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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. 13-7135

The Board of the Office of Congressional Ethics (the “Board”), by a vote of no less than four members, on November 22, 2013, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Luis Gutierrez

NATURE OF THE ALLEGED VIOLATION: From 2003 to 2013, Representative Luis Gutierrez retained Doug Scofield, his former chief of staff, to provide certain services to his congressional office. Pursuant to the agreement, Mr. Scofield, who had opened his own consulting and lobbying firm, was to provide “training” and other “non-legislative” assistance to the congressional office. Representative Gutierrez’s congressional office paid Mr. Scofield’s firm over \$590,000 since 2003 for these services. Since March 2008, Representative Guteirrez’s congressional office paid Mr. Scofield over \$345,000 for these services.

If Representative Gutierrez used funds from his Members’ Representational Allowance (“MRA”) for an impermissible purpose – to retain an individual to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor – then he may have violated House rules and federal law.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the allegation, as there is substantial reason to believe that Representative Gutierrez used funds from his MRA for an impermissible purpose – to retain an individual to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor – in violation of federal law and House rules.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director & Chief Counsel.

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FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 13-7135

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FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 13-7135

On November 22, 2013, the Board of the Office of Congressional Ethics (the “Board”) adopted the following findings of fact and accompanying citations to laws, regulations, rules, and standards of conduct (*in italics*).

The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

1. In or around April 2003, Representative Luis Gutierrez retained Douglas Scofield, his former chief of staff, to provide certain services to his congressional office.
2. Pursuant to the retainer agreement, Mr. Scofield was to provide Representative Gutierrez’s congressional office with “[s]taff development and training” and other “non-legislative, general office services.” For these services, Mr. Scofield was paid a fee of \$4,500 to \$6,000 per month.
3. The services that Mr. Scofield provided, however, appear to have exceeded the permissible services that non-employees may provide under House rules and regulations.

A. Summary of Allegations

4. Representative Luis Gutierrez may have violated House rules and federal law by using funds from his Members’ Representational Allowance (“MRA”) to compensate his former chief of staff for impermissible services.
5. The OCE Board recommends that the Committee on Ethics further review the allegation, as there is substantial reason to believe that Representative Gutierrez used funds from his MRA for an impermissible purpose – to retain an individual to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor – in violation of federal law and House rules.

B. Jurisdictional Statement

6. The allegations that were the subject of this review concern Representative Luis Gutierrez, a Member of the United States House of Representatives from the 4th District of Illinois. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics directs that, “[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this

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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

7. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on July 25, 2013. The preliminary review commenced on July 26, 2013.² The preliminary review was scheduled to end on August 24, 2013.
8. At least three members of the Board voted to initiate a second-phase review in this matter on August 23, 2013. The second-phase review commenced on August 25, 2013.³ The second-phase review was scheduled to end on October 8, 2013.
9. The Board voted to extend the second-phase review by an additional period of fourteen days on September 26, 2013. The additional period ended on October 22, 2013.
10. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on November 22, 2013.
11. The report and its findings in this matter were transmitted to the Committee on Ethics on December 4, 2013.

D. Summary of Investigative Activity

12. The OCE requested and received testimonial and, in some cases, documentary information from the following sources:
 - (1) Representative Luis Gutierrez;
 - (2) Representative Gutierrez’s Chief of Staff;
 - (3) Representative Gutierrez’s Communications Director;
 - (4) Representative Gutierrez’s Counsel;
 - (5) Representative Gutierrez’s Legislative Assistant;
 - (6) Representative Gutierrez’s Legislative Correspondent;
 - (7) Representative Gutierrez’s District Director;

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 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.

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- (8) Representative Gutierrez's Congressional Aide #1;
 - (9) Representative Gutierrez's Congressional Aide #2;
 - (10) Representative Gutierrez's Former Senior Legislative Assistant;
 - (11) Representative Gutierrez's Former Legislative Assistant; and
 - (12) Former Committee on House Administration Administrative Director.
13. Douglas Scofield, Representative Gutierrez's former chief of staff, who was later retained to provide services to his congressional office, initially provided documents to the OCE in response to a Request for Information. However, Mr. Scofield later declined to be interviewed by the OCE, ceased providing documents in response to the Request for Information, and was determined to be a non-cooperating witness.
14. Representative Gutierrez's former chief of staff Jennice Fuentes declined to be interviewed by the OCE. Ms. Fuentes was determined to be a non-cooperating witness.
15. Representative Gutierrez's former deputy chief of staff Enrique Fernandez declined to be interviewed by the OCE. Mr. Fernandez was determined to be a non-cooperating witness.

II. REPRESENTATIVE GUTIERREZ MAY HAVE USED FUNDS FROM HIS MRA TO RETAIN HIS FORMER CHIEF OF STAFF AS AN IMPERMISSIBLE CONSULTANT TO HIS CONGRESSIONAL OFFICE

A. Laws, Regulations, Rules, and Standards of Conduct

16. 31 U.S.C. § 1301(a)

"Appropriations shall be applied only to the objects for which the appropriations were made"

17. House Rules

Under House Rule 23 clause 1, Members "shall behave at all times in a manner that shall reflect creditably on the House."

Under House Rule 23 clause 2, Members "shall adhere to the spirit and the letter of the Rules of the House"

18. House Ethics Manual

"The MRA may only be used for official and representational expenses. The MRA may not be used to pay for any expenses related to activities or events that are primarily social in nature, personal expenses, campaign or political expenses, or House committee

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expenses. Members may be personally liable for misspent funds or expenditures exceeding the MRA.”⁴

“The Members’ Handbook provides examples of items for which reimbursement with the official allowances may be permitted, as well as a list of prohibited expenditures Included among impermissible uses are expenditures for . . . consultants.”⁵

19. Committee on House Administration Members’ Handbook

“During each session of Congress, each Member has a single Members’ Representational Allowance (‘MRA’) available to support the conduct of official and representational duties to the district from which he or she is elected. Ordinary and necessary expenses incurred by the Member or the Member’s employees within the United States, its territories, and possessions in support of the conduct of the Member’s official and representational duties to the district from which he or she is elected are reimbursable in accordance with the regulations contained in this Members’ Congressional Handbook.”⁶

“Pursuant to 2 U.S.C. § 72a, only committees are authorized to procure the temporary services of consultants. Member offices are not authorized to procure consultant services.”⁷

“Members may contract with firms or individuals only for general, non-legislative and non-financial, office services (e.g., equipment maintenance, systems integration, data entry, staff training, photography, custodial services, web services) for a specified time period not to exceed the Member’s current term. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided personnel benefits. Contractors do not count against the Member’s Employee Ceiling. Members are advised to consult the Committee on House Administration when entering into such contracts.”⁸

B. Representative Gutierrez Retained His Former Chief of Staff to Provide Services to His Congressional Office in April 2003

20. Representative Gutierrez initially met Mr. Scofield in 1992, during his first campaign for the United States House of Representatives.⁹ Mr. Scofield managed Representative

⁴ House Ethics Manual (2008) at 323 (citations omitted).

⁵ *Id.* at 325.

⁶ Members Congressional Handbook (2012) at 1.

⁷ *Id.* at 5.

⁸ *Id.*

⁹ Memorandum of Interview of Rep. Luis Gutierrez, Oct. 22, 2013 (“Rep. Gutierrez MOI”) (Exhibit 1 at 13-7135_0002).

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Gutierrez's campaign for that election cycle and, after Representative Gutierrez was elected to the House, became his congressional chief of staff.¹⁰

21. From approximately January 1992 to December 2002, Mr. Scofield was employed by Representative Gutierrez as his congressional chief of staff.¹¹
22. In late 2002, Mr. Scofield left Representative Gutierrez's congressional office to take a position in the administration of the newly elected Illinois governor.¹² Representative Gutierrez's legislative director at the time, Jennice Fuentes, succeeded Mr. Scofield as chief of staff.¹³
23. After only a few months working for the new governor, Mr. Scofield called Representative Gutierrez to tell him that he had made a mistake in joining the governor's administration and intended to resign.¹⁴
24. After resigning his position with the governor, Mr. Scofield and his wife started a consulting firm, the Scofield Company.¹⁵ The Scofield Company is described as a strategic public relations, communications services, online strategy development, and government relations firm.¹⁶
25. The Scofield Company registered as a lobbying entity, and Mr. Scofield registered as a state lobbyist, in Illinois in May 2003.¹⁷ The Scofield Company website listed a number of the firm's clients, including the Chicago Botanic Garden and the Greater Chicago Food Depository.¹⁸
26. When Mr. Scofield called to tell Representative Gutierrez that he was resigning from his position with the governor to start a consulting firm, Representative Gutierrez told Mr. Scofield that he wanted to be one of his first clients.¹⁹
27. Representative Gutierrez told the OCE that he had never wanted to lose Mr. Scofield as a congressional employee, so while he was saddened that the position with the governor had not worked out, he was happy he could "get Doug back."²⁰
28. After speaking with Mr. Scofield, Representative Gutierrez instructed Ms. Fuentes, his new chief of staff, to hire Mr. Scofield.²¹ He told Ms. Fuentes that "we'd have Doug

¹⁰ *Id.*

¹¹ *Id.* at 13-7135_0002-0003.

¹² *Id.* at 13-7135_0003.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* The firm has also been known by the name "Scofield Communications." For ease of understanding, the name "Scofield Company" will be used in this referral.

¹⁶ The Scofield Company, <http://www.scofieldcompany.com>, (archived June 23, 2013).

¹⁷ Scofield Communications Lobbying Entity Search Information, 2003, available at <http://www.ilsos.gov/lobbyistsearch/lobbyistsearch>.

¹⁸ The Scofield Company, Clients, <http://www.scofieldcompany.com/clients/html> (archived June 23, 2013).

¹⁹ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0003).

²⁰ *Id.*

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back on staff,” and that he would be a “consultant.”²² Representative Gutierrez did not recall any further details about his conversation with Ms. Fuentes, nor did he recall any additional discussions with Ms. Fuentes after instructing her to hire Mr. Scofield.²³

29. Representative Gutierrez believes that Ms. Fuentes and Mr. Scofield negotiated the terms of the agreement between the congressional office and Mr. Scofield’s firm, including the fees to be paid to Mr. Scofield.²⁴ He explained that Mr. Scofield had ten years experience as a congressional chief of staff, while Ms. Fuentes was herself a fifteen-year veteran of Congress, so he trusted them to work out the logistics of the relationship.²⁵
30. Because neither Ms. Fuentes nor Mr. Scofield agreed to be interviewed by the OCE as part of this review, the OCE was unable to determine what discussions they may have had at the time the agreement was negotiated.
31. Representative Gutierrez told the OCE that he had no discussions with Mr. Scofield about potential conflicts of interest between work Mr. Scofield was to perform for the congressional office and work he did for other clients.²⁶

²¹ *Id.* at 13-7135_0004.

²² *Id.*

²³ *Id.*


²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

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32. The initial agreement between Representative Gutierrez's congressional office and Mr. Scofield's firm was signed by Representative Gutierrez on April 1, 2003.²⁷



Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
 - Assisting staff or training staff in the areas of preparing remarks or press events.
 - Assisting or training staff with casework or community outreach efforts.
 - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:
From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of \$5,500 per month.

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of \$4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.


This agreement shall continue until terminated by either party on fifteen (15) days written notice.

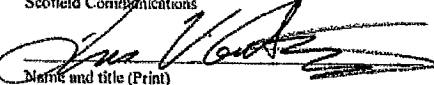
Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:


Doug Scofield
Scofield Communications


Name and title (Print)
Luis V. Gutierrez
Signature

4-1-03
Date

4/1/03
Date

33. When asked if he approved the terms of the agreement, Representative Gutierrez said that he must have, as it was his signature on the initial agreement.²⁸ He did not, however, have any specific recollection of signing the agreement.²⁹ He added that he had not read the agreement "with any attention to detail" until after his office received press inquiries about the office's relationship with Mr. Scofield in or around June 2013.³⁰

34. The agreement provided that Mr. Scofield's firm was to provide "non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the

²⁷ Proposal for Retained Services, Scofield Communications and the Office of Congressman Luis V. Gutierrez, April 1, 2003 ("Scofield Agreement") (Exhibit 2 at 13-7135_0011-0012).

²⁸ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).

²⁹ *Id.*

³⁰ *Id.* at 13-7135_0004.

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4th Congressional District of the State of Illinois.”³¹ Specifically, the agreement stated that these services may include the following:

1. Staff development and training; which could include the following non-legislative areas:
 - a. Assisting staff or training staff in the areas of preparing remarks or press events.
 - b. Assisting or training staff with casework or community outreach efforts.
 - c. Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
 2. Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
 3. Assisting or training the staff to publicize programs and activities of Congressman Gutierrez.
 4. Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.³²
35. The initial agreement was effective as of March 24, 2003, but no end date was specified.³³ When asked if he contemplated a specific period of time in which Mr. Scofield would provide his services, Representative Gutierrez said that Mr. Scofield would still be serving today if not for media reports about the arrangement.³⁴
36. The agreement provided that Mr. Scofield’s firm was to be paid \$5,500 per month through June 30, 2003, and \$4,500 per month thereafter.³⁵ Representative Gutierrez said that while he was not involved in negotiating the terms of the agreement, he knew what Mr. Scofield was being paid and was “OK” with the arrangements.³⁶
37. The agreement included a “Confidentiality and Ethics” provision, which stated that the Scofield firm “will solely represent the interests of the Client and will not seek to influence executive, administrative, or legislative action on behalf of any third party in the performance of service to the member of Congress.”³⁷ This provision also stated that

³¹ Scofield Agreement (Exhibit 2 at 13-7135_0011).

³² *Id.*

³³ *Id.*

³⁴ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).

³⁵ Scofield Agreement (Exhibit 2 at 13-7135_0011-0012).

³⁶ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004-0005).

³⁷ Scofield Agreement (Exhibit 2 at 13-7135_0012).

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the Scofield firm would not use or disclose any confidential information relating to the activities or operations of the congressional office.³⁸

38. The agreement between the congressional office and Mr. Scofield's firm was renewed each Congress.³⁹ The language of the agreement appears to have remained unchanged from its initial version until it was canceled in 2013, a period of over ten years.⁴⁰
39. Mr. Scofield's firm was paid \$4,500 per month for his services from August 2003 through May 2010.⁴¹ Beginning in June 2010, his fee increased to \$6,000 per month and remained at that level until the agreement was canceled.⁴² Representative Gutierrez did not know why the amount of the monthly fee changed.⁴³
40. Since Mr. Scofield was initially retained by Representative Gutierrez's congressional office, he has been paid a total of approximately \$595,000 for his services.⁴⁴ Since March 2008, Mr. Scofield has been paid approximately \$345,000 for his services.⁴⁵

³⁸ *Id.*

³⁹ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004).

⁴⁰ In addition to the initial agreement, the OCE was provided copies of the agreement for calendar years 2008, 2009, and 2013. *See* Exhibit 3 at 13-7135_0014-0019.

⁴¹ *See* U.S. House of Representatives, Statements of Disbursements of the House, 2003 to 2013, *available at* <http://disbursements.house.gov/>.

⁴² *Id.* According to the Statements of Disbursements of the House, it appears that Mr. Scofield's firm may not have received payments for three months over the course of the relationship with Rep. Gutierrez's office.

⁴³ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).

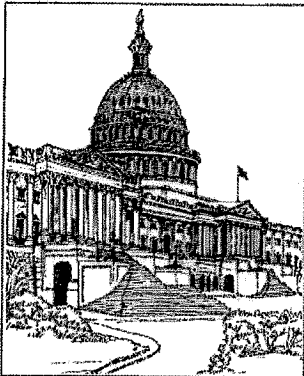
⁴⁴ *See* U.S. House of Representatives, Statements of Disbursements of the House, 2003 to 2013, *available at* <http://disbursements.house.gov/>.

⁴⁵ *Id.*

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41. Documents provided to the OCE by Representative Gutierrez include a fax transmission cover sheet, dated April 1, 2003, from then-chief of staff Jennice Fuentes to a staff member from the Committee on House Administration (“CHA”), asking for review of the proposed agreement with Mr. Scofield.⁴⁶

	Congressman Luis V. Gutierrez 2367 Rayburn HOB Washington, D.C. 20515 Tel. (202) 225-████ Fax. (202) 225-7810
	Fax Transmission Cover Sheet DATE: April 1, 2003
TO: Darren Feist, House Administration FROM: Jennice Fuentes, Chief-of-Staff FAX: 59957	
NUMBER OF PAGES (INCLUDING COVER SHEET): 3	
If you have any problems with this transmission, please call (202) 225-████. Thank you.	
NOTE: As per conversation, please let me know if if this contract falls within what is acceptable under the current regulations.	
I appreciate your assistance with this matter.	
Jennice Fuentes 225-████ 225-████ (direct line)	2003 contracts docs when contract was reviewed by House Admin

42. The documents provided by Representative Gutierrez do not include any response from the CHA to the request for review of the proposed agreement.⁴⁷
43. Representative Gutierrez’s Chief of Staff expressed her belief that the agreement must have been approved by both CHA and the House Finance Office, as the invoices later submitted by Representative Gutierrez’s congressional office were paid.⁴⁸

⁴⁶ Fax Transmission from Jennice Fuentes, Rep. Gutierrez’s former Chief of Staff, to Staff Member, House Administration Committee, April 1, 2003 (Exhibit 4 at 13-7135_0021).

⁴⁷ As part of this review, OCE staff consulted with current CHA staff regarding the request from Ms. Fuentes, but CHA staff was unable to locate any written response to Ms. Fuentes’ request.

⁴⁸ See e-mail from Representative Gutierrez’s Chief of Staff to CHA Minority Staff Director, *et al.*, June 3, 2013 (“I assume the approval may have been verbal . . . and must have been effectuated because the contract began to be paid soon thereafter.”) (Exhibit 5 at 13-7135_0025).

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44. The CHA staff member to whom the fax was directed had no specific recollection of handling the request from Ms. Fuentes.⁴⁹ He explained that his general practice would have been to refer the request to the CHA officers' team for review.⁵⁰ He did not recall what guidance was provided regarding the agreement.⁵¹
45. Representative Gutierrez told the OCE that he thought Ms. Fuentes reached out to both the CHA and the Committee on Ethics at the time the office retained Mr. Scofield.⁵² Because Ms. Fuentes declined to cooperate with the review, the OCE was unable to determine what actions she took with respect to the retention of Mr. Scofield.

C. Representative Gutierrez Paid Mr. Scofield with Funds from His MRA for Services That May Have Been Beyond Those Permitted by the House

46. The OCE reviewed documents provided by Representative Gutierrez and by Mr. Scofield, and interviewed current and former members of Representative Gutierrez's congressional staff, to determine the scope of services actually provided by Mr. Scofield. The OCE found that the services he performed more closely resembled those performed by an employee or consultant – someone who provides professional advice or services⁵³ – than those performed by a contractor – someone who performs a discrete task or job, such as maintenance, data entry, custodial services, or staff training.⁵⁴
47. According to Representative Gutierrez, Mr. Scofield was retained to assist Ms. Fuentes in her new role as chief of staff; to develop other congressional staff; and to help with media and press matters.⁵⁵ Mr. Scofield was also retained to help Representative Gutierrez draft remarks and speeches and to help him better communicate on issues.⁵⁶
48. Representative Gutierrez said that Mr. Scofield reported to his chief of staff and to him.⁵⁷ He said that Mr. Scofield worked with his chief of staff, communications director, and district staff, but he did not believe that Mr. Scofield worked with the legislative staff.⁵⁸ Representative Gutierrez added that Mr. Scofield would work with anyone on the congressional staff who needed help, noting that Mr. Scofield brought with him his previous experience serving as chief of staff.⁵⁹

⁴⁹ Memorandum of Interview of Former Committee on House Administration Administrative Director, Sept. 23, 2013 (Exhibit 6 at 13-7135_0031).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004).

