Campaign Coordinator stated that their efforts to create a list of past political donors were intended to identify influential members of the Indo-American community.⁶² Indeed, the report contains no testimony or documents that indicate that invitations were premised on donations to Representative Honda or other elected officials. To the contrary, Former Congressional Aide #2 stated that she was asked which “key stake holders in the community” and “leaders in the South Asian community” should be invited.⁶³ As such, any use of information relating to past contributions was utilized only as a proxy for community influence.⁶⁴ No evidence or testimony reflects that invitations were issued on the basis of past contributions. The Former Campaign Coordinator stated that when the list of potential invitees was prepared, there was no intention to seek contributions from them.⁶⁵ He also stated, “My understanding was that it was a

⁶⁰ See OCE Report, Exhibit 21 (District Office Staff Retreat Notes, Sept. 13, 2012), at 15-2070_0502-0504; Exhibit 22 (District Office Staff Retreat Notes, Oct. 22, 2013), at 15-2070_0506-0514).

⁶¹ OCE Report, Exhibit 21 (District Office Staff Retreat Notes, Sept. 13, 2012), at 15-2070_0502.

⁶² OCE Report, Exhibit 6 (Tr. of Chief of Staff Interview), at 15-2070_0189-0192; OCE Report, Exhibit 10 (Tr. of Former District Director Interview), at 15-2070_0326.

⁶³ OCE Report, Exhibit 5 (Tr. of Former Congressional Aide #2 Interview), at 15-2070_0147-0148.

⁶⁴ See, e.g., OCE Report, Exhibit 4 (Tr. of Former Campaign Coordinator Interview), at 15-2070_0117, 0120-0121.

⁶⁵ *Id.* at 15-2070_0120.



Thomas A. Rust, Esq.
July 8, 2015
Page 12

public event and so you can invite everyone. No one was going to be turned down.”⁶⁶ While, as the Chief of Staff acknowledged, this approach may have created appearance concerns,⁶⁷ it does not constitute an actionable violation of ethics rules.

The report also ignores two important points. First, the materials in the report are consistent with Representative Honda’s testimony that he was unaware of any efforts relating to roundtable invitations.⁶⁸ In addition, there is no evidence that staff made any effort after the roundtable to solicit contributions from attendees; nor is there evidence that the campaign received any contributions as a result of the event.

In light of the concerns raised by the report, Representative Honda’s office has already implemented processes to ensure that a more distinct separation between his congressional office and campaign for the purposes of issuing invitations and organizing events.

Conclusion

Given the uncontroverted record that Representative Honda did not know of, did not have reason to know, and did not participate in any of the actions giving rise to the report’s finding, no further action relating to his conduct is required.

Similarly, the evidence in the report relating to Representative Honda’s staff demonstrates that any conduct of concern was incidental and immaterial. The OCE based its findings on equivocal and conflicting statements made by the interviewees. It rests a number of its conclusions on the testimony of two former staff members with motives to injure Representative Honda and his office. Nonetheless, Representative Honda acknowledges that the OCE report has identified areas of improvement for his office. In light of these concerns, his office has implemented strict procedures to ensure that such issues do not arise in the future.

⁶⁶ *Id.* at 15-2070_0121.

⁶⁷ See OCE Report, Exhibit 6 (Tr. of Chief of Staff Interview), at 15-2070_192.

⁶⁸ OCE Report, at 33 (¶¶ 154, 155) (citing Exhibit 1 (Tr. of Representative Honda Interview), at 15-2070_0015-0016).



Thomas A. Rust, Esq.
July 8, 2015
Page 13

Accordingly, we urge the Committee to conclude this matter without additional action.

Sincerely,

A handwritten signature in black ink, appearing to read "A. D. Herman".

Andrew D. Herman
Counsel for Representative Mike Honda

A handwritten signature in black ink, appearing to read "Stanley Brand".

Stanley M. Brand
*Counsel for Chief of Staff
Jennifer Van der Heide and
Former District Director Meri Maben*