⁵³ See <http://www.merriam-webster.com/dictionary/consultant>. The Members' Handbook states that, pursuant to 2 U.S.C. § 72a, only House committees, not Member offices, are authorized to procure consultant services. See Members Congressional Handbook at 5.

⁵⁴ See Members Congressional Handbook at 5.

⁵⁵ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004).

⁵⁶ *Id.* at 13-7135_0005.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

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49. Representative Gutierrez often worked personally with Mr. Scofield while he was providing services to the congressional office.⁶⁰ He described Mr. Scofield as the type of person he could call at 1:00 a.m. to ask him to draft a speech he needed to give the next day.⁶¹ According to Representative Gutierrez, Mr. Scofield was on call “24/7.”⁶²
50. Representative Gutierrez’s Chief of Staff, who had served as legislative director before assuming the chief of staff position in early 2013, described Mr. Scofield as a general resource for the congressional staff.⁶³ She said that when Mr. Scofield was first retained by the congressional office in 2003, he was described as “there to help.”⁶⁴

Staff Development and Training

51. While Mr. Scofield’s agreement with Representative Gutierrez’s congressional office provides that his services were to include “[s]taff development and training,” it does not appear that formal training was a significant part of the services Mr. Scofield provided.
52. Representative Gutierrez’s Chief of Staff told the OCE that she had never been formally trained by Mr. Scofield; rather, he was available to her and others in the congressional office as a “resource” and a “mentor.”⁶⁵ She recalled participating in only one staff retreat, held in 2004, during her time with Representative Gutierrez; Mr. Scofield served as a facilitator of this retreat.⁶⁶
53. Similarly, Representative Gutierrez’s Communications Director described Mr. Scofield’s role as a resource, noting that his role was more to provide advice than to train.⁶⁷ When asked if he had ever been formally trained by Mr. Scofield, the Communications Director said that he had had a few sessions with Mr. Scofield over the telephone, in which Mr. Scofield walked him through Chicago press and politics.⁶⁸ The Communications Director also noted that Mr. Scofield worked with district staff in setting up a new district office in Cicero, Illinois.⁶⁹
54. In addition to Representative Gutierrez’s Chief of Staff and Communications Director, the OCE interviewed several current and former members of Representative Gutierrez’s

⁶⁰ *Id.*

⁶¹ *Id.* at 13-7135_0004.

⁶² *Id.*

⁶³ Memorandum of Interview of Rep. Gutierrez’s Chief of Staff, Oct. 15, 2013 (“Chief of Staff MOI”) (Exhibit 7 at 13-7135_0034).

⁶⁴ *Id.*

⁶⁵ *Id.* at 13-7135_0034-0036.

⁶⁶ *Id.* at 13-7135_0036.

⁶⁷ Memorandum of Interview of Rep. Gutierrez’s Communications Director, Oct. 15, 2013 (“Communications Director MOI”) (Exhibit 8 at 13-7135_0040-0041).

⁶⁸ *Id.*

⁶⁹ *Id.* at 13-7135_0041.

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congressional staff, including legislative and district staff. Each of the staff members said that they had never been formally trained by Mr. Scofield.⁷⁰

General Office Oversight

55. Mr. Scofield appears to have had some role in overseeing the operations of Representative Gutierrez's congressional office between 2003 and 2013. For example, after a staff reorganization in the congressional district offices, Representative Gutierrez asked Mr. Scofield and a district staff member, Congressional Aide #1, to work together to ensure that district office operations ran smoothly during the transition.⁷¹
56. Specifically, on August 25, 2012, Representative Gutierrez sent an email to Ms. Fuentes regarding district office operations.⁷² In the email, Representative Gutierrez proposed changes to how the district offices operated.⁷³
57. Representative Gutierrez later forwarded the email he sent to Ms. Fuentes to Mr. Scofield.⁷⁴ When asked why he forwarded the email to Mr. Scofield, Representative Gutierrez said that he did so for training purposes, as Mr. Scofield would be helping Ms. Fuentes – who by that time had served as chief of staff for approximately ten years – to address district office operations.⁷⁵ He added that Mr. Scofield was himself based in Chicago and could bring “fresh eyes” to the situation.⁷⁶

⁷⁰ See Memorandum of Interview of Rep. Gutierrez's District Director, Oct. 1, 2013 (Exhibit 9 at 13-7135_0045); Memorandum of Interview of Rep. Gutierrez's Congressional Aide #2, Oct. 1, 2013 (Exhibit 10 at 13-7135_0048); Memorandum of Interview of Rep. Gutierrez's Counsel, Sept. 27, 2013 (“Counsel MOP”) (Exhibit 11 at 13-7135_0052); Memorandum of Interview of Rep. Gutierrez's Legislative Assistant, Sept. 27, 2013 (“Legislative Assistant MOP”) (Exhibit 12 at 13-7135_0055); Memorandum of Interview of Rep. Gutierrez's Legislative Correspondent, Sept. 27, 2013 (“Legislative Correspondent MOP”) (Exhibit 13 at 13-7135_0057); Memorandum of Interview of Rep. Gutierrez's Former Senior Legislative Assistant, Sept. 19, 2013 (“Former Senior Legislative Assistant MOP”) (Exhibit 14 at 13-7135_0061); and Memorandum of Interview of Rep. Gutierrez's Former Legislative Assistant, Sept. 24, 2013 (“Former Legislative Assistant MOP”) (Exhibit 15 at 13-7135_0067).

⁷¹ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).

⁷² E-mail from Rep. Gutierrez to Jennice Fuentes, Aug. 25, 2012 (Exhibit 16 at 13-7135_0069).

⁷³ *Id.*

⁷⁴ E-mail from Rep. Gutierrez to Doug Scofield, Aug. 25, 2012 (Exhibit 16 at 13-7135_0069).

⁷⁵ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006).

⁷⁶ *Id.*

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58. In a subsequent email, however, Representative Gutierrez appears to have directed Mr. Scofield to engage in more than training of Ms. Fuentes. On September 3, 2012, Representative Gutierrez sent an email to Mr. Scofield and Ms. Fuentes, informing them of his decision to have Mr. Scofield and Congressional Aide #1 evaluate district office operations.⁷⁷

From: "Luis V. Gutierrez" <[REDACTED]@yahoo.com>
Date: September 3, 2012 9:15:10 PM CDT
To: Jennice Fuentes <[REDACTED]@mail.house.gov>, Doug Scofield <[REDACTED]@scotlandcompany.com>

Sent from my i Effective immediately Theresa Reyce will be in charge of north side office and Geo will be in charge of Cicero office. Slim Coleman will supervise them. Each Monday Coleman will meet with both district directors and cover issues as necessary. Sal will be placed in charge of special projects; his salary will be adjusted accordingly. Doug and Slim will evaluate district operations and report changes and improvements to me. The DC staff will have no supervisory role in the Chicago operations. All staff annual reviews will be conducted by Doug and Slim. The DC staff will have support role only in the Chicago operations. Slim and Doug will prepare an evaluation of Cicero staff at their six month anniversary and make recommendations as to their conditioned employment. Please inform Cicero staff of this upcoming event. Jennice will continue to supervise DC staff.

59. According to Congressional Aide #1, this was a period of transition in the district office leadership, and Representative Gutierrez asked him to participate in meetings with Mr. Scofield and the two new district coordinators to foster a cooperative atmosphere.⁷⁸

60. Congressional Aide #1 said that he met with Mr. Scofield and the district coordinators for about one hour each week, for a period of about five weeks, to develop office policies and procedures, to train the new coordinators, and to make sure that the two district offices were working together.⁷⁹

61. Congressional Aide #1 said that, despite Representative Gutierrez's instruction that Mr. Scofield and he prepare staff evaluations, he did not conduct any staff evaluations, and he did not know if Mr. Scofield evaluated any district staff members.⁸⁰

62. Representative Gutierrez's current Chief of Staff recalled that, around this time, several new district staff members were hired or promoted, and that Mr. Scofield was asked to help "get them up to speed."⁸¹

63. In addition, the Chief of Staff said that she had one or two meetings in the district with district office staff and Mr. Scofield about setting up a new Cicero, Illinois office.⁸²

⁷⁷ E-mail from Rep. Gutierrez to Jennice Fuentes and Doug Scofield, Sept. 3, 2012 (Exhibit 17 at 13-7135_0071).

⁷⁸ Memorandum of Interview of Rep. Gutierrez's Congressional Aide #1 ("Congressional Aide #1 MOP") (Exhibit 18 at 13-7135_0074).

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ Chief of Staff MOI (Exhibit 7 at 13-7135_0035).

⁸² *Id.*

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According to the Chief of Staff, Mr. Scofield just listened at these meetings; she did not recall him making any specific recommendations as to the running of the new office.⁸³

64. The Chief of Staff said that these meetings in the district were the only meetings she attended with Mr. Scofield.⁸⁴ She could not recall any meetings she attended with Mr. Scofield in Washington, DC.⁸⁵
65. Also on September 3, 2012, Representative Gutierrez sent an email to Ms. Fuentes and Mr. Scofield directing that Ms. Fuentes and the legislative director were not to be absent from the congressional office on the same days.⁸⁶ When asked why he included Mr. Scofield in this administrative directive, Representative Gutierrez said that this was part of Mr. Scofield's training of Ms. Fuentes – who had been in that position since May 2002 – and that Mr. Scofield was helping her with her duties.⁸⁷
66. Representative Gutierrez told the OCE that whenever there was a crisis that needed to be handled, he would direct his staff to “Call Doug.”⁸⁸ His Chief of Staff told the OCE that when “trouble” would hit, Mr. Scofield was there as a resource to the office.⁸⁹

Communications Work

67. Mr. Scofield appears to have had a significant role with respect to the communications function in Representative Gutierrez's congressional office. The Chief of Staff told the OCE that Mr. Scofield worked primarily on communications-related issues, and that she would go to Mr. Scofield with communications-related questions.⁹⁰
68. According to Representative Gutierrez's Communications Director, Mr. Scofield's duties included acting as a resource for him and as a second set of eyes on communications matters.⁹¹ He added that Mr. Scofield was also a resource for the Chief of Staff on communications issues and probably other things, though he could not identify any of the other things.⁹² He described Mr. Scofield as someone whom both the Chief of Staff and Representative Gutierrez trusted.⁹³
69. According to the Communications Director, Mr. Scofield would occasionally review or edit his work, and that sometimes the Communications Director would review written

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ E-mail from Rep. Gutierrez to Jennice Fuentes and Doug Scofield, Sept. 13, 2012 (Exhibit 19 at 13-7135_0076).

⁸⁷ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).

⁸⁸ *Id.* at 13-7135_0006.

⁸⁹ Chief of Staff MOI (Exhibit 7 at 13-7135_0035).

⁹⁰ *Id.* at 13-7135_0034.

⁹¹ Communications Director MOI (Exhibit 8 at 13-7135_0040).

⁹² *Id.*

⁹³ *Id.*

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work produced by Mr. Scofield.⁹⁴ Sometimes Representative Gutierrez would ask the Communications Director if he had run a particular draft by Mr. Scofield.⁹⁵

70. A memorandum provided to the OCE, from Representative Gutierrez to both his Communications Director and Mr. Scofield, entitled “Coordinating Vacation Time,” instructs the Communications Director to coordinate his absences from the congressional office with Mr. Scofield “to ensure that [Representative Gutierrez’s] office always has press and communications’ coverage”⁹⁶

MEMORANDUM	
TO:	Doug Rivlin and Doug Scofield
FROM:	Congressman Luis Gutierrez
RE:	Coordinating Vacation Time
<p>The serves as a reminder that Doug Rivlin should ensure that he coordinates his absences from the office, such as for vacation and time off, with Doug Scofield. My intention with this policy is to ensure that my office always has press and communications’ coverage, should an unexpected speech or press inquiry arise while Doug Rivlin is out of the office.</p> <p>Thank you for your attention in this matter.</p>	

71. Representative Gutierrez explained that this memorandum was intended to ensure that someone who understood communications work was always present in his office.⁹⁷ He did not, however, recall any occasion when Mr. Scofield acted as press secretary.⁹⁸

Legislative Work

72. The information reviewed by the OCE indicates that Mr. Scofield may have had a significant role in the legislative work in Representative Gutierrez’s office.
73. Representative Gutierrez told the OCE that Mr. Scofield was not involved with his work on the Financial Services, Judiciary, or Intelligence Committees; rather, this work was performed by his legislative director and legislative staff members.⁹⁹ He never had Mr. Scofield review proposed legislative language.¹⁰⁰ He did not know whether Mr. Scofield reviewed or edited materials drafted by legislative staff members.¹⁰¹

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ Memorandum from Rep. Gutierrez to Rep. Gutierrez’s Communications Director and Doug Scofield, “Coordinating Vacation Time,” undated (Exhibit 20 at 13-7135_0078).

⁹⁷ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006).

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

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74. Several legislative staff members did not recall working with Mr. Scofield on legislative matters. Representative Gutierrez's current Counsel told the OCE that she does not believe she worked with Mr. Scofield on any matters, nor does she believe that she submitted work to him for review.¹⁰² However, she said that she thought that Mr. Scofield's role in the congressional office was to provide guidance to staff on certain issues and perhaps to "consult ideas with" staff members.¹⁰³
75. Representative Gutierrez's current Legislative Assistant did not recall any communications with Mr. Scofield while serving in this position.¹⁰⁴ She recalled that Mr. Scofield worked primarily with the congressional office's press staff, noting that major speeches were reviewed by Mr. Scofield.¹⁰⁵
76. Representative Gutierrez's Legislative Correspondent said he was not aware of Mr. Scofield working on any legislative issues.¹⁰⁶ He did not recall whether he submitted any work to Mr. Scofield, but said that he may have.¹⁰⁷ He estimated that on approximately five occasions, he emailed Mr. Scofield and was sometimes copied on emails between other staff members and Mr. Scofield.¹⁰⁸
77. Representative Gutierrez's Communications Director told the OCE that he could not remember Mr. Scofield reviewing work by the legislative staff.¹⁰⁹ He did not recall Mr. Scofield's involvement in drafting testimony or working on House committee matters.¹¹⁰
78. Several other legislative staff members described a more active role played by Mr. Scofield. Several staff members said they were told to send materials to Mr. Scofield for review. For example, a Former Legislative Assistant said that Representative Gutierrez would occasionally tell her to "shoot" material "over to Doug," but recalled that these were primarily public statements or documents, or "press stuff."¹¹¹
79. A Former Senior Legislative Assistant recalled being directed by Representative Gutierrez or his chief of staff to seek Mr. Scofield's advice or input on a "wide range" of issues that would have "come across [her] desk."¹¹² She described Mr. Scofield's role in the congressional office as working on "more complicated" and "nuanced" issues, noting that he was a source of the "history" behind many issues, given his past experience with Representative Gutierrez.¹¹³

¹⁰² Counsel MOI (Exhibit 11 at 13-7135_0051-0052).

¹⁰³ *Id.* at 13-7135_0051.

¹⁰⁴ Legislative Assistant MOI (Exhibit 12 at 13-7135_0054).

¹⁰⁵ *Id.* at 13-7135_0054-0055.

¹⁰⁶ Legislative Correspondent MOI (Exhibit 13 at 13-7135_0057).

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ Communications Director MOI (Exhibit 8 at 13-7135_0041).

¹¹⁰ *Id.*

¹¹¹ Former Legislative Assistant MOI (Exhibit 15 at 13-7135_0067).

¹¹² Former Senior Legislative Assistant MOI (Exhibit 14 13-7135_0061).

¹¹³ *Id.* at 13-7135_0060.

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80. The Former Senior Legislative Assistant said that Mr. Scofield would “edit” documents produced by the congressional office; she believed that these documents included press materials and “floor stuff.”¹¹⁴ According to her, the general process was for her to draft something, show it to either Representative Gutierrez or the chief of staff, and they would ask her to “run it by” Mr. Scofield.¹¹⁵ The types of materials she would be asked to run by Mr. Scofield were “public facing” things like speeches, remarks for a hearing, or statements for the record delivered by or attributed to Representative Gutierrez.¹¹⁶
81. When directed to run something by Mr. Scofield, the Former Senior Legislative Assistant would typically contact him by telephone, but also by email.¹¹⁷ Once she provided him with material, she would get back substantive changes.¹¹⁸ She may have then discussed the proposed changes with him.¹¹⁹
82. The Former Senior Legislative Assistant said that Mr. Scofield also provided advice on certain matters that would then be discussed within the congressional office.¹²⁰ She said that if there was uncertainty about what should be done regarding a particular matter, she would often be told, “Ask Doug.”¹²¹
83. Representative Gutierrez’s Chief of Staff told the OCE that, while she served as legislative director from approximately 2003 through 2013, Mr. Scofield never assigned her any projects, nor did she recall submitting work for him to review.¹²² She did not go to Mr. Scofield for advice on legislative strategy or tactics.¹²³
84. However, the Chief of Staff told the OCE that she learned of Mr. Scofield’s role in the congressional office through discrete contacts with him: her predecessor Ms. Fuentes or Representative Gutierrez would tell her to ask Doug about certain things.¹²⁴
85. On January 26, 2013, the Chief of Staff, while still serving as legislative director, prepared a memorandum entitled, “Immigration Happenings and Legislative Update,” outlining the “state of play with regard to legislative developments” and “seeking guidance on some key decisions [Representative Gutierrez] needs to make almost

¹¹⁴ *Id.* at 13-7135_0061.

¹¹⁵ *Id.* at 13-7135_0062.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.* at 13-7135_0061.

¹²¹ *Id.*

¹²² Chief of Staff MOI (Exhibit 7 at 13-7135_0034).

¹²³ *Id.*

¹²⁴ *Id.*

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immediately.”¹²⁵ The memorandum was addressed to Representative Gutierrez and Mr. Scofield, and copied to the Communications Director and to the Counsel.¹²⁶

MEMORANDUM	
From:	Susan
To:	LVG, Doug Scofield
CC:	Rivlin and Alice
Date:	January 26, 2013
RE:	Immigration Happenings and Legislative Update

The Congressman asked me to write down the state of play with regard to legislative developments and share it with you. He will be seeking your guidance on some key decisions he needs to make almost immediately.

With the backdrop of all the recent White House activity, including a possible major announcement on immigration by the President this Tuesday in Las Vegas, LVG has two opportunities before him to work on legislation. Both pose advantages and risks.

86. The Chief of Staff told the OCE that the memorandum was prepared at a time in which Representative Gutierrez had a significant decision to make with respect to immigration policy and that, after thorough discussion, Representative Gutierrez asked her to put down the various points in writing.¹²⁷
87. The Chief of Staff said that she addressed the memorandum to Mr. Scofield at the request of Representative Gutierrez, who had asked her to share it with him.¹²⁸ While she recalled discussing the memorandum with Representative Gutierrez’s Communications Director and Counsel, the Chief of Staff could not recall any general or specific input that Mr. Scofield had on this matter.¹²⁹
88. Representative Gutierrez told the OCE that he did not recall this memorandum, but that he did recall the conversation about the decisions referenced in it.¹³⁰ He said that Mr. Scofield was included on the memorandum because it was more about strategy than it was about the particulars of a specific bill.¹³¹
89. According to the Communications Director, the memorandum concerned Representative Gutierrez’s central issue of immigration and involved a pretty big strategy issue regarding

¹²⁵ Memorandum from Chief of Staff to Rep. Gutierrez and Doug Scofield, copied to Communications Director and Counsel, “Immigration Happenings and Legislative Update,” Jan. 26, 2013 (Exhibit 21 at 13-7135_0080).

¹²⁶ *Id.*

¹²⁷ Chief of Staff MOI (Exhibit 7 at 13-7135_0034).

¹²⁸ *Id.*

¹²⁹ *Id.* at 13-7135_0034-0035.

¹³⁰ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0007).

¹³¹ *Id.*

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positions Representative Gutierrez would take on his signature issue.¹³² Given that, he did not find it odd that Mr. Scofield was included on the memorandum.¹³³

90. In November 2011, Representative Gutierrez's then-chief of staff, Ms. Fuentes, forwarded to him a proposed response to an email exchange she had had with a Senate staff member about a U.S. ambassador nominee.¹³⁴ Representative Gutierrez directed Ms. Fuentes to "[s]end to Doug get review and send to Senator."¹³⁵
91. Representative Gutierrez did not recall why he asked for Mr. Scofield's review of the proposed response but speculated that the matter involved a political/legislative quandary for which he wanted Mr. Scofield's eyes and ears on it.¹³⁶ He explained that Mr. Scofield was there to help with these kinds of issues.¹³⁷
92. In November 2012, Mr. Scofield sent two emails to Representative Gutierrez's Communications Director and then-serving legislative director, discussing "next steps" with respect to the legislative strategy on immigration reform.¹³⁸

-----Original Message-----
From: [REDACTED]@scofieldcompany.com
Sent: Wednesday, November 14, 2012 4:53pm
To: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
Cc: "Collins, Susan" <[REDACTED]@mail.house.gov>
Subject: RE: FW: Immigration Reform Should Be the Top Priority in 2013

What's the five-minute status?

What is the Congressman's current thinking on next steps? Is he telling Menendez and Durbin he's introducing a bill? Is there a reason we don't want to put out a call to the groups and then put out a release saying we're introducing our bill? Send around a Dear Colleague to stop lining up sponsors? I don't think we want to be second on this, or give the President too much time to ask everyone to sit around and wait for his plan.

If we do something now, I think it seems like a natural reaction from the Congressman. If we wait for a few weeks of developments, then people might expect us to play along with whatever is happening. It's probably worth making everyone react to his bill.

-----Original Message-----
From: [REDACTED]@scofieldcompany.com [REDACTED]@scofieldcompany.com
Sent: Friday, November 16, 2012 11:17 AM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Are we doing a bill? I think we need to lay down a marker quickly.

¹³² Communications Director MOI (Exhibit 8 at 13-7135_0042).

¹³³ *Id.*

¹³⁴ E-mail from Jennice Fuentes to Rep. Gutierrez, Nov. 29, 2011 (Exhibit 22 at 13-7135_0085).

¹³⁵ E-mail from Rep. Gutierrez to Jennice Fuentes, Nov. 29, 2011 (Exhibit 22 at 13-7135_0085).

¹³⁶ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0007).

¹³⁷ *Id.*

¹³⁸ E-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, Nov. 14, 2012 (Exhibit 23 at 13-7135_0090); e-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, Nov. 16, 2012 (Exhibit 24 at 13-7135_0093).

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93. In the emails, Mr. Scofield asked the Chief of Staff and Communications Director if Representative Gutierrez was “doing a [comprehensive immigration] bill,” and suggesting that “we need to lay down a marker quickly.”¹³⁹ Mr. Scofield also appears to have encouraged Representative Gutierrez to act quickly to avoid being “second.”¹⁴⁰
94. When asked why Mr. Scofield was discussing legislative strategy and proposed bills with congressional staff, Representative Gutierrez’s Chief of Staff told the OCE that she did not recall these emails, adding that the decision whether or not to introduce a bill was a question for Representative Gutierrez.¹⁴¹
95. Representative Gutierrez’s Communications Director told the OCE that Mr. Scofield did not participate in legislative strategy discussions “very much.”¹⁴² He noted, however, that “the line between communications and legislative strategy is not a bright line,” and that “message and policy are related.”¹⁴³ The Communications Director said that Mr. Scofield was more focused on message.¹⁴⁴
96. Included in the documents produced to the OCE by Mr. Scofield were a number of speeches, including speeches given on the House floor, apparently written or edited by Mr. Scofield.¹⁴⁵
97. Representative Gutierrez told the OCE that Mr. Scofield worked with the Communications Director to draft speeches, “one-minutes,” and other remarks.¹⁴⁶ According to Representative Gutierrez, some of the speeches promoted general policy positions, while others highlighted decisions made by the executive branch or encouraged some executive branch action.¹⁴⁷
98. Representative Gutierrez said that he did not consider Mr. Scofield’s help in drafting speeches to be legislative work; rather, he viewed this as communications work.¹⁴⁸ He noted that the speeches on which Mr. Scofield worked were not always about specific pieces of legislation or matters on the House floor, but were about topics important to him and to his district.¹⁴⁹
99. Representative Gutierrez’s Chief of Staff also told the OCE that Mr. Scofield was involved in drafting remarks given by Representative Gutierrez, including remarks given

¹³⁹ E-mail from Doug Scofield to Rep. Gutierrez’s Communications Director, copied to Rep. Gutierrez’s Chief of Staff, Nov. 16, 2012 (Exhibit 24 at 13-7135_0093).

¹⁴⁰ E-mail from Doug Scofield to Rep. Gutierrez’s Communications Director, copied to Rep. Gutierrez’s Chief of Staff, Nov. 14, 2012 (Exhibit 23 at 13-7135_0090).

¹⁴¹ Chief of Staff MOI (Exhibit 7 at 13-7135_0035).

¹⁴² Communications Director MOI (Exhibit 8 at 13-7135_0041).

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ See various speeches and remarks (Exhibit 25 at 13-7135_0096-0113).

¹⁴⁶ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006).

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

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by him at the Sixteenth Street Baptist Church in Alabama and remarks he gave on the House floor about one or two years ago on the subject of immigration.¹⁵⁰

100. The Communications Director said that Mr. Scofield was regularly involved in drafting and editing speeches given by Representative Gutierrez, including speeches given from the House floor.¹⁵¹ He said that Mr. Scofield came up with ideas for floor speeches and sometimes prepared the first draft of speech.¹⁵²
101. Mr. Scofield may have drafted or reviewed letters sent by Representative Gutierrez to administration officials regarding official action. Included in the documents produced to the OCE by Mr. Scofield were a number of letters to administration officials apparently written or edited by Mr. Scofield.¹⁵³
102. Representative Gutierrez told the OCE that he did not recall Mr. Scofield drafting or reviewing letters to administration officials.¹⁵⁴ When shown an October 2012 email exchange among Mr. Scofield, Representative Gutierrez, the Communications Director, and then-deputy chief of staff Enrique Fernandez about potential letters to the Departments of Justice and Labor regarding a Puerto Rican newspaper,¹⁵⁵ Representative Gutierrez said he had no recollection of the letters.¹⁵⁶
103. Representative Gutierrez's Chief of Staff said that, during her time as legislative director, she drafted many letters to administration officials but did not recall sharing any of those letters with Mr. Scofield.¹⁵⁷ When shown several examples of letters that Mr. Scofield produced to the OCE, the Chief of Staff said that the letters involved issues on which she would not have worked.¹⁵⁸
104. The Communications Director told the OCE that Mr. Scofield was occasionally involved in drafting or editing letters to administration officials, especially when the letters involved Puerto Rico, as this was an issue area of particular sensitivity to Representative Gutierrez.¹⁵⁹
105. On October 10, 2012, Mr. Fernandez emailed Representative Gutierrez and Mr. Scofield the "latest interim response" from the Secretary of the Army, responding to a

¹⁵⁰ Chief of Staff MOI (Exhibit 7 at 13-7135_0035).

¹⁵¹ Communications Director MOI (Exhibit 8 at 13-7135_0041).

¹⁵² *Id.*

¹⁵³ See various letters to administration officials (Exhibit 26 at 13-7135_0115-0121).

¹⁵⁴ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006).

¹⁵⁵ See, e.g., e-mail from Doug Scofield to Rep. Gutierrez's Communications Director, Rep. Gutierrez, and Enrique Fernandez, Oct. 19, 2012 (Exhibit 27 at 13-7135_00123).

¹⁵⁶ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006-0007).

¹⁵⁷ Chief of Staff MOI (Exhibit 7 at 13-7135_0034).

¹⁵⁸ *Id.*

¹⁵⁹ Communications Director MOI (Exhibit 8 at 13-7135_0041).

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letter sent by Representative Gutierrez regarding a natural gas pipeline project in Puerto Rico; Ms. Fuentes and the Communications Director were copied on the email.¹⁶⁰

-----Original Message-----
 From: [REDACTED]@scotfieldcompany.com
 Sent: Wednesday, October 10, 2012 4:14pm
 To: "Fernandez, Enrique" <[REDACTED]@mail.house.gov>
 Cc: "Luis V. Gutierrez" <[REDACTED]@yahoo.com>, "Fuentes, Jennice" <[REDACTED]@mail.house.gov>, "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
 Subject: RE: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

It makes sense to me to wait. We're a month away from having a clear idea of how to deal with it. Should probably hit them on the conflict of interest at some point, though.

-----Original Message-----
 From: "Fernandez, Enrique" <[REDACTED]@mail.house.gov>
 Sent: Wednesday, October 10, 2012 3:50pm
 To: "Luis V. Gutierrez" <[REDACTED]@yahoo.com>, "[REDACTED]@scotfieldcompany.com" <[REDACTED]@scotfieldcompany.com>
 Cc: "Fuentes, Jennice" <[REDACTED]@mail.house.gov>, "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
 Subject: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

Congressman, Doug:

Attached, please find the "latest interim response" from the Secretary of the Army.

I do not think we should respond at this time.

The Corps is allowing the Regime to submit additional information until November 2, and based on the additional information, decide how to proceed. Whatever the decision, it will be rendered after the elections.

In addition, it is clear they do not want to really investigate the Jacksonville district's conflict of interest with BCPeabody...

Thank you,
 Enrique

106. In his email, Mr. Fernandez recommends that Representative Gutierrez not respond at that time.¹⁶¹ In response, Mr. Scofield agreed that, "It makes sense to me to wait."¹⁶²
107. Mr. Fernandez declined to be interviewed by the OCE as part of this review.
108. The Communications Director told the OCE that he and Mr. Scofield had been involved in drafting the initial letter to the Secretary with Mr. Fernandez.¹⁶³ When asked why Mr. Scofield was included in the email, the Communications Director said that the letter was less about policy and more about politics, but he noted that the letter was an attempt to help environmentalists put pressure on the Puerto Rican governor to make changes with regard to the pipeline.¹⁶⁴
109. Given Representative Gutierrez's working relationship with and supervision of Mr. Scofield while Mr. Scofield was retained by his congressional office, the Board finds that Representative Gutierrez knew or should have known that the services provided by Mr. Scofield exceeded those permitted by the House.

¹⁶⁰ E-mail from Enrique Fernandez to Rep. Gutierrez and Doug Scofield, copied to Jennice Fuentes and Rep. Gutierrez's Communications Director, Oct. 10, 2012 (Exhibit 28 at 13-7135_0126).

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Communications Director MOI (Exhibit 8 at 13-7135_0041).

¹⁶⁴ *Id.*

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D. Mr. Scofield May Have Engaged in Lobbying Activity While He Was Retained by Representative Gutierrez's Congressional Office

110. Representative Gutierrez told the OCE that he knew that Mr. Scofield's firm engaged in lobbying activity, but he did not know what kind of lobbying.¹⁶⁵ Representative Gutierrez's Chief of Staff and his Communications Director said that they were unaware of Mr. Scofield's status as a registered Illinois lobbyist until the issue was raised by a reporter in or around June 2013.¹⁶⁶
111. Representative Gutierrez said that he had no discussions with Mr. Scofield about his other clients or his activities on behalf of those clients, including any lobbying activity, while Mr. Scofield was retained to provide services to his congressional office.¹⁶⁷ He said he never talked with Mr. Scofield about lobbying because those activities were not germane to the congressional office, as all Mr. Scofield's lobbyist clients were state, rather than federal, clients.¹⁶⁸
112. Representative Gutierrez told the OCE that he does not believe that Mr. Scofield worked on appropriations matters, nor does he recall ever discussing appropriations requests with Mr. Scofield.¹⁶⁹ Representative Gutierrez's Chief of Staff told the OCE that she was not aware of any congressional staff members discussing appropriations requests with Mr. Scofield.¹⁷⁰ A Former Legislative Assistant told the OCE that she never discussed appropriations requests with Mr. Scofield.¹⁷¹
113. In June 2013, a news outlet reported that two of Mr. Scofield's clients, the Greater Chicago Food Depository and the Chicago Botanical Garden, sought federal earmarks during the time Mr. Scofield was retained by Representative Gutierrez's office.¹⁷²
114. In March 2004, Representative Gutierrez signed a letter circulated by another Member of Congress in support of a \$2 million earmark for the Greater Chicago Food Depository.¹⁷³ In March 2010, Representative Gutierrez sent his own letter of support for a \$620,000 earmark for the Chicago Botanical Gardens.¹⁷⁴

¹⁶⁵ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0003).

¹⁶⁶ Chief of Staff MOI (Exhibit 7 at 13-7135_0036); Communications Director MOI (Exhibit 8 at 13-7135_0042).

¹⁶⁷ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004).

¹⁶⁸ *Id.*

¹⁶⁹ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0007).

¹⁷⁰ Chief of Staff MOI (Exhibit 7 at 13-7135_0036).

¹⁷¹ Former Legislative Assistant MOI (Exhibit 15 at 13-7135_0067).

¹⁷² Paul Singer, *Rep. Gutierrez pays Chicago lobbyist with tax dollars*, USA TODAY, June 5, 2013.

¹⁷³ Letter from Rep. William O. Lipinski, *et al.*, to Rep. James T. Walsh, Chairman, Appropriations Subcommittee on Veterans Affairs, Housing and Urban Development, and Independent Agencies, Mar. 31, 2004 (Exhibit 29 at 13-7135_0129-0130). While this particular matter falls outside the jurisdiction of the OCE, it is evidence of the nature of the relationship between Mr. Scofield and Rep. Gutierrez's congressional office.

¹⁷⁴ Letter from Rep. Luis V. Gutierrez to Rep. Rosa DeLauro, Chair, and Rep. Jack Kingston, Ranking Member, Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Mar. 22, 2010 (Exhibit 30 at 13-7135_0132-0133).

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115. Representative Gutierrez said that Mr. Scofield never requested that he act on behalf of anyone.¹⁷⁵ His Chief of Staff told the OCE that at no time did Mr. Scofield “lobby us in DC.”¹⁷⁶ She said that Mr. Scofield told her that he only lobbied at the state level.¹⁷⁷
116. Representative Gutierrez’s Former Legislative Assistant, who handled appropriations issues in 2010, told the OCE that she was unaware of any contact by Mr. Scofield with the congressional office regarding the Chicago Botanical Garden.¹⁷⁸ However, she recalled that she had met with representatives of the Botanical Garden around this time, and believes that the office made an appropriations request on its behalf.¹⁷⁹
117. Representative Gutierrez noted that he must have discussed the Greater Chicago Food Depository, a client of Mr. Scofield’s firm, with Mr. Scofield, because he knew that Mr. Scofield did work for that organization prior to the June 2013 press inquires.¹⁸⁰ Representative Gutierrez said that he never discussed an appropriations request for the Food Depository with Mr. Scofield.¹⁸¹
118. Evidence provided to the OCE by Representative Gutierrez includes a July 20, 2004 email from Mr. Scofield to Ms. Fuentes, in which Mr. Scofield asks, “What do you think is the timing for any decision regarding the appropriation? Thanks, as always. Also Food Depository success will help me to clear my mind and find a wealthy and handsome husband for you.”¹⁸² Neither Mr. Scofield nor Ms. Fuentes would agree to be interviewed by the OCE as part of this review. Representative Gutierrez said that he did not know anything about this email.¹⁸³

¹⁷⁵ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0008).

¹⁷⁶ Chief of Staff MOI (Exhibit 7 at 13-7135_0036).

¹⁷⁷ *Id.*

¹⁷⁸ Former Legislative Assistant MOI (Exhibit 15 at 13-7135_0067).

¹⁷⁹ *Id.*

¹⁸⁰ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0008).

¹⁸¹ *Id.*

¹⁸² E-mail from Doug Scofield to Jennice Fuentes, July 20, 2004 (Exhibit 31 at 13-7135_0135).

¹⁸³ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0008).

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119. While Mr. Scofield declined to be interviewed by the OCE as part of this review, emails provided by Representative Gutierrez include statements made by Mr. Scofield regarding his work for the Food Depository. In one email discussing how to respond to a reporter's questions, Mr. Scofield states:

On the food depository, I would re-emphasize that I simply did not talk to Luis about money. A member of Congress supporting an appropriation for a food bank that feeds hungry people in his district is both routine and admirable, and in this case not cause or initiated by me – it was led by [Representative William] Lipinski and [Senator Dick] Durbin.¹⁸⁴

120. In another email, Mr. Scofield states, "I think we can be more emphatic – [Representative Gutierrez] and Doug Scofield did not have any discussions about funding for the food depository. I strongly believe that is accurate. I think what I did was talk to him about visiting."¹⁸⁵

121. Mr. Scofield also denied lobbying Representative Gutierrez on behalf of his client the Chicago Botanical Garden:

Well, I never lobbied for the Chicago Botanical Garden and I don't know anything about an earmark for them and had nothing to do with it. They were briefly a pr client. I never personally did any work for them at all – it would have been other staff members of the company, and it wouldn't have had anything to do with Luis. I had no contact, ever, with anyone on the Congressional staff, or Luis, about the Botanical Garden.¹⁸⁶

122. Representative Gutierrez told the OCE that after press inquiries earlier this year regarding Mr. Scofield's status as a registered state lobbyist, he determined that it would be difficult to continue the congressional office's relationship with Mr. Scofield.¹⁸⁷ He explained that it would be difficult to identify and avoid potential conflicts of interest in the future, even if positions he took were wholly independent of Mr. Scofield's lobbying work.¹⁸⁸

¹⁸⁴ E-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, June 4, 2013 (Exhibit 32 at 13-7135_0138).

¹⁸⁵ E-mail from Doug Scofield to Rep. Gutierrez's Chief of Staff, copied to Rep. Gutierrez's Communications Director, June 4, 2013 (Exhibit 33 at 13-7135_0142).

¹⁸⁶ E-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, June 4, 2013 (Exhibit 32 at 14-7135_0137).

¹⁸⁷ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0008).

¹⁸⁸ *Id.*

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E. Representative Gutierrez Terminated the Services of Mr. Scofield in June 2013

123. After receiving press inquires about Mr. Scofield in June 2013, Representative Gutierrez directed his staff to consult with the CHA to determine if the arrangement with Mr. Scofield was consistent with House Rules.¹⁸⁹
124. Representative Gutierrez's Chief of Staff subsequently met with CHA staff to review Mr. Scofield's arrangement with the congressional office.¹⁹⁰ According to the Chief of Staff, CHA staff advised that the agreement with Mr. Scofield needed to be revised or canceled, but recommended that it not be continued in its current form.¹⁹¹ The Chief of Staff said that CHA staff did not identify specific problems with the agreement.¹⁹²
125. After learning of the CHA staff advice, Representative Gutierrez determined that there were only two options: Mr. Scofield could become a full-time employee of his congressional office or he could resign.¹⁹³ Representative Gutierrez said that Mr. Scofield did not accept the offer to become a full-time congressional employee and instead resigned.¹⁹⁴
126. On June 13, 2013, Representative Gutierrez informed Mr. Scofield by letter that he was canceling the agreement with Mr. Scofield's firm.¹⁹⁵

III. DOUGLAS SCOFIELD, JENNICE FUENTES, AND ENRIQUE FERNANDEZ REFUSED TO COOPERATE WITH THE OCE REVIEW

Douglas Scofield

127. Douglas Scofield served as Representative Gutierrez's chief of staff from approximately January 1992 to December 2002. He was later retained to provide services to Representative Gutierrez's congressional office from approximately April 2003 to June 2013.
128. The OCE requested information from Mr. Scofield regarding the services he was retained to provide to Representative Gutierrez's office.
129. Mr. Scofield initially cooperated with the OCE by producing documents requested by the OCE, but he subsequently ceased cooperating, declining to further produce documents or to be interviewed by the OCE.

¹⁸⁹ *Id.*

¹⁹⁰ Chief of Staff MOI (Exhibit 7 at 13-7135_0037). *See also* Letter from Rep. Gutierrez's Chief of Staff to Democratic Staff Director, Committee on House Administration, June 4, 2013 (Exhibit 34 at 13-7135_0145).

¹⁹¹ Chief of Staff MOI (Exhibit 7 at 13-7135_0037).

¹⁹² *Id.*

¹⁹³ Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0009).

¹⁹⁴ *Id.*

¹⁹⁵ Letter from Rep. Gutierrez to Doug Scofield, July 13, 2013 (Exhibit 35 at 13-7135_0147).

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Jennice Fuentes

130. Jennice Fuentes served as Representative Gutierrez's chief of staff from approximately May 2002 to February 2013.
131. The OCE requested information from Ms. Fuentes regarding her role in retaining and supervising Mr. Scofield.
132. Ms. Fuentes refused to cooperate with the OCE.

Enrique Fernandez

133. Enrique Fernandez served as Representative Gutierrez's deputy chief of staff from approximately November 2002 to January 2013.
134. The OCE requested information from Mr. Fernandez regarding his interactions with Mr. Scofield while Mr. Scofield was retained by the congressional office.
135. Mr. Fernandez refused to cooperate with the OCE.

IV. CONCLUSION

136. Based on the foregoing information, the Board finds that there is substantial reason to believe that Representative Gutierrez used funds from his MRA for an impermissible purpose – that is, to retain his former chief of staff as a contractor to his congressional office, when the former chief of staff acted as an employee of or consultant to the office.
137. The OCE Board recommends that the Committee on Ethics further review the allegation, as there is substantial reason to believe that Representative Gutierrez used funds from his MRA for an impermissible purpose – to retain an individual to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor – in violation of federal law and House rules.

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

138. The following witness, by declining to provide documentary or testimonial evidence to the OCE, did not cooperate with the OCE's review:
 - (1) Douglas Scofield;
 - (2) Jennice Fuentes, Representative Gutierrez's former chief of staff; and
 - (3) Enrique Fernandez, Representative Gutierrez's former deputy chief of staff.
139. The Board recommends the issuance of subpoenas to Ms. Fuentes, Mr. Fernandez, and Mr. Scofield.

EXHIBIT 1

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Rep. Luis Gutierrez
REVIEW #(s): 13-7135
DATE: October 22, 2013
LOCATION: 425 3rd Street, SW
Washington, DC
TIME: 4:00 PM to 5:25 PM (approximate)
PARTICIPANTS: Kedric Payne
Scott Gast
Andrew Herman, Counsel

SUMMARY: The OCE 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 consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently the United States Representative from the Fourth District of Illinois.
3. The witness first met Doug Scofield during his first campaign for Congress in 1992. He was introduced to Mr. Scofield through David Wilhelm, who was managing the Clinton presidential campaign at the time. Mr. Scofield was hired to work on Rep. Gutierrez's campaign through Mr. Wilhelm's firm.
4. During the 1992 congressional campaign, Mr. Scofield was responsible for the general management of the campaign. He also hired vendors for fundraising and polling. He was paid through the Wilhelm firm.
5. After the witness was elected in November 1992, he invited Mr. Scofield to become his congressional chief of staff. The witness said he had developed a close working relationship with Mr. Scofield during the campaign.
6. As chief of staff, Mr. Scofield was responsible for running the congressional office. He hired and fired people and developed the office budget. The witness believes that Mr. Scofield was also involved in general legislative strategy, but could not recall any specific instances.
7. Asked if Mr. Scofield had any responsibility for press issues as chief of staff, the witness said that he had hired a separate individual to serve as press secretary. The witness believes that Mr. Scofield and this person previously worked together, and that this person came with Mr. Scofield from the Wilhelm firm.

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8. According to the witness, Mr. Scofield left his congressional office in late 2002, after he had been invited by Governor-Elect Blagojevich to serve in the new position of Deputy Governor.
9. Mr. Scofield was succeeded as chief of staff by Jennice Fuentes, who had served as the witness' legislative director and second-in-command to Mr. Scofield.
10. After Mr. Scofield left the congressional office to serve in the Blagojevich administration, the witness kept in regular touch with him. As some point just a few months after Mr. Scofield started in his position, Mr. Scofield called the witness and told him it had been a mistake to make the job change. He told the witness that he could not stay in his position, as lots of political decisions were being made by the governor's finance committee.
11. The witness said that Mr. Scofield resigned from the Blagojevich administration roughly two months after he had started.
12. After his resignation, Mr. Scofield started his own company with his wife, Melanie. When asked what the new company did, the witness said to ask Mr. Scofield or his wife.
13. The witness said that he knows that the company engages in lobbying, but he was not sure what kind of lobbying. He said that he never talked with Mr. Scofield about lobbying.
14. With respect to the new company, the witness interacted primarily with Mr. Scofield, and he rarely worked with Melanie Scofield. He did not know who else worked for the company.
15. The witness said he only became aware of the company's clients after reading about them in the USA Today stories. He added that he knew Mr. Scofield was involved with the Greater Chicago Food Depository prior to that, but he did not recall how or when he learned that.
16. The witness said that he does not believe he ever discussed Mr. Scofield's clients with Mr. Scofield, but noted that they have been friends for 21 years.
17. The witness said he had referred political folks to Mr. Scofield's company, including state representatives and county commissioners, for services like direct mail, communications consulting, and campaign strategy. He could not recall ever making a referral to Mr. Scofield for lobbying work.
18. The witness said that when Mr. Scofield called to tell him he was resigning from his position with the governor and starting his own firm, he told Mr. Scofield that he wanted to be one of his first clients. The witness said that he had not wanted to lose Mr. Scofield in the first place, so while he was saddened that the gubernatorial position had not worked out, he was also happy that he would "get Doug back." He said that he had always admired Mr. Scofield's work and trusted his judgment.
19. When asked if there had been any discussions about Mr. Scofield returning as an employee in the congressional office, the witness said that they did have such conversations from time to time, but that was not until much later. He also noted that Ms. Fuentes had already taken on the job of chief of staff.

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20. Shortly after Mr. Scofield resigned, the witness made the decision to retain Mr. Scofield through his congressional office. He said that he told Ms. Fuentes that “we’d have Doug back on staff,” and that he would be a “consultant.”
21. The witness said that after speaking with Mr. Scofield, he instructed Ms. Fuentes to hire him and to make arrangements to have him paid. He did not remember specific details about his conversation with Ms. Fuentes.
22. The witness said that he did not recall any conversations with Ms. Fuentes after he instructed her to hire Mr. Scofield. He learned after the USA Today story appeared what Ms. Fuentes had done after he gave her this instruction. He also noted that Mr. Scofield and Ms. Fuentes were friends.
23. The witness explained that Ms. Fuentes was a 15-year veteran of Congress and had been second-in-charge behind Mr. Scofield. He added that Mr. Scofield himself had ten years experience as a chief of staff. He trusted the two to work out the logistics of the relationship.
24. The witness said he never read the written agreement between his congressional office and Mr. Scofield’s company “with any attention to detail” until after the USA Today story appeared.
25. When asked what Mr. Scofield was retained to do, the witness said that he understood Ms. Fuentes was a new chief of staff who needs help, that Mr. Scofield would develop staff, and that he would help press and media staff. He said that Mr. Scofield was also the type of person he could call at 1:00 AM to ask for a speech he needed to give the next day; Mr. Scofield was on call “24/7.”
26. The witness said that, to the best of his knowledge, the contract between his congressional office and Mr. Scofield had been renewed five times under identical conditions.
27. The witness was not aware of any other instances in which his congressional office had hired a contractor.
28. The witness did not have any contact with the Committee on House Administration regarding the Scofield agreement at this time, nor was he aware of any contact with the Committee by his staff. After the USA Today article appeared, Ms. Fuentes told him that she had faxed the agreement to the Committee staff for approval, but that she couldn’t find the email back from the Committee.
29. The witness said that there had been no conversations about potential conflicts of interests between work that Mr. Scofield was to do for his congressional office and work he would be doing for his other clients.
30. The witness said that there was no discussion about Mr. Scofield’s lobbying activities because they were not germane to the office. The witness believes that all of Mr. Scofield’s lobbying clients were state, rather than federal, clients.
31. The witness said he thought that Ms. Fuentes had reached out to both the Committee on House Administration and the Committee on Ethics regarding the agreement with Mr. Scofield.
32. The witness believes that the terms of the agreement, including the amount of Mr. Scofield’s fees, were negotiated by Ms. Fuentes and Mr. Scofield. The witness said that he knew how

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much Mr. Scofield was being paid and was "OK" with it. The witness did not know why the retainer fee started at \$5,500 per month but then was reduced to \$4,500 per month.

33. The witness said he allowed Ms. Fuentes latitude to sign on his behalf, but that the signature on the initial agreement, dated April 1, 2013, was his signature. When asked if he approved the terms of the agreement, the witness said that he must have, since he had signed the agreement. He noted that he had no specific recollection of signing the agreement.
34. When asked if a specific term had been contemplated for Mr. Scofield's services, the witness said that Mr. Scofield would still be serving today if not for the USA Today story.
35. According to the witness, Mr. Scofield reported to chief of staff Jennice Fuentes, as she was the chief of staff and everyone in the office reported to the chief of staff. He added that everyone in the office also reports to him. He noted that he did not have to go through his chief of staff, however, if he wanted to get Mr. Scofield on the phone.
36. The witness said that Mr. Scofield worked with his congressional office chief of staff, communications director, and district staff. When asked if Mr. Scofield worked with the legislative staff, the witness said that he had asked his current chief of staff/former legislative director and it appears that Mr. Scofield had not worked with legislative staff.
37. The witness said that Mr. Scofield's duties as a contractor to the congressional office included helping him whenever he needed help drafting remarks or speeches, and helping him learn how to better communicate on issues.
38. Mr. Scofield primarily worked with the witness' communications director, but also worked with anyone else on staff who needed "help." When asked what kind of "help" Mr. Scofield provided, the witness said that if the chief of staff need help with something, Mr. Scofield would help "handle" certain things. The witness noted that Mr. Scofield had previously served as chief of staff himself. The witness said that his chief of staff would know better about the specifics of what Mr. Scofield did.
39. Asked if Mr. Scofield had any oversight responsibilities in the congressional office, the witness said he did have such a role after a staff reorganization in his district offices. The witness asked Mr. Scofield and Slim Coleman, a district employee, to work together to ensure that district office operations ran smoothly during the transition.
40. The witness was shown a September 3, 2012 email he sent to Mr. Scofield and his chief of staff, directing that his chief of staff and legislative director were not to be absent from the congressional office on the same days. When asked why Mr. Scofield was included on such a directive to staff, he said that this was part of Mr. Scofield's training of the current chief of staff, he was helping the chief of staff with her duties.
41. The witness was shown an August 25, 2012 email he sent to Mr. Scofield, forwarding an email from the witness to his chief of staff regarding a problem with district office operations. He was also show a second email forwarding the same message to Mr. Scofield's wife, Melanie. The witness noted that he emails very little and did not recall why he forwarded the email to Melanie.

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42. The witness said that the email to his chief of staff came about because a district employee had been “ripping off” constituents who had come for help. He described this as an “extraordinary” situation that required his direct involvement. He wanted to know who had been hurt or damaged as a result of a problematic district employee.
43. Mr. Scofield was included in this situation for training purposes, as he would be helping the chief of staff. Mr. Scofield was also based in Chicago and could bring “fresh eyes” to help solve the problem with the district operations. He had been chief of staff, so it was important to bring him in to help ensure that the district office was doing things right going forward. The witness also wanted people on the ground in Chicago to run the office, rather than people in DC.
44. The witness said that whenever there was a crisis that needed to be handled, he would direct his staff to “Call Doug.”
45. The witness was shown an undated memo from the witness to his communications director and Mr. Scofield, reminding them that they should coordinate vacation time to ensure they are not absent at the same time. The witness said that he wanted to make sure that someone who understands communications is present. He did not, however, recall any occasion when Mr. Scofield had to act as press secretary. He explained that there is not a reporter in Chicago who didn’t know that Mr. Scofield worked for the witness.
46. When asked if Mr. Scofield assisted with legislative work, the witness said he did not. He said that Mr. Scofield was not involved in any financial services, judiciary, or intelligence committee work. That work was done by the legislative director and legislative staff.
47. The witness did not know whether Mr. Scofield reviewed or edited materials drafted by legislative staff. The witness never had Mr. Scofield review legislative language.
48. The witness said that Mr. Scofield did prepare floor speeches or remarks for the witness, but he did not consider that legislative work. Rather, he saw it was communications work.
49. The witness said that Mr. Scofield drafted speeches and “one-minutes,” working with the communications director. He said that Mr. Scofield edited or helped with speeches given on the House floor. Some of the speeches promoted certain general policies. Others simply highlighted decisions made by the executive branch or encouraged some executive action. The witness said, as an example, that a speech may have questioned whether the Department of Justice should have oversight over the Puerto Rican police.
50. The witness said that the speeches or remarks that Mr. Scofield worked on were not always about specific pieces of legislation or matters on the House floor, but were about topics important to the witness and his district.
51. When asked if Mr. Scofield drafted or reviewed letters to administration officials regarding official actions, the witness said he did not recall Mr. Scofield being involved in this kind of work. He said Mr. Scofield would help with speeches urging officials to take action, but he did not know about Mr. Scofield assisting with letters.
52. The witness was shown an October 19, 2012 email from Mr. Scofield to the communications director, copied to then-deputy chief of staff Enrique Fernandez and the witness, regarding “DOJ

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and DOL letters” regarding a Puerto Rican newspaper. The witness said he had no recollection of these letters and said that the communications director may have such knowledge.

53. The witness was shown a January 26, 2013 memorandum from his then-legislative director to the witness and Mr. Scofield, copied to the communications director and to the legislative counsel, titled “Immigration Happenings and Legislative Update.” The witness did not recall the memo, but did recall the conversation about the decisions that were referenced in the memo. The witness said that Mr. Scofield was included because it was more about strategy than the particulars of a bill.
54. The witness was shown a November 29, 2011 email he sent to his then-chief of staff about a discussion with Senator Rubio about a U.S. Ambassador, in which the witness directs the chief of staff: “Send to Doug get review and sent to Senator.” The witness said he did not know why he asked for Doug’s review, but speculated that it involved a political/legislative quandary and he probably wanted Mr. Scofield eyes and ears on it. He said that Mr. Scofield was there to help on these kinds of issues.
55. The witness was asked about a January 25, 2013 email he sent to his communications director and Mr. Scofield, forwarding an email from another Member of Congress regarding an immigration reform announcement. The witness did not recall why he forwarded the email, but noted that his communications director and Mr. Scofield worked together on communications issues. He did not recall discussing the substance of the email with Mr. Scofield.
56. The witness does not believe that Mr. Scofield worked on appropriations issues. He did not recall Mr. Scofield ever discussing appropriations requests with him.
57. When asked if Mr. Scofield did any work for his congressional campaign while serving as a contractor to the congressional office, the witness explained that there was not much of an occasion for campaign work, as he had not had a serious challenger since the 2002 campaign.
58. The witness said that any reported expenditures from his campaign to Mr. Scofield’s firm involved specific projects. For example, the witness had wanted to get out in Cicero more and sponsored fairs in that area. He chose to use his campaign instead of his congressional office to organize and pay for those fairs.
59. The witness did not recall the specific payment arrangements made between his campaign and Mr. Scofield’s firm for these projects. He noted that his wife paid the bills for the campaign.
60. The witness was asked about the compensation arrangements for Mr. Scofield’s assistance with the witness’ book. The witness said that he was offered a \$65,000 advance for the book, but under House ethics rules, he is not permitted to accept any advance. Rather, he permitted Mr. Scofield to accept a \$55,000 advance. With respect to royalties, Mr. Scofield and the witness are splitting any royalties; however, neither will receive any royalties until the entire advance has been recouped by the publisher.
61. The witness said that, at the time Mr. Scofield was hired a contractor to the congressional office, he did not know that Mr. Scofield worked as a registered state lobbyist, and there had been no

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discussion about his lobbying activities. The witness said he did not learn that Mr. Scofield was a state lobbyist until the USA Today story ran.

62. The witness said that Mr. Scofield never asked him to act on behalf of anyone. He knew that Mr. Scofield had a relationship with the Greater Chicago Food Depository, and knew that Mr. Scofield was paid for his services by the Food Depository, but he did not know what services Mr. Scofield actually provided. The witness said that he must have discussed the Food Depository with Mr. Scofield at some point, because he knew that Mr. Scofield worked for that organization prior to the USA Today story.
63. The witness said that Mr. Scofield never spoke with him about an appropriations request for the Food Depository.
64. The witness was shown a July 20, 2004 email from Mr. Scofield to his then-chief of staff, in which Mr. Scofield asks: "What do you think is the timing for any decisions regarding the appropriation? Also, Food Depository success will help me to clear my mind and find a wealthy and handsome husband for you." The witness said he did not know anything about this email. He did not know what "Food Depository success" meant.
65. After the USA Today reporter began asking questions about Mr. Scofield, the witness directed his staff to put together the relevant documents to become better informed of the situation and to see which documents would be provided to the reporter. The witness said he wanted to know if there was any substance to what the reporter was saying. He said that he wanted to make sure that his office had complied with the rules.
66. The witness said that the first thing he said to his staff was to go to the Committee on House Administration to make sure that the arrangement with Mr. Scofield was ok. He said that his chief of staff dealt with this.
67. The witness said that his staff explained to him that Mr. Scofield could not continue doing what he had been doing for the congressional office. The witness said that the fact that Mr. Scofield was also a registered state lobbyist was an issue: it would be difficult to identify and avoid potential conflicts in the future, even if positions taken by the witness were wholly independent of Mr. Scofield. He explained that if Mr. Scofield's relationship with the Food Depository and the Chicago Botanical Garden – two non-profit organizations – caused this much trouble, he did not want to have this problem going forward. The witness wanted transparency.
68. The witness was not aware of any contact between his congressional office and the Committee on Ethics at this time. He suggested we ask his chief of staff about this.
69. The witness had discussions with Mr. Scofield at the time of the article. Mr. Scofield was involved in crafting a response to the reporter's inquiries. The witness said that he knew that Mr. Scofield had not done anything wrong, so he had no problem with Mr. Scofield's involvement in preparing a response to the reporter.
70. When asked if he discussed the substance of the reporter's questions with Mr. Scofield, the witness said that it seemed to him that the services provided by Mr. Scofield were those provided for in the contracting agreement. He said that Mr. Scofield was "anything but a ghost payroller."

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71. The witness wanted Mr. Scofield to keep working for his congressional office. However, he saw that there were only two options: Mr. Scofield would have to become a full-time employee of the congressional office or he would have to resign. Mr. Scofield did not accept the offer to become a full-time employee and instead resigned as a contractor.
72. When asked why continuing the contracting arrangement with Mr. Scofield was not an option, the witness stated that the agreement had been approved five times.

This memorandum was prepared on October 23, 2013 after the interview was conducted on October 22, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on October 22, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 2



**Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003**

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
 - Assisting staff or training staff in the areas of preparing remarks or press events.
 - Assisting or training staff with casework or community outreach efforts.
 - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of \$5,500 per month.

Beginning 7/1/03

Scotfield Communications will provide the services detailed in the "Scope of Work" at a rate of \$4,500 per month.

The client will reimburse Scotfield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scotfield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

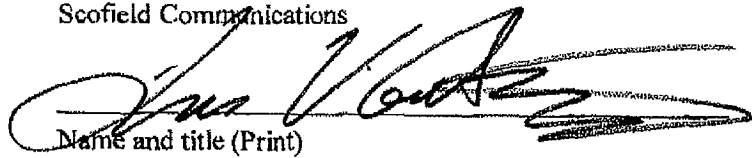
During and after this agreement, Scotfield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

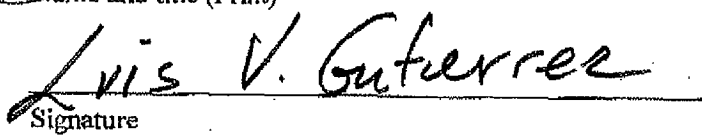


Doug Scotfield
Scotfield Communications

4-1-03
Date



Name and title (Print)



Signature

4/1/03
Date

EXHIBIT 3



**Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
January 1, 2008**

What we had in
our Scofield
physical file
(related to his
contract w/ us).
Our finance shared
employee may have
more, or maybe not.

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
 - Assisting staff or training staff in the areas of preparing remarks or press events.
 - Assisting or training staff with casework or community outreach efforts.
 - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 01/01/2008 through 12/31/08

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of \$4,500.⁰⁰ per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

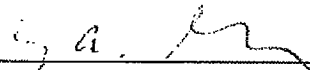
This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:



Doug Scofield
Scofield Communications

12.19.07
Date

Name and title (Print)

Signature

Date



**Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
January 1, 2009**

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
 - Assisting staff or training staff in the areas of preparing remarks or press events.
 - Assisting or training staff with casework or community outreach efforts.
 - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 01/01/2009 through 12/31/09

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of \$4,500.⁰⁰ per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

Date

Name and title (Print)

Signature

Date



**Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
November 23, 2012**

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
 - Assisting staff or training staff in the areas of preparing remarks or press events.
 - Assisting or training staff with casework or community outreach efforts.
 - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 01/01/2013 through 12/31/2013

Scotfield Communications will provide the services detailed in the "Scope of Work" at a rate of \$6,000.⁰⁰ per month.

The client will reimburse Scotfield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scotfield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scotfield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

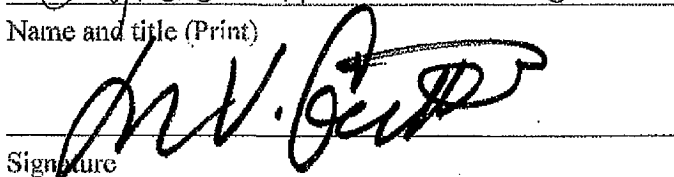


Doug Scotfield
Scotfield Communications

12-21-12
Date

Congressman Luis V. Gutierrez

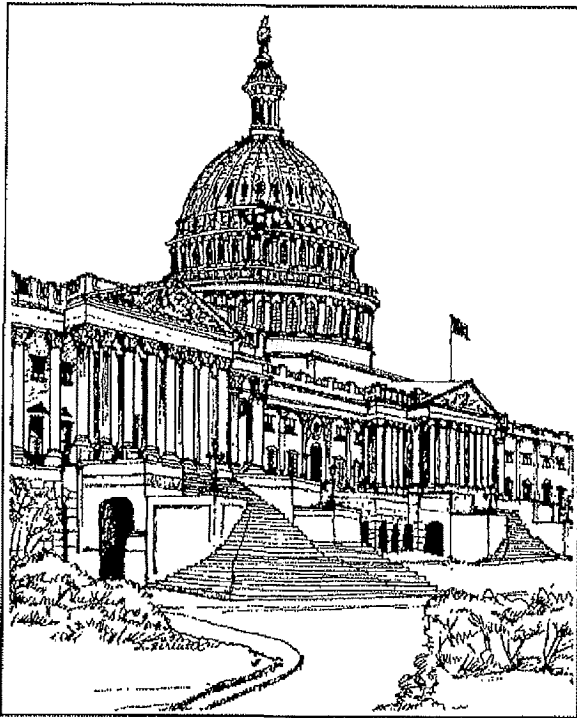
Name and title (Print)



Signature

12/21/12
Date

EXHIBIT 4



Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: Darren Feist, House Administration
FROM: Jennice Fuentes, Chief-of-Staff
FAX: 59957

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225- . Thank you.

NOTE:

As per conversation, please let me know if if this contract falls within what is acceptable under the current regulations.

I appreciate your assistance with this matter.

Jennice Fuentes
225-
225- (direct line)

2003 ~~contracts~~ docs
when contract
was reviewed
by House Admin

LVG_OCE_1



**Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003**

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
 - Assisting staff or training staff in the areas of preparing remarks or press events.
 - Assisting or training staff with casework or community outreach efforts.
 - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of \$5,500 per month.

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of \$4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:



Doug Scofield
Scofield Communications

4-1-03
Date

Name and title (Print)

Signature

Date

EXHIBIT 5

Collins, Susan

From: Fleet, Jamie
Sent: Monday, June 03, 2013 4:06 PM
To: Collins, Susan; Abbott, Gregory; Henline, Robert
Subject: Re: Fwd: news query - USA Today

We need to develop a concise statement that recounts the facts, focuses on the non-legislative aspect of the work and highlights the training component. We can't talk about the ethics stuff because it's not our jurisdiction. I recommend you call Dan Taylor with the ethics cmte, I will put together an email intro if you like.

From: Collins, Susan
Sent: Monday, June 03, 2013 04:01 PM
To: Fleet, Jamie; Abbott, Gregory; Henline, Robert
Subject: RE: Fwd: news query - USA Today

I'll see if our tech guy can dig into our archives from a decade ago in a way that I cannot.

I don't see how there's any doubt it was approved, do you?

From: Fleet, Jamie
Sent: Monday, June 03, 2013 3:59 PM
To: Collins, Susan; Abbott, Gregory; Henline, Robert
Subject: Re: Fwd: news query - USA Today

Unlikely and they won't share it with us anyway.

From: Collins, Susan
Sent: Monday, June 03, 2013 03:57 PM
To: Fleet, Jamie; Abbott, Gregory; Henline, Robert
Subject: RE: Fwd: news query - USA Today

We do not have anything in our hard copy file. I'm reviewing old emails to our old chief in 2003, haven't found anything (but will enlist help from our tech guy to make sure I haven't missed anything).

I assume the approval may have been verbal... and must have been effectuated because the contract began to be paid soon thereafter.

Would House Admin have such a record? Thanks.

Susan Collins
Congressman Luis V Gutierrez
202-225-XXXX

From: Fleet, Jamie
Sent: Monday, June 03, 2013 3:50 PM
To: Collins, Susan; Abbott, Gregory; Henline, Robert
Subject: Re: Fwd: news query - USA Today

Do you have any documentation of the approval?

From: Collins, Susan
Sent: Monday, June 03, 2013 03:47 PM
To: Fleet, Jamie; Abbott, Gregory; Henline, Robert
Subject: RE: Fwd: news query - USA Today

Hi All,

The contract first sent for approval to Darren Feist at House Admin and Barbara Buchanan at Finance in 2003 is the very same contract our office has continued to send for approval to Finance at the beginning of each Congress. Was there a more specific question than that? Thanks.

Susan Collins
Congressman Luis V Gutierrez
202-225-████

From: Fleet, Jamie
Sent: Monday, June 03, 2013 1:52 PM
To: Abbott, Gregory; Henline, Robert
Cc: Collins, Susan
Subject: Re: Fwd: news query - USA Today

Adding Susan from guiterrez. Susan -- any more on the contract history

From: Abbott, Gregory
Sent: Monday, June 03, 2013 01:49 PM
To: Fleet, Jamie; Henline, Robert
Subject: Fwd: news query - USA Today

Sent from my iPhone

Begin forwarded message:

From: "Singer, Paul" <████████@usatoday.com>
Date: June 3, 2013, 10:39:09 AM EDT
To: "████████@mail.house.gov" <████████@mail.house.gov>
Subject: news query - USA Today

Greg:

I am a reporter with USA Today and I am working on a story about a "training" contractor hired by Rep Gutierrez.

In short, Gutierrez has paid The Scofield Company (run by his former chief of staff Doug Scofield) more than \$500,000 over the past ten years to provide "training." In 2012 he paid Scofield \$6000 per month -- \$72,000 for the year, wihhc is more than 20% of the total spent on training by individual House offices last year.

Gutierrez' communications director said in an email:

"Doug Scofield, the Congressman's former Chief of Staff, through the Scofield Company, works with District staff on a wide range of concerns, training them to run the office and handle constituent services, management and everything else they do. He trained me and still works with me on some press issues, especially Chicago-related press and who is who, and helps draft or edit some statements and speeches."

This arrangement seems to reach beyond the kind of training contract that members generally engage, and I am trying to figure out whether it comports with House rules prohibiting Members from hiring consultants.

There are also ethics issues involved here because Scofield also has a lobbying and public affairs practice in Illinois for some clients that have had business before Congress.

I would be grateful for your time if you can help me assess the relevant issues here.

Best wishes

Paul Singer
Politics Editor
USA Today
703-854-██████ phone
██████████ mobile
@singernews

EXHIBIT 6

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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: Former Committee on House Administration Administrative Director
REVIEW #(s): 13-7135
DATE: September 23, 2013
LOCATION: OCE offices via telephone
TIME: 2:00 p.m. to 3:05 p.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast

SUMMARY: The OCE 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 consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently a scoring and test processing manager for a standardized testing company. He has been affiliated with that organization for three years. His prior full time employment was with the Committee on House Administration (“CHA”). He began there in April 2001 and left in December 2008.
3. The witness began working for the CHA as a staff assistant, then worked in the Committee’s Office of Member Services until 2004 or 2005, before becoming Administrative Director, a title he held until he left the Committee.
4. His duties in Member Services included advising Members and staff on how they could spend their Members’ Representational Allowance (“MRA”), providing guidance on what constitutes an official expense that may be paid with MRA funds, as governed by the Members’ Handbook.
5. The witness stated that CHA does not “approve” expenditures from the MRA. Rather, CHA staff provides guidance to Members and staff about what is appropriate.
6. The witness stated that about 20% of the Members’ Handbook is concerned with those expenses for which a Member may use MRA funds, about 20% of the Handbook deals with those expenses for which a Member may not use MRA funds, and about 60% attempts to provide guidance on paying for expenses in a “gray” area. The decision as to whether to use MRA funds for a particular expense is left to individual Members.
7. According to the witness, during his time with Committee, the CHA maintained a database of all Committee calls and contacts with Members and staff, including oral advice.

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

8. The witness stated that if a potential misuse of MRA funds was brought to the attention of the Committee, the chair and ranking member would determine whether the expense was official or not and would then determine whether there should be any consequence if it was not. A Member may be asked to repay an impermissible expense from personal funds. During the witness' time at the CHA, he was aware only of misuses of the franking privilege.
9. The witness did not have any personal communications with the Committee on Ethics regarding MRA misuse issues.
10. According to the witness, any requests for approval of a contractor agreement would be referred to the CHA "officers' team," which consisted of the CHA Deputy Chief of Staff, General Counsel, and other members of the professional staff. The officers' team may have consulted with the office of the House Chief Administrative Officer ("CAO") on the question whether a proposed arrangement involves a contractor or consultant, as the CAO's office is believed to have experience in human resource issues.
11. The witness stated that the contractor/consultant question was a rare issue. He noted that consultation with or approval by the CHA is not required under the Members' Handbook.
12. The witness stated that typical contractor services include data storage, assistance with a computer system, photography, custodial services, website hosting, and staff training.
13. The witness recalled that there were several companies that provided staff training services to House offices on a contractor basis. He recalled that one such company had been hired by CHA to perform a management audit during his time at the committee.
14. Concerning "staff training," the witness did not know how someone could train for two years at a time, throughout a Member's term. He stated that his experience with an outside staff training company at the CHA was that the services only lasted two or three months at the most.
15. The witness stated that, in his view, "non-legislative" contractor services meant "not bringing Jack Abramoff in to work on the Help America Vote Act." The witness stated that he considered non-legislative services to include processing or copying papers and the like, not working on bills or attending meetings on issues.
16. The witness was asked about several areas of services that a contractor might provide to a Member office. When asked if a contractor could engage in casework, the witness said that was a difficult question. While explaining that he was not a lawyer, he said that in his view assisting with casework was not legislative service. He noted that it would be odd if a Member could hire two to three contractors to perform casework in an office.
17. When asked if a contractor would provide community outreach services, the witness stated that he was not aware of any requests for contractors to perform those services.
18. When asked if a contractor could engage in press work, the witness stated that press work would most likely be legislative in his view. He said that this would be one of those gray areas where Members would have to defend the decision should it be called into question.

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

19. When asked if a contractor could draft speeches and statements, the witness said that the answer may depend on whether the speech or statement mentioned legislation. He stated that it would be very difficult to draw a clear line on this kind of service.
20. The witness reviewed the fax transmission from Rep. Gutierrez's former chief of staff, addressed to the witness, concerning a request for CHA review of a proposed contractor agreement. He had no recollection of handling this specific request.
21. The witness stated that it would have been his practice to pass on such a request to the officers' team, and that the officers' team would likely have discussed it with the CAO. He did not recall what guidance had been given with respect to the agreement.
22. Upon review the proposed agreement, the witness said that, in his view, there were some "questionable" services in the proposal. While nothing would have been definitely prohibited or allowable, the services may have fell into the gray area where he would need more information to provide advice. The proposed service that stood out to him was the proposal for Mr. Scofield to sit in on non-legislative meetings.

This memorandum was prepared on September 23, 2013 after the interview was conducted on September 23, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 23, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 7

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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 Gutierrez's Chief of Staff
REVIEW #(s): 13-7135
DATE: October 15, 2013
LOCATION: 425 3rd Street, SW
Washington, DC
TIME: 10:04 a.m. to 11:30 a.m. (approximate)
PARTICIPANTS: Kedric Payne
Scott Gast
Andrew Herman (counsel)
Ross Nabatoff (counsel)

SUMMARY: The OCE requested an interview with the witness 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. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently the chief of staff for Rep. Luis Gutierrez and has held this position since mid-February 2013. Prior to becoming chief of staff, the witness served as Rep. Gutierrez's legislative director and as a legislative assistant. She was hired as a legislative assistant in July 2002, after serving as a fellow focusing on immigration policy.
3. As a legislative staff member, she was responsible for immigration, a priority issue for Rep. Gutierrez, as well as other issues including foreign affairs and homeland security.
4. As chief of staff, the witness oversees the Washington, DC and district offices, as well as the legislative, communications, and casework activities of the offices.
5. The witness said that Doug Scofield was serving as chief of staff for Rep. Gutierrez when she started in the office as a fellow. At that time, she did not have much direct, one-on-one interaction with Mr. Scofield. She worked primarily with the legislative staff.
6. The witness was hired as a legislative assistant at the time Mr. Scofield was transitioning out of Rep. Gutierrez's congressional office. According to the witness, Mr. Scofield left the congressional office to move back to Illinois and pursue other opportunities. He eventually worked for Governor Rod Blagojevich.
7. The witness did not keep in touch with Mr. Scofield after he left the congressional office. She did not recall any contact with him while he was working for the governor.

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8. The witness said that Mr. Scofield left the governor's office at some point and started his own communications firm. She said that she knew little about Mr. Scofield's firm or his clients until news stories about Mr. Scofield's relationship with Rep. Gutierrez appeared this year. She said that she had no contact with Mr. Scofield about his clients prior to these news stories.
9. The witness had very little contact with Mr. Scofield's wife, Melanie Scofield, and just knew that she was Mr. Scofield's wife. She did not work with anyone else at Mr. Scofield's company.
10. The witness said that she was not familiar with how Mr. Scofield came to be retained by Rep. Gutierrez's congressional office as a contractor. She said that the then-chief of staff had "some awareness" of the retention, but she did not know if anyone else was involved. She said she vaguely remembered that when Mr. Scofield was retained, he was described as "there to help."
11. The witness did not know if Rep. Gutierrez's congressional office had hired other contractors in the past. She said that since she has been chief of staff, the office has not hired other contractors.
12. The witness learned of Mr. Scofield's role through discrete contacts with him; the chief of staff and Rep. Gutierrez would tell her to ask Doug about certain things. The witness said that she saw Mr. Scofield as a resource for the staff in general.
13. When asked to whom Mr. Scofield reports, the witness said that she reported to her as chief of staff, but it was not that kind of relationship. She said that she has had no trouble with him, and that he was doing work he was asked to do.
14. The witness said that Mr. Scofield worked primarily on communications related issues. She said that she learned over time that his focus was on press issues, and that she should go to him with those types of questions. She said that Mr. Scofield was familiar with reporters and the press in Chicago, and that he would "mentor" staff with respect to speeches and press releases.
15. The witness said that while she was legislative director, Mr. Scofield was mostly copied on emails relating to communications issues. She said that Mr. Scofield never assigned her projects, nor did she recall submitting work for him to review. She said that she did not go to Mr. Scofield for advice on legislative strategy or tactics.
16. The witness said that she did a lot of drafting letters from Rep. Gutierrez to administration officials, and that she could not recall sharing any of these letters with Mr. Scofield. She also said that Mr. Scofield never sent her any draft letters. When shown examples of letters that Mr. Scofield may have been involved with, the witness said that these were letters on issues with which she would not have been involved. She said that the then-deputy chief of staff, Enrique Fernandez, would have worked on the letters.
17. The witness was shown a January 26, 2013 memorandum she wrote to Rep. Gutierrez and Doug Scofield, copied to the communications director and legislative counsel, entitled "Immigration Happenings and Legislative Update." The witness said that Rep. Gutierrez had a big decision to make on immigration policy at that time and, after thorough discussions, he asked the witness to put down the various points in writing.
18. When asked why she directed this policy memo to Mr. Scofield, the witness said that Rep. Gutierrez asked her to share it with him. She said that she could not recall any general or

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specific input Mr. Scofield had on this issue. She said that she did have discussions with the communications director and legislative counsel about the substance of the memo.

19. The witness was shown a January 24, 2012 email from Mr. Scofield to the communications director, copied to the chief of staff, legislative counsel, legislative assistant, and the witness, serving as legislative director, in which Mr. Scofield discussed Rep. Gutierrez's role attacking Republicans on immigration. When asked why Mr. Scofield was included on an email with legislative staff, the witness said that, to her, the subject of the email was not legislative; to her, legislation is drafting bills.
20. The witness was then shown two November 2012 emails from Mr. Scofield to the communications director and the witness, in which he discusses "next steps" on immigration reform, including whether Rep. Gutierrez will introduce his own legislation. The witness said that she did not recall the emails, but that, in general, the decision whether or not to do a bill is a question for Rep. Gutierrez.
21. The witness was not involved in drafting of press releases, so she was not familiar with what assistance or training Mr. Scofield may have provided in that area. She said that Mr. Scofield has provided assistance with drafting remarks given by Rep. Gutierrez. She cited as examples remarks given by Rep. Gutierrez at the Sixteenth Street Baptist Church in Alabama, and remarks that Rep. Gutierrez gave on the House floor on immigration, about one or two years ago.
22. The witness also said that when "trouble" would hit, Mr. Scofield was there as a resource. As an example, the witness said that when new district staff members were hired last year, Mr. Scofield was asked to help "get them up to speed." She said that she had one or two meetings with Mr. Scofield and district staff leadership at the time that the Cicero district office was being opened and they were trying to set it up. When asked about Mr. Scofield's specific participation, the witness said he just listened and she didn't recall him making any specific recommendations.
23. The witness said that the meetings held in the district during this transition period were the only meetings she attended with Mr. Scofield. She could not remember any meetings attended by Mr. Scofield held in Washington, DC.
24. When asked if Mr. Scofield assisted with casework, the witness said that it was generally understood that Mr. Scofield was available to help district staff. She was not familiar with any assistance he may have provided prior to the witness becoming chief of staff.
25. The witness was not familiar with any assistance or training that Mr. Scofield may have provided with respect to community outreach efforts.
26. When asked how Mr. Scofield's duties as a contractor compared with his duties as chief of staff, the witness said that she did not see him as an employee, that he did not work on the same kinds of things, and that he had a more discrete role as a contractor.
27. The witness said that Mr. Scofield was asked to do work by the communications director, the chief of staff, and Rep. Gutierrez. She was not aware of other congressional staff members asking Mr. Scofield to do work. The witness said that she was not aware of Mr. Scofield directing any congressional staffers to do work.

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28. When asked if Mr. Scofield had any oversight responsibilities for the congressional office, the witness said that he was a resource to the office. She said that if Mr. Scofield made any recommendation, there was no requirement to follow it.
29. The witness was shown a September 3, 2012 email from Rep. Gutierrez to the chief of staff and to Mr. Scofield, in which Rep. Gutierrez instructs that the chief of staff and the witness were “not to be absent on the same days....” When asked why Mr. Scofield was included on this email, the witness said that she did not know. She said she was not aware of any input from Mr. Scofield on this matter. She said that since she has become chief of staff, she has viewed Mr. Scofield as a “resource” and a “mentor.” She said he is knowledgeable, and someone to ask for help on predominantly communications issues.
30. The witness said that she is not aware of any staff evaluations conducted by Mr. Scofield. She said that she has never been evaluated by Mr. Scofield.
31. The witness said that she had never been formally trained by Mr. Scofield, but that if she had communications questions, she would go to him. She noted that there had been one office retreat, held in Chicago in approximately 2004, during which the entire staff was able to learn about the operations of the congressional office. She said that Mr. Scofield facilitated this retreat and served as a resource for the staffers.
32. The witness said that she saw the retainer agreement between Mr. Scofield and the congressional office for the first time this year, when a Finance Office employee asked for a signed copy of a renewed agreement for the new Congress. The witness said that she skimmed the agreement and signed it. She said that the duties listed in the agreement looked like what Mr. Scofield did for the office. She did not discuss it with Mr. Scofield or Rep. Gutierrez.
33. The witness was not aware of Mr. Scofield working on Rep. Gutierrez’s congressional campaign.
34. The witness was not aware that Mr. Scofield was a registered state lobbyist until after news reports earlier this year. The witness said she never knew Mr. Scofield as a lobbyist; she always understood that his business was communications related.
35. After the news reports appeared, she sought out Mr. Scofield, who told her he only lobbied on the state level. She said that at no time did Mr. Scofield “lobby us in DC.”
36. When asked if she had any conversation with Rep. Gutierrez about whether Mr. Scofield ever lobbied him, the witness said that she did not. The witness did not discuss potential lobbying by Mr. Scofield with the former chief of staff, Jennice Fuentes. She said that the current congressional staff had conversations to clear up the facts to respond to reporter questions. She kept Rep. Gutierrez informed about the requests and vetted responses through him.
37. The witness said that she was not aware of any congressional staff members discussing appropriations requests with Mr. Scofield.
38. The witness was asked about her contacts with the Committee on House Administration (“CHA”) after the news reports about Mr. Scofield appeared. She said that she reached out to CHA staff to get the history of the Scofield agreement and background on the approval process. This was an attempt to ensure the agreement was in compliance with House Rules.

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39. The witness as shown a May 30, 2013 email from the CHA minority staff director to her in which he states: “We need to discuss this phrase [from Rep. Gutierrez’s communication director’s response to the press] tomorrow: still works with me on some press issues, especially Chicago-related press and who is who, and helps draft or edit some statements and speeches.” The witness said she was not sure whether she actually had a discussion with CHA staff about this phrase and did not remember it being identified as a problem.
40. The witness had a meeting with CHA majority and minority staff in which they discussed the agreement. She said that the staff had reviewed the agreement and advised that it be redrafted or canceled, but that they would not recommended keeping it in its current form. The CHA staff did not identify specific issues with the agreement.
41. When asked if CHA told her why the agreement had purportedly been approved ten years earlier, the witness said that CHA staff told her” times change, things change.”
42. After the witness met with CHA staff, she discussed the agreement with Rep. Gutierrez, who made the decision to cancel the contract.

This memorandum was prepared on October 18, 2013 after the interview was conducted on October 15, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on October 15, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 8

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Communications Director
REVIEW #(s): 13-7135
DATE: October 15, 2013
LOCATION: 425 3rd Street, SW
Washington, DC
TIME: 11:49 a.m. to 12:46 p.m. (approximate)
PARTICIPANTS: Kedric Payne
Scott Gast
Andrew Herman (counsel)
Ross Nabatoff (counsel)

SUMMARY: The OCE 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 consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently the communications director for Rep. Luis Gutierrez; prior to taking on this role, he served as press secretary. He was hired by Rep. Gutierrez in April 2010.
3. As communications director, the witness handles all press and media related activities and other communications-related matters as assigned.
4. The witness first met Doug Scofield when he was interviewing for the press secretary position in Rep. Gutierrez's congressional office. The witness said that his conversation with Mr. Scofield was part of the interview process. He said that the then-chief of staff wanted him to speak with Mr. Scofield about what the job would entail; he believes the chief of staff wanted Mr. Scofield's assessment of the witness. The witness and Mr. Scofield discussed what it is like to work for Rep. Gutierrez, talked about the Chicago media, and traded ideas during this conversation.
5. The witness came to understand that Mr. Scofield had his own company after seeing Mr. Scofield's email address and business phone number. The chief of staff described the company as a consulting firm. He knew that both Mr. Scofield and his wife worked at the company, but only met his wife one time in Chicago, when he was invited over to the company's offices. The witness primarily worked with Mr. Scofield, occasionally dealing with his assistant.
6. When asked if he knew how Mr. Scofield came to be a contractor to the congressional office, the witness said that he knew that Mr. Scofield had been Rep. Gutierrez's chief of staff. He said that he and the current chief of staff were engaged in various communications matters, and that Mr. Scofield advised Rep. Gutierrez on communications issues.

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7. However, the witness said he was not initially aware that Mr. Scofield was being paid by the congressional office. He learned this after he was asked by a Chicago reporter whether Mr. Scofield was being paid by the office. The witness then asked the chief of staff, who told the witness that Mr. Scofield was being paid.
8. The witness saw Mr. Scofield as someone that Rep. Gutierrez and the chief of staff trusted. He described Mr. Scofield as someone important to a new press secretary in making Rep. Gutierrez feel comfortable.
9. The witness said that at some point prior to the USA Today report, the chief of staff had shown him the retainer agreement between the congressional office and Mr. Scofield. He believes that this was prompted by a press inquiry sometime in 2010.
10. When asked to whom Mr. Scofield reported, the witness said that it was likely he reported to the chief of staff. Mr. Scofield worked most closely with the chief of staff and the witness himself, and that he had a direct relationship with Rep. Gutierrez. Mr. Scofield had less interaction with the legislative director and scheduler.
11. When asked if anyone reported to Mr. Scofield, the witness said that he consulted with Mr. Scofield but did not get sign-off from him to proceed. On occasion, Mr. Scofield would review or edit the witness' work, and sometimes the witness would review and edit Mr. Scofield's work. There was a lot of brainstorming between the two.
12. When asked if Mr. Scofield approved communications before they were sent out by the congressional office, the witness said that the process was "more informal than that." He said that he would often run things by Mr. Scofield, and that sometimes Rep. Gutierrez would ask if the witness had run a particular draft by Mr. Scofield.
13. The witness was not aware of Mr. Scofield conducting any staff evaluations.
14. The witness was shown an undated memo from Rep. Gutierrez to Mr. Scofield and the witness, in which Rep. Gutierrez instructed that the witness coordinate his absences from the office with Mr. Scofield. The witness recalled that that memo was from earlier this year, after Congress had been called into session during fiscal cliff talks while the witness was on vacation. The witness said that Rep. Gutierrez wanted someone around who could handle press inquires. He added that the then-chief of staff would often cover for him if he was out of the office.
15. The witness said that Mr. Scofield's duties with respect to the congressional office were generally to be a resource for the witness and another set of eyes on communications matters. He described Mr. Scofield as a sounding board, someone who made Rep. Gutierrez comfortable with decisions, and someone with an ability to capture Rep. Gutierrez's voice.
16. The witness said that Mr. Scofield was also a resource to the chief of staff on communications issues and probably other things. When asked what other things, the witness said that Mr. Scofield was someone she could talk to about Illinois politics; he was not sure of other things.
17. When asked if Mr. Scofield conducted any training for the congressional staff, the witness said that he had a few sessions with Mr. Scofield over the telephone, where Mr. Scofield would walk

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him through who was who in the Chicago press and politics. He said that Mr. Scofield's role was more to provide advice than to train.

18. When asked if Mr. Scofield trained other staff, the witness said that he worked with district staff in setting up the Cicero district office.
19. The witness was not aware of Mr. Scofield assisting with casework. He said that Mr. Scofield may have assisted with citizen workshops and press events in Chicago. The witness said that Mr. Scofield probably assisted with some other community events through the communications angle. He recalled Mr. Scofield's involvement in a press conference on the United merger.
20. The witness could not remember Mr. Scofield reviewing work by the legislative staff. He said that if a press release was about a certain issue or policy, then the legislative staff may have had input and Mr. Scofield may review that work, but it would go through the witness first.
21. The witness said that Mr. Scofield was regularly involved in drafting and editing speeches given by Rep. Gutierrez, including speeches from the House floor. The witness said that he believes Mr. Scofield came up with ideas for floor speeches, but he noted that Mr. Scofield and Rep. Gutierrez talked often, so it was not always clear who came up with a particular idea. Mr. Scofield sometimes came up with a first draft of a speech.
22. The witness recalled that Mr. Scofield may have assisted with a floor speech on the Gulf oil spill, and may have worked with a legislative assistant in drafting that speech.
23. The witness said that Mr. Scofield did not participate in legislative strategy discussions "very much." He noted that "the line between communications and legislative strategy is not a bright line," and that "message and policy are related." He said that Mr. Scofield was more focused on message.
24. The witness did not recall Mr. Scofield's involvement in drafting testimony or working on other committee matters.
25. The witness said that Mr. Scofield was occasionally involved in drafting or editing letters from Rep. Guterrez to administration officials, especially when the issues involved Puerto Rico, as this was of particular sensitivity to Rep. Gutierrez.
26. The witness was shown an October 10, 2012 email from then-Deputy Chief of Staff Enrique Fernandez to Rep. Gutierrez and Mr. Scofield, copied to the chief of staff and the witness, in which he forwarded the "latest interim response" from the Secretary of the Army in response to a letter sent by Rep. Gutierrez regarding a pipeline in Puerto Rico. The witness said that he and Mr. Scofield were engaged in writing the letter to the administration official because Mr. Fernandez was not the greatest writer.
27. When asked why Mr. Scofield was included in the email forwarding the official's response to the letter, the witness said that the letter was less about policy and more about politics – "screwing" the tea party governor of Puerto Rico. He said that this was less about policy and more about Rep. Gutierrez standing up for Puerto Rico. He also said that the letter was an attempt to help environmentalists put pressure on the governor to make changes regarding the pipeline.

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28. The witness was shown a January 26, 2013 memorandum from the then-legislative director to Rep. Gutierrez and Mr. Scofield, copied to the witness and Rep. Gutierrez's legislative counsel, entitled "Immigration Happenings and Legislative Update." When asked why Mr. Scofield was included on what appeared to be a legislative memo, the witness said that the memo was about activities in Rep. Gutierrez's "central issue" of immigration and new developments on this issue. It involved a "pretty big" strategy issue regarding positions Rep. Gutierrez would take on his signature issue, so it didn't seem odd that Mr. Scofield was included.
29. The witness said that Mr. Scofield "probably" did work for Rep. Gutierrez's congressional campaign. He explained that when a reporter would ask political questions, he would try to get Mr. Scofield to respond. The witness noted that Rep. Gutierrez does not really have much of a campaign these days.
30. The witness believes Mr. Scofield may have done some fundraising work for the campaign, but as far as the witness' interactions with Mr. Scofield, he mostly tried to find someone to respond to press inquires on campaign issues.
31. The witness said that he was not aware that Mr. Scofield was a registered state lobbyist until after the USA Today story appeared.
32. The witness said that Mr. Scofield never discussed his clients with him. He added that Mr. Scofield had done some work for the Greater Chicago Food Depository before the witness began working for Rep. Gutierrez. He believes someone else in Mr. Scofield's firm may have done work for the Food Depository, but he did not engage at that level of detail.
33. The witness noted that Rep. Gutierrez had signed a letter supporting an appropriations request for the Food Depository that was spearheaded by Rep. Lipinski. He added that it was "silly" to suggest that Rep. Gutierrez needed to be "convinced" by Mr. Scofield to sign on to the letter.
34. The witness said that he believes that the Chicago Botanical Garden was not Mr. Scofield's client, that the Garden had retained his firm, but that the firm did no work for them.
35. Mr. Scofield told the witness that he never spoke with Rep. Gutierrez about any of his clients.
36. The witness said that Rep. Gutierrez told him that he never spoke to Mr. Scofield regarding appropriations for his clients.
37. Mr. Scofield only discussed appropriations requests with the witness "very tangentially," when a request by a Catholic school to take over a ball field became a local news story. The witness discussed the story, its aftermath, and efforts by the political press to involve Rep. Gutierrez in the story with Mr. Scofield.
38. The witness said he has had no contact with the House Committee on House Administration regarding Mr. Scofield or the contract with his firm. He said that Susan Collins had been the person with contact with the Committee.
39. When asked if he was familiar with the terms of the agreement between Mr. Scofield's firm and the congressional office, the witness said that he believes that at some point approximately one year before the USA Today story appeared, he had a conversation with the same reporter about

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the Scofield contract. He recalled that the then-chief of staff had printed out a copy of the contract for him at that time. He did not recall discussing the Committee on House Administration at that time, but said the chief of staff probably made it clear that the Committee had signed off on the contract.

40. The witness said that Rep. Gutierrez made the decision to cancel the agreement with Mr. Scofield. He said that the consensus was that it was a good idea to cancel the agreement, for appearances' sake.

This memorandum was prepared on October 18, 2013 after the interview was conducted on October 15, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on October 15, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 9

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's District Director
REVIEW #(s): 13-7135
DATE: October 1, 2013
LOCATION: 425 3rd Street, SW
Washington, DC
TIME: 10:55 a.m. to 11:25 a.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Andrew Herman (counsel)
Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness 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. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently the district director for Rep. Luis Gutierrez, overseeing both district offices, in Chicago and Cicero. She has had this role since November 2012. Prior to becoming district director, she worked as a district congressional aide since January 2006.
3. The witness' current duties as district director involve scheduling Rep. Gutierrez in the district, assigning case work, and generally managing the offices. The witness also did casework until June 2013. The witness helped open the Cicero office in May 2012.
4. The witness knows Doug Scofield, and knows that he used to be Rep. Gutierrez's Chief of Staff. She had no contact with Mr. Scofield while she was a congressional aide.
5. As district director, the witness had a meeting with Mr. Scofield in December 2012 or January 2013 at the Cicero office; Rep. Gutierrez's chief of staff participated in the meeting by telephone. During this meeting, the participants discussed management of district office operations. They also discussed security issues in the wake of a former district staffer possibly taking money from constituents seeking assistance. They also discussed workshop events that occur in the district. The only input that the witness recalled Mr. Scofield offering was to suggest that the office use a safety box for money orders brought in by constituents.
6. The witness believes that the chief of staff initiated the meeting
7. The witness recalled asking the chief of staff about training for district office staff, as she was new to the role of district director. She said that she was never trained by Mr. Scofield nor does she believe other district staff members were trained by him.

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8. The witness was not familiar with Mr. Scofield's firm beyond what she has read in the press.
9. The witness stated that she was not aware of the role Mr. Scofield had with respect to Rep. Gutierrez's congressional office. She was not aware of any contractual relationship between Mr. Scofield and the congressional office.
10. The witness was shown a September 3, 2012 email from Rep. Gutierrez to the then-chief of staff and Mr. Scofield, in which Rep. Gutierrez states that Mr. Scofield and another district staff member were to prepare evaluations of district office staff. The witness stated that she was not supervised by Mr. Scofield or the district staff member, nor was she evaluated by either individual. As far as she knew, she had never seen Mr. Scofield or the district staff member supervise or evaluate anyone on the district staff.

This memorandum was prepared on October 21, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 10

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Congressional Aide #2
REVIEW #(s): 13-7135
DATE: October 1, 2013
LOCATION: 425 3rd Street, SW
Washington, DC
TIME: 11:55 a.m. to 12:10 p.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Andrew Herman (counsel)
Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness 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. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently a district congressional aide for Rep. Luis Gutierrez. She has had the position since 2002. She reports to the district director, Theresa Paucar.
3. The witness has known Doug Scofield since before her employment with Rep. Gutierrez. She was employed by a law firm that handled Rep. Gutierrez's FEC reports; it was there that she met Mr. Scofield when he was Chief of Staff.
4. The witness was generally aware of Mr. Scofield's firm. She believed that the firm did some sort of political work.
5. Since working as a congressional aide, the witness has had one interaction with Mr. Scofield at Rep. Gutierrez's office. A staff person had resigned after allegations of inappropriate activities, and the then-serving chief of staff was asking other district staff members questions about the activities of that staff person. Mr. Scofield was present at that time.
6. The witness believes, but was not sure, that Mr. Scofield had some contract with the congressional office but did not know the details of the arrangement.
7. The witness had not been trained by Mr. Scofield and was not aware of other staff members being trained by him. She was also not aware of Mr. Scofield interacting with other staff members. Mr. Scofield did not assign any projects to her and did not evaluate her in any way.
8. The witness never discussed Mr. Scofield's firm clients with him.

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9. The witness said that she spoke with Mr. Scofield about two or three weeks ago by telephone. Mr. Scofield had contacted her for assistance with a passport.

This memorandum was prepared on October 21, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 11

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Counsel
REVIEW #(s): 13-7135
DATE: September 27, 2013
LOCATION: 425 3rd Street, SW
Washington, DC
TIME: 11:00 a.m. to 11:34 a.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Andrew Herman (counsel)
Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness 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. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness currently is employed as counsel to Rep. Luis Gutierrez. She started working for Rep. Gutierrez as a fellow in July 2012, and became a full time staff person in January 2013. Her duties as counsel include working on immigration issues. She also staffs the Member on the judiciary committee, prepping him for hearings. She still does some casework, and oversees the current fellows in the office.
3. The witness reports to the chief of staff, and sometimes to the communications director. She also sometimes reports directly to Rep. Gutierrez.
4. The witness came to know Doug Scofield through her work in Rep. Gutierrez's congressional office. She believe she has only met him in person once, around the time that she transitioned to counsel, when she was briefly introduced to Mr. Scofield while he was in the Washington congressional office to meet with Rep. Gutierrez.
5. The witness said that Mr. Scofield generally worked with Rep. Gutierrez's communications director. She said he likely worked with the chief of staff, with district office staff, and with Rep. Gutierrez himself, but she could not be sure. The witness stated that she does not believe that she worked with Mr. Scofield on any matters.
6. When asked about Mr. Scofield's role in the congressional office, the witness said that she thought Mr. Scofield provided guidance to staff on certain issues and maybe was there to "consult ideas with" staffers on issues.
7. The witness was not aware of Mr. Scofield's company or his clients.

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8. The witness was aware that Mr. Scofield was formerly Rep. Gutierrez's Chief of Staff because the legislative director briefly mentioned it when the witness met Mr. Scofield. The witness did not recall whether the legislative director mentioned Mr. Scofield's current role with the office.
9. The witness was never trained by Mr. Scofield, nor did she participate in any staff retreats while employed by Rep. Gutierrez.
10. The witness was never evaluated by Mr. Scofield.
11. The witness said that Mr. Scofield never assigned work to her, nor did she think she ever submitted any work to Mr. Scofield for review.
12. The witness did not know if Mr. Scofield did any work for Rep. Gutierrez's campaign.
13. The witness was shown several emails forwarding statements, articles, and other materials relating to policy matters in which Mr. Scofield is included with congressional staff members. When asked why Mr. Scofield was included on these messages, the witness said that the office often exchanged emails sharing information about what was happening on immigration and other matters. The witness speculated that Mr. Scofield may have been included because he worked closely with the communications director on press matters. She said that Mr. Scofield did not work in the DC office, so she was not sure why he was included.
14. The witness was shown a memorandum prepared by the then-legislative director, to Rep. Gutierrez and Mr. Scofield, copied to the witness and the communications director, entitled, "Immigration Happenings and Legislative Update." The witness said this document laid out various options on pursuing immigration legislation. She assumed that Mr. Scofield was included on the memo to keep him updated on immigration happenings and to get his guidance.
15. The witness said that she did not work with Mr. Scofield on the immigration issue, but she did not know if Mr. Scofield worked with the legislative director or communications director on this issue. She said she was not surprised to see Mr. Scofield included on the memo. The witness said that she frequently engaged in strategy sessions with the chief of staff and communications director about the immigration issue.
16. The witness stated that prior to the OCE interview, Rep. Gutierrez's chief of staff told her that the OCE's review would most likely be about the issues raised in the USA Today article.

This memorandum was prepared on October 7, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 12

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Legislative Assistant
REVIEW #(s): 13-7135
DATE: September 27, 2013
LOCATION: 425 3rd Street, SW
Washington, DC
TIME: 12:21 p.m. to 1:10 p.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Andrew Herman (counsel)
Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness 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. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently a legislative assistant in Rep. Gutierrez's congressional office. She has had this role since January 2013. She worked as Rep. Gutierrez's scheduler from approximately May/June 2010 until she took the job as a legislative assistant.
3. The witness' duties include monitoring legislation, working on social media, editing speeches, and working on policy issues, including appropriations, budget, and intelligence matters.
4. The witness knows Doug Scofield through the congressional office and has met him once. She stated that Mr. Scofield worked most closely with Rep. Gutierrez's press staff and that he was the former Chief of Staff to Rep. Gutierrez. The witness would periodically talk to Mr. Scofield over his cell phone when Rep. Gutierrez would ask for him.
5. The witness stated that, when she served as the scheduler, she would periodically see a bill from Mr. Scofield's company for services.
6. Mr. Scofield is someone that the witness believed Rep. Gutierrez trusted and someone that Rep. Gutierrez would bounce ideas off of. The witness stated that generally she would say Mr. Scofield reported to Rep. Gutierrez.
7. The witness did not recall any communication with Mr. Scofield since she became a legislative assistant.
8. She recalled that in December 2012, Mr. Scofield came to Rep. Gutierrez's congressional office to meet with Rep. Gutierrez and then-legislative director Susan Collins.

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9. The witness stated that she was aware of Mr. Scofield coaching and giving feedback to press staffers but that there was “not particularly” any training that he did for staff.
10. The witness knew that Mr. Scofield helped Rep. Gutierrez on the “political side” by securing endorsements.
11. The witness helped edit speeches so Mr. Scofield may have seen something she worked on. Major speeches went through him.
12. The witness stated that Mr. Scofield had different roles at different points: Chicago media, writing speeches, messaging strategy, and helping to secure political endorsements.

This memorandum was prepared on October 21, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 13

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

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Legislative Correspondent
REVIEW #(s): 13-7135
DATE: September 27, 2013
LOCATION: 425 3rd Street, SW
Washington, DC
TIME: 11:42 a.m. to 12:15 a.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Andrew Herman (counsel)
Seth Price (counsel)

SUMMARY: The OCE 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 consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently a legislative correspondent for Rep. Gutierrez, with some legislative assistant responsibilities as well: energy, transportation, agriculture, science & technology. His duties are to manage constituent correspondence, draft letters, and research laws. The witness has no role in communications or press.
3. The witness stated that he knows Doug Scofield's name from "upper level staffers" but has never met him.
4. The witness stated that sometimes he has emailed Mr. Scofield and sometimes he is copied on emails between staffers and Mr. Scofield. The emails between Mr. Scofield and him occurred maybe five times. The witness recalled once the office communications director asked him to send a letter to Mr. Scofield on office letterhead. He did not recall what the letter concerned.
5. The witness was aware of Mr. Scofield's companies because of the email addresses Mr. Scofield would use when emailing the office.
6. The witness knew that Mr. Scofield helped with speech writing and worked closely with Doug Rivlin and Jennice Fuentes. He knew this based on conversations in the office.
7. The witness was not aware of Mr. Scofield's work on legislative issues.
8. Mr. Scofield did not train the witness, and the witness did not attend any staff retreats.
9. The witness did not recall whether he has submitted any work to Mr. Scofield but he may have.

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10. The witness has never been evaluated by Mr. Scofield.
11. When asked if he was aware of any contracts between Mr. Scofield and Rep. Gutierrez's office, the witness stated that he was aware via "conversations" in the office. The witness then stated that he did not know specifically about a contract, but had just assumed one existed. The witness then exited the room with counsel.
12. Upon returning, the witness stated that prior to the OCE's review and preparing for the interview, he did not know Mr. Scofield's role with the office but knew he worked on communications issues. He just found out recently that a contract existed.
13. The witness stated that on September 26, 2013, the day before the OCE's interview, Rep. Gutierrez discussed Mr. Scofield with the witness. The witness was in Rep. Gutierrez's office with Susan Collins, Alice Lugo, and Kathryn Johnson. Ms. Collins told the witness to tell the truth in the OCE's interview. Rep. Gutierrez came into the office and said "you all know what Doug's role is here, you know what he did here."

This memorandum was prepared on October 8, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 14

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Former Senior Legislative Assistant
REVIEW #(s): 13-7135
DATE: September 19, 2013
LOCATION: OCE offices via telephone
TIME: 11:14 a.m. to 11:54 a.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Bryson Morgan

SUMMARY: The OCE requested an interview with the witness 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. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently a second year law student in San Francisco, California. Prior to school, she was employed by Rep. Luis Gutierrez, first as a legislative correspondent, then as a legislative assistant, and finally as a senior legislative assistant. She left Rep. Gutierrez's congressional office in June 2012.
3. The witness's duties as a senior legislative assistant were to work on matters relating to the financial services committee and the subcommittee on housing. She also worked on appropriations issues. She did not work on communications matters, other than occasionally briefing the communications director on issues within her purview.
4. The witness met Doug Scofield through her employment in Rep. Gutierrez's office. She does not believe she ever met him in person. She was aware the Mr. Scofield has his own company, but was not familiar with its work. She said she may have learned about his company when it came up in conversations.
5. When asked about Mr. Scofield's role in the congressional office, the witness said that he would work on "more complicated" and "nuanced" issues. She explained that Mr. Scofield had been Rep. Gutierrez's chief of staff, so if she needed to understand the "history" on an issue, someone in the congressional office recommended that she contact Mr. Scofield.
6. The witness stated that was directed by Rep. Gutierrez or his chief of staff, Jennice Fuentes, to contact Mr. Scofield on certain issues.

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7. The witness stated that she could not recall specific examples of the issues about which she would have been prompted to seek Mr. Scofield's input or advice, but that it would have been a "wide range" of issues that would have "come across [her] desk."
8. The witness was not sure how often she had contact with Mr. Scofield. Her contact with Mr. Scofield was generally over the phone, but there may have also been email exchanges.
9. The witness did not know to whom Mr. Scofield reported, nor did she know if anyone in the congressional office reported to him.
10. The witness recalled that Mr. Scofield would give advice on a matter and then it would be discussed with others in the congressional office. She explained that if there was uncertainty as to the best path forward or what should be done about a matter, she would often be told, "Ask Doug."
11. According to the witness, Mr. Scofield worked with the chief of staff, communications director, and press secretary. She did not really recall specific instances of Mr. Scofield working with the legislative staff, but she said that it would not surprise her if he did.
12. When asked if Mr. Scofield provided training for the congressional office, the witness said that she did not believe so. She did not recall any formal training programs.
13. The witness said that Mr. Scofield would "edit" documents produce by the congressional office. She was not sure what those documents were, but thought they were press and "floor stuff." The witness could not recall any particular documents that she produced that were edited by Mr. Scofield.
14. The witness said that Mr. Scofield interacted with the press frequently.
15. The witness did not know if Mr. Scofield did any work for Rep. Gutierrez's campaign.
16. The witness did not recall any instances in which Mr. Scofield discussed his firm clients with her. She did not recall any contact with Mr. Scofield about the Chicago Botanical Garden or the Greater Chicago Food Depository.

This memorandum was prepared on September 23, 2013 after the interview was conducted on September 19, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 19, 2013.

Paul Solis
Investigative Counsel

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Former Senior Legislative Assistant
REVIEW #(s): 13-7135
DATE: September 24, 2013
LOCATION: OCE offices via telephone
TIME: 11:30 a.m. to 11:43 a.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Bryson Morgan

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. Following the OCE's initial interview of the witness, she requested the opportunity to speak with the OCE a second time. The witness made the following statements in response to our questioning:

1. The witness had previously been given an 18 U.S.C. § 1001 warning and consented to an interview. The witness was reminded that the warning applied to this second interview.
2. The witness stated that she wanted to provide additional context surrounding her work with Mr. Scofield. While she could not remember specifics, she said that her general sense was that she would work on something, show it to Rep. Gutierrez or the chief of staff, and they would then ask her to "run it by" Mr. Scofield. She did not recall if Rep. Gutierrez said why he wanted her to contact Mr. Scofield.
3. The things she would contact Mr. Scofield about were "public facing" things like speeches, remarks at a hearing, or statements for the record that were to be delivered by or attributed to Rep. Gutierrez. She did not recall specific subjects of these remarks or speeches.
4. With respect to remarks prepared for hearings, the witness said that these remarks would have been for the committees with which she worked, such as the Judiciary (early on, though there may not have been written statements), Intelligence, or Financial Services Committees.
5. When directed to run something by Mr. Scofield, the witness would generally give him a call. She thinks she also emailed him things. She may have given him background information about a particular piece of work and discussed his proposed changes with him.
6. She did not recall working with anyone other than Mr. Scofield from his firm, though she may have sent a colleague something to give to Mr. Scofield.
7. Once she had sent something to Mr. Scofield, the witness would get back "changes." She could not remember what kind of changes or edits she received. When asked if the changes were more substantive or technical, she said that they were not "commas and periods."

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8. When asked who else Mr. Scofield may have worked with, the witness said that he probably talked to the then-legislative director. He also spoke with Rep. Gutierrez.
9. The witness did not recall Mr. Scofield ever reaching out to her. She said it seemed that she would always reach out to him first.

This memorandum was prepared on September 26, 2013 after the interview was conducted on September 24, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 24, 2013.

Paul Solis
Investigative Counsel

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Former Senior Legislative Assistant
REVIEW #(s): 13-7135
DATE: November 15, 2013
LOCATION: OCE offices via telephone
TIME: 10:30 AM to 10:40 AM (approximate)
PARTICIPANTS: Paul Solis
Scott Gast

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. Following the OCE's initial interview of the witness, she requested a third opportunity to speak with the OCE. The witness made the following statements in response to our questioning:

1. The witness had previously been given an 18 U.S.C. § 1001 warning and consented to an interview. The witness was reminded that the warning applied to this second interview.
2. The witness stated that she had recently recalled working on appropriations matters in Representative Gutierrez's congressional office for an additional period of time. She explained that in addition to taking over from another staff member in or around 2010, she also worked on appropriations matters for just a few weeks prior to that staff member starting in 2009.
3. During the brief period, the witness had a few meetings on appropriations requests and believed that the then-legislative director joined her for some meetings.
4. The witness did not recall any meetings with Doug Scofield or anyone from his firm during this time, nor did she recall any contacts with him. She did not recall working on appropriations requests for the Chicago Botanical Garden or the Greater Chicago Food Depository.

This memorandum was prepared on November 19, 2013 after the interview was conducted on November 15, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on November 15, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 15

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Former Legislative Assistant
REVIEW #(s): 13-7135
DATE: September 24, 2013
LOCATION: OCE offices via telephone
TIME: 2:01 p.m. to 2:26 p.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Bryson Morgan

SUMMARY: The OCE requested an interview with the witness 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. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness served as a legislative assistant for Rep. Gutierrez from February 2009 to May 2010. Her issue areas included appropriations, financial services, transportation, and foreign affairs. She reported to Susan Collins, legislative director, and also Jennice Fuentes, chief of staff. The witness currently serves as a legislative counsel for another Member of Congress.
3. As a legislative assistant, the witness' duties included signing Rep. Gutierrez onto legislation, working on immigration events, assisting with events, preparing talking points on issues, meeting with constituent groups, and working on appropriations requests.
4. The witness indicated that she knew of Doug Scofield, but was not aware of his company or any of his company's clients. The witness knew that Mr. Scofield had previously served as the chief of staff for Rep. Gutierrez, but did not recall how she came to know that information. She said that Mr. Scofield's name was occasionally mentioned by Rep. Gutierrez and Ms. Fuentes.
5. She was not aware that Mr. Scofield served as a contractor to Rep. Gutierrez's congressional office. She did not believe he was a House employee, but she was otherwise unsure of his role or position with the congressional office.
6. The witness believed Mr. Scofield's interactions were mostly with higher-level staff, including the chief of staff, communications staff, and Rep. Gutierrez, but she did not know the substance of those interactions. She was not aware of interactions with other staff members.
7. The witness was not aware of Mr. Scofield reviewing any written work that she prepared, including remarks, speeches, and statements.

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8. The witness said that Rep. Gutierrez would occasionally tell her to “shoot that over to Doug,” for Mr. Scofield to review before a statement or document went public. It was mostly “press stuff.”
9. The witness stated that she was not trained by Mr. Scofield.
10. The witness stated that there had been no “red flags” in her experience with Rep. Gutierrez and his relationship with Mr. Scofield.
11. The witness said that she never discussed appropriations requests with Mr. Scofield. She was not aware of any contact by Mr. Scofield with the congressional office regarding the Chicago Botanical Garden or the Greater Chicago Food Depository. She did not recall hearing his name brought up in relation to those entities.
12. The witness said that she met with representatives of the Botanical Garden; she believes the office made an appropriations request on their behalf. She noted that all appropriations requests made by the office were listed on the office website.
13. The witness did not recall any interactions with the Greater Chicago Food Depository.
14. When she was handling appropriations matters, the witness would create a priority list of appropriations requests. Rep. Gutierrez would review this list, but did not have much input. He may have changed the priority order on occasion.
15. The witness said that the office submitted the appropriations requests that they did because they felt they helped the district.

This memorandum was prepared on September 26, 2013 after the interview was conducted on September 24, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 24, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 16

Subject: Fwd:
From: LVG [REDACTED]@yahoo.com)
To: [REDACTED]@scotfieldcompany.com;
Date: Saturday, August 25, 2012 11:09 AM

Sent from my iPhone

Begin forwarded message:

From: "Luis V. Gutierrez" <[REDACTED]@yahoo.com>
Date: August 25, 2012 8:48:50 AM EDT
To: Teresa Reyes <[REDACTED]@mail.house.gov>
Subject: Fwd:

Sent from my iPad

Begin forwarded message:

From: "Luis V. Gutierrez" <[REDACTED]@yahoo.com>
Date: August 25, 2012 7:47:42 AM CDT
To: Jennice Fuentes <[REDACTED]@mail.house.gov>

Sent from my iPad Wednesday at one o'clock you Slim, Sal and Tere R. meet at North Ave. office. Why no action was taken with law enforcement in regards to Rosa; Why were Rosa's files not gone thru:at least open her drawers to see what files were in there. There will be no raising of voices or finger pointing. I just want the facts. I also want to know why Rosa was allowed to act basically without supervision e.g. selling her grandsons school candies in the office? I also want to discuss how the staff is getting the overtime they deserve. Why are staff commenting they only work 9 to 5, not a second more? Is this a reflection of a lack of commitment to our goals or simply they believe they will not get the comptime they deserve? I also want Sal to stop reporting to DC on staff discipline in the district office: He will report directly to first Slim then ME!

We will then take immediate action. Please do not call me to discuss the meeting as I will lead it and have no interest in talking about these issues until Wednesday. Everyone have a great weekend. I am on my way to disney world.

EXHIBIT 17

Subject: Fwd acknowlegde receipt of email
From: Luis V. Gutierrez <[REDACTED]@yahoo.com>
To: [REDACTED]@scofieldcompany.com;
Date: Tuesday, September 4, 2012 8:39 AM

Sent from my iPad

Begin forwarded message:

From: "Luis V. Gutierrez" <[REDACTED]@yahoo.com>
Date: September 3, 2012 9:15:10 PM CDT
To: Jennice Fuentes <[REDACTED]@mail.house.gov>, Doug Scofield <[REDACTED]@scofieldcompany.com>

Sent from my i Effective immediately Theresa Reyes will be in charge of north side office and Geo will be in charge of Cicero office. Slim Coleman will supervise them. Each Monday Coleman will meet with both district directors and cover issues as necessary. Sal will be placed in charge of special projects:his salary will be adjusted accordingly. Doug and Slim will evaluate district operations and report changes and improvements to me. The DC staff will have no supervisory role in the Chicago operations. All staff annual reviews will be conducted by Doug and Slim. The DC staff will have support role only in the Chicago operations. Slim and Doug will prepare an evaluation of Cicero staff at their six month anniversary and make recommendations as to their conditioned employment. Please inform Cicero staff of this upcoming event. Jennice will continue to supervise DC staff.

EXHIBIT 18

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Gutierrez's Congressional Aide #1
REVIEW #(s): 13-7135
DATE: October 1, 2013
LOCATION: 425 3rd Street, SW
Washington, DC
TIME: 11:30 a.m. to 11:48 a.m. (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Andrew Herman (counsel)
Seth Price (counsel)

SUMMARY: The OCE 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 consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently a part-time congressional aide to Rep. Gutierrez, working approximately 20 hours per week. He started working for Rep. Gutierrez in 2004. His duties include doing casework involving immigration, organizing district workshops, and assisting people with completing federal forms. The witness reports to the district director. The witness also serves as a pastor to two churches.
3. The witness first met Doug Scofield several years ago. The witness knows Mr. Scofield has a company that he understands engages in public relations consulting.
4. When asked about Mr. Scofield's role in Rep. Gutierrez's congressional office, the witness said that Mr. Scofield had previously served as chief of staff and that he continued to work with his successor as chief of staff, Jennice Fuentes. He said he heard Ms. Fuentes say that she would "talk to Doug" about certain issues.
5. The witness said he did not know the nature of Mr. Scofield's relationship to the congressional office, but he is aware that there was some formal relationship. He did not know if Mr. Scofield reported to anyone or if anyone reported to him. He was not aware of Mr. Scofield working with staff in the Washington, DC congressional office.
6. The witness stated that he had been in some meetings with Mr. Scofield recently. According to the witness, in July or August 2012, there was a transition in leadership in the district offices. Mr. Scofield and the witness both participated in meetings to decide how district office duties

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would be assigned. Rep. Gutierrez had asked him to sit in on some of these meetings. The witness could not recall any other regular interaction with Mr. Scofield.

7. The witness was shown a September 3, 2012 email from Rep. Gutierrez to Mr. Scofield and Ms. Fuentes about changes in the operations of the congressional district offices. The witness said that this email related to the transition in district office leadership he referenced earlier. He added that there may have been a change in the chief of staff position at this same time.
8. According to the witness, during this transition period, he met with Mr. Scofield and the two new district office coordinators for about an hour each week for a period of about five weeks, to make sure that everyone was working hard. This was also an opportunity to discuss how the office should function, develop day-to-day policies, train new staff, and make sure that the two district offices were working together.
9. The witness said that Rep. Gutierrez asked him to sit in and foster a cooperative atmosphere between the two district offices and coordinators.
10. The witness said that Mr. Scofield's role in the meetings was to discuss office policies about how to handle district operations, casework, and outreach programs. They discussed who would be handling various issues and how records would be kept.
11. The witness was asked about Rep. Gutierrez's instruction that staff reviews would be conducted by Mr. Scofield and the witness. He said that he did not "take too seriously" this statement by Rep. Gutierrez. The witness said that he never conducted any staff reviews or evaluations, and he did not know if Mr. Scofield did any.
12. The witness described this as a brief transition period, before a new staff member took over as district director. He said that the intent Rep. Gutierrez's email was to direct that the district offices would handle its own problems, rather than the Washington office.
13. The witness said that he was never trained by Mr. Scofield and did not know if other staff members were trained by him. He had some recollection that Mr. Scofield may have done that in the past. The witness knew that some district staff would come to DC for trainings, but did not know if Mr. Scofield took part in that training.
14. The witness said that he was not really aware of the details of Mr. Scofield's firm's business, and that he never discussed Mr. Scofield's clients with him.

This memorandum was prepared on October 21, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 19

Subject: [No Subject]
From: Luis V. Gutierrez [REDACTED]@yahoo.com)
To: [REDACTED]@mail.house.gov; [REDACTED]@scotfieldcompany.com;
Date: Monday, September 3, 2012 10:28 PM

Sent from my iPad Effective today. Jennice and Susan shall not be absent on the same days. In preparations for the Navy Pier event they were both on vacation. This was a critically important day and I was left with no senior supervisory personal . On the 16th of Aug. the very next day and during the rest of the week I had no one to handle press . Jennice is to insure that never occurs again. I can not handle this situation since most of the time no one tells me they be on vacation until after they have made plans or taken the time off.

EXHIBIT 20

MEMORANDUM

TO: Doug Rivlin and Doug Scofield
FROM: Congressman Luis Gutierrez
RE: Coordinating Vacation Time

The serves as a reminder that Doug Rivlin should ensure that he coordinates his absences from the office, such as for vacation and time off, with Doug Scofield. My intention with this policy is to ensure that my office always has press and communications' coverage, should an unexpected speech or press inquiry arise while Doug Rivlin is out of the office.

Thank you for your attention in this matter.

EXHIBIT 21

MEMORANDUM

From: Susan
To: LVG, Doug Scofield
CC: Rivlin and Alice
Date: January 26, 2013
RE: Immigration Happenings and Legislative Update

The Congressman asked me to write down the state of play with regard to legislative developments and share it with you. He will be seeking your guidance on some key decisions he needs to make almost immediately.

With the backdrop of all the recent White House activity, including a possible major announcement on immigration by the President this Tuesday in Las Vegas, LVG has two opportunities before him to work on legislation. Both pose advantages and risks.

Opportunity #1: The "Secret Group"

Members

Dems: Becerra, Lofgren, Yarmuth, Gutierrez

Rs: Sam Johnson, John Carter, Mario Diaz Balart, [Raul Labrador?]

In 2009/2010, a "Secret Group" of bipartisan members worked together over the course of a year on a bipartisan CIR bill. LVG was invited to be a part of the group, but opted not to join because (1) he was disturbed about the Republican "tone" in conversations and about the way in which Members were talking about the solution for the undocumented in particular and (2) he knew, with movement on immigration legislation impossible, that his focus needed to be on rallying the community to action around what was actually possible, namely, executive action.

This group was reconstituted in the 113th and now includes the above members. We started negotiations about three weeks ago based on the 2010 bill draft. The bill is a legitimate CIR bill, in that it includes border security, employment verification, family and employment reforms, a future flow program and legalization of the undocumented that includes a path to citizenship, but so far no radical enforcement measures. With negotiations renewed, Republicans are even amenable to redrafting (improving) the path to legalization. On balance, I would say this bill will shape up to be a somewhat "better" bill, based on our core principles, than the last bipartisan CIR bill LVG introduced with Jeff Flake in 2007 (The STRIVE Act).

LVG is "all in" as far as the other members are concerned, but he is privately weighing the pros and cons of, after working to redraft the old bill in the next few weeks, whether he actually cosponsors the bill at introduction and commits to the long haul of defending his support of the bipartisan compromise that will fall short for our community on the left in some key areas.

There is also an urgent development that we have to deal with this weekend. All other members in the group except Labrador want to announce their existence via press release on Monday, to

get ahead of the President and not appear like they are following him. They want the statement to be very non-specific, mainly outlining "our" process of 3-4 years of bipartisan work on a package that will include all the main issues--border security, E-Verify, and a practical plan for dealing with the undocumented. Mostly they want to emphasize that it is a "BIPARTISAN plan, the only way a bill can become law in this Congress."

The Congressman is committed to working with this group up until introduction. The question is: does he put his name on the bill and "work it" as he travels and interacts with stakeholders or does he withhold his support, and while saying positive things about it, rally the community to press for improvements?

Pros to putting his name on the bill:

This bill will be the BEST bipartisan bill we will see in the House this Congress. All other Republicans who are serious about reform are talking about moving a bill in pieces, are skittish about a path for all the undocumented, and are likely going to demand enforcement provisions that could be poison pills for us (see below on the Ryan/Labrador group).

It would solidify his relationship with these Republicans who are truly serious about getting it done and committed to a path to citizenship: this could serve him and Democrats well as other House Republicans move to pull this and any other bill to the right.

Cons:

He will be attacked and challenged by key stakeholders who strongly share his principles and see him as their champion. The biggest challenges include (in order of severity of backlash): the exclusion of binational, same sex couples; a future flow program that does not include sufficient pro-labor provisions, and; a legalization program that requires the undocs to plead guilty before an immigration judge and serve probation before becoming LPRs.

Opportunity #2: Join the Ryan/Labrador Group

LVG has had several private conversations with Paul Ryan and Raul Labrador. They are initiating a parallel process/strategy based on what they think will be the only winning strategy for moving legislation in the House. They imagine a process where different members draft stand alone pieces of comprehensive reform: border security, STEM, E-Verify, etc., and that each of the pieces is taken up on the Floor and voted up or down under a self-executing rule that brings them together in a package at engrossment of the House bill. They admit the ultimate package might not be one LVG can support (suppose legalization gets voted down and is not in the final package?), but that the goal would be to conference the House bill with the Senate's and work to ensure it is in the bill that reaches the President's desk.

Their ask of LVG: To partner with Ryan and Labrador, and work to bring in other democrats to pair up with other Republicans on the pieces.

Pros:

Ryan, in particular, is a force to be reckoned with. Having a good, strong, working relationship with him will present LVG with opportunities to influence the process and the outcome. He has star power comparable to LVG's in their respective communities. This would be a higher profile relationship than any other for him and break new ground for him in Congress and the media, opening further ways to influence opinion and the process.

Presents us additional opportunities to work more closely with Republicans new to the issue, which is helpful for negotiations throughout the process.

Cons:

Tea-partiers will likely make up most of the Rs who work in the Ryan/Labrador group. Their product, even with us in the room, is bound to be far worse than anything we have ever supported. The public perception will also be that LVG has compromised on CIR and is willing to deal with things in pieces instead. While it will put LVG into the center of the news, it could potentially bring on fiercer opposition from our base.

My general observations/recommendations

While LVG has important choices to make, we are in a very good place and a very exciting time for immigration reform. I don't think we can go very wrong with whatever we do. Boehner will keep his powder dry for now and we expect that whichever bill actually moves through the House, it will move first through the Immigration Subcommittee/Judiciary Committee, ensuring LVG is in the mix no matter what.

Secret Group: I recommend LVG join in the Monday "coming out" of the "Secret Group." Given that we are still negotiating the substance and we're not yet committing our name to an actual bill, we are free to then engage our stakeholders in a democratic and more transparent way. When consulted about the bill and whether the boss should play an inside game (placing his name on the final product) or an outside game (withholding his support), our allies will at least feel a part of the process and, in theory, better appreciate the decisions the boss has to make. I think their knowing about LVG's participation in the group will give us our share of headaches, but will provide us with leverage in negotiations and cover if, in fact, the boss decides to withhold his support of the actual product. *(Note: I recommend we meet with advocates as soon as possible this week after the announcement is made, assuming the boss is a part of it--LVG with groups in Chicago and staff with groups based in DC to begin that outreach/outside process.)*

Ryan/Labrador: An acceptable compromise with their group of Republicans is hard to imagine, and would likely have LVG revealing tough compromises too early in the process. Remaining in close communication is very important, however. LVG is considering being an "advisor" to this process, instead of an actual partner. So, he would be in the room, but with clear expectations that LVG would not actually endorse the actual process or product. Moving the bill in pieces

might be a bad idea, but if Rs insist, it might be our only choice. May as well stay close to it and influence it as much as we can.

EXHIBIT 22

Subject: Re: Ambassador Mari Carmen Aponte
From: Luis Gutierrez ([REDACTED]@yahoo.com)
To: [REDACTED]@mail.house.gov;
Date: Tuesday, November 29, 2011 4:48 PM

Send to Doug get review and send to Senator.

Sent from my iPad

On Nov 29, 2011, at 3:34 PM, "Fuentes, Jennice" <[REDACTED]@mail.house.gov> wrote:

Lvg,

Please take a look.

Thanks

Jf

Jennice Fuentes | Chief of Staff | Congressman Luis V. Gutiérrez
2266 Rayburn House Office Building | Washington D.C. 20515
Tel: (202) 225-[REDACTED] | Fax: (202) 225-7810 | [REDACTED]@mail.house.gov



Please consider the environment before printing this e-mail.

From: Fuentes, Jennice
Sent: Tuesday, November 29, 2011 4:27 PM
To: Fuentes, Jennice; Rivlin, Douglas
Cc: [REDACTED]@scofielcompany.com
Subject: RE: Ambassador Mari Carmen Aponte

Cesar,

Thank you for your reply. May I suggest that instead of being misinformed we are actually correct about the facts such as they are.

We are clear on our position on Cuba and we continue to move forward with relevant issues. In fact, what we point out is a discouraging lack of insight regarding much needed support for Puerto Rican women on the rise, especially from the only Republican Hispanic Senator. As proud Puerto Ricans, the Congressman and I take this nomination very seriously and as seriously as we took the nomination of Associate Justice Sonia Sotomayor, whom Senator Rubio also declined to support when he was a candidate for Senate.

In fact, we hope that Senator Rubio does reconsider his position and is able to discern between his stand on bilateral and regional measures and agreeing that holding a Puerto Rican woman hostage to his list of issues is a political game that is not only unfair and unnecessary as it only serves to rob a talented Puerto Rican woman of a job that she has rightfully earned. In fact, may I suggest that removing Ambassador Aponte from her post does more damage than good and if the Senator is really concerned about regional issues, he should in fact support the region by helping us maintain stability and continuity by keeping Ambassador Aponte at her post. We are at a loss to explain why he continues to deny support to Puerto Rican women. First it was Sotomayor and now it is Aponte. Two for two against Puerto Rican woman, as I see it.

All the best,

Jennice

Jennice Fuentes | Chief of Staff | Congressman Luis V. Gutiérrez
2266 Rayburn House Office Building | Washington D.C. 20515
Tel: (202) 225-██████ | Fax: (202) 225-7810 | ████████@mail.house.gov



Please consider the environment before printing this e-mail.

From: Cesar Conda
Sent: Tuesday, November 29, 2011 3:23 PM
To: Fuentes, Jennice
Subject: RE: Ambassador Mari Carmen Aponte

Jennice:

SC_OCE-398

Thank you for your letter. However, the Congressman is misinformed about Senator Rubio's position on the Aponte nomination. The Senator opposed all of the Western Hemisphere nominees before the Senate Foreign Relations Committee, not just her.

He is concerned about the Administration's Western Hemisphere policy. As such, Sen. Rubio reserves the right to oppose all nominations to the region until the Administration acts upon these concerns. Among them are the adoption of significant bilateral and regional measures to return constitutional order in Nicaragua, immediate action to impose additional sanctions against the Cuban regime in response to the taking of American hostage Alan Gross, and a commitment to dedicating U.S. democracy funding in Cuba. Perhaps Congressman Guitierrez could help us with the White House on these issues.

Senator Rubio knows Ms. Aponte. As he has stated, he is impressed with her work. He is prepared to reconsider her nomination, along with the other Western Hemisphere nominations, once we make progress on these issues.

All the best,

Cesar Conda

<image001.jpg> **CESAR CONDA**
Chief of Staff

OFFICE OF UNITED STATES SENATOR MARCO RUBIO
317 Hart Senate Office Building

Washington DC 20510

From: Fuentes, Jennice [mailto:██████████@mail.house.gov]

SC_OCE-399

Sent: Tuesday, November 29, 2011 1:54 PM
To: Conda, Cesar (Rubio)
Subject: Ambassador Mari Carmen Aponte

Cesar,

I wanted you to have an electronic copy of this letter, which was hand-delivered to your office a few moments ago.

Thanks,

Jennice

Jennice Fuentes | Chief of Staff | Congressman Luis V. Gutiérrez
2266 Rayburn House Office Building | Washington D.C. 20515
Tel: (202) 225-██████ | Fax: (202) 225-7810 | ██████████@mail.house.gov



Please consider the environment before printing this e-mail.

EXHIBIT 23

Joseph E. Sandler

From: [REDACTED]@scofieldcompany.com
Sent: Monday, October 07, 2013 1:10 PM
To: Joseph E. Sandler
Subject: FW: RE: FW: Immigration Reform Should Be the Top Priority in 2013

-----Original Message-----

From: [REDACTED]@scofieldcompany.com
Sent: Wednesday, November 14, 2012 4:53pm
To: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
Cc: "Collins, Susan" <[REDACTED]@mail.house.gov>
Subject: RE: FW: Immigration Reform Should Be the Top Priority in 2013

What's the five-minute status?

What is the Congressman's current thinking on next steps? Is he telling Menendez and Durbin he's introducing a bill? Is there a reason we don't want to put out a call to the groups and then put out a release saying we're introducing our bill? Send around a Dear Colleague to stop lining up sponsors? I don't think we want to be second on this, or give the President too much time to ask everyone to sit around and wait for his plan.

If we do something now, I think it seems like a natural reaction from the Congressman. If we wait for a few weeks of developments, then people might expect us to play along with whatever is happening. It's probably worth making everyone react to his bill.

-----Original Message-----

From: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
Sent: Wednesday, November 14, 2012 3:03pm
To: "Collins, Susan" <[REDACTED]@mail.house.gov>, [REDACTED]@scofieldcompany.com" <[REDACTED]@scofieldcompany.com>
Subject: FW: Immigration Reform Should Be the Top Priority in 2013

FYI...

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

[REDACTED]@mail.house.gov<mailto:[REDACTED]@mail.house.gov> // <http://twitter.com/douglasrivlin>
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Follow Congressman Gutierrez<<http://www.gutierrez.house.gov/>> on Twitter<<http://www.twitter.com/luisgutierrez>>,
Facebook<<http://www.facebook.com/RepGutierrez>>, and YouTube<<http://www.youtube.com/RepLuisGutierrez>>.

From: Katherine Vargas [REDACTED]@immigrationforum.org]
Sent: Wednesday, November 14, 2012 2:54 PM
To: Rivlin, Douglas
Subject: Immigration Reform Should Be the Top Priority in 2013

[<https://org2.democracynaction.org/o/5681/images/emailmasthead-pressrelease.png>]<<http://org2.democracynaction.org/dia/track.jsp?v=2&c=xharZjJatDwc6mXr%2Fv0dtmWIRgw1iQI7>>

For Immediate Release
[REDACTED]@immigrationforum.org>November 14, 2012

Contact: Katherine Vargas

cell (202) 641-5198

Evangelical Leaders and the President Agree: Immigration Reform Is Top Priority

Washington, D.C — President Obama spoke about immigration reform during his news conference this afternoon. "My expectation is that we get a bill introduced and we begin the process in Congress very soon after my inauguration," Obama said<<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=A9R%2F87Jj9M8WEgP6DXdqWWIRgw1iQI7>>. The following is a quote from Ali Noorani, Executive Director of the National Immigration Forum, a nonpartisan organization that advocates for the value of immigrants and immigration to our nation:

"In the last 24 hours, influential evangelical voices<<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=83Rd8opMHNrw7yr%2FV6TKE2WIRgw1iQI7>> have urged President Obama to show leadership and move immigration reform forward during the first 92 days of his second presidential term. Based on the president's statement today, it is increasingly clear that immigration reform should be the first bipartisan legislative priority in 2013."

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<<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=QcKPvzeVnBXNwXrKSkfVWWIRgw1iQI7>> [<http://www.immigrationforum.org/images/NetworkedBlogs.jpg>]
<<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=jO1MI0y9QynvOZ1sXNj0qmWIRgw1iQI7>>

[https://org2.democracyinaction.org/o/5681/images/BBB_seal.jpg]<<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=8eBuWEvsH5fBJRIZW0GUK2WIRgw1iQI7>>

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[<https://wfc2.salsalabs.com/salsa/images/empowered-by-salsa.gif>]<<http://www.salsalabs.com/?email>>

EXHIBIT 24

Joseph E. Sandler

From: █████@scofieldcompany.com
Sent: Monday, October 07, 2013 1:13 PM
To: Joseph E. Sandler
Subject: FW: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

-----Original Message-----

From: █████@scofieldcompany.com
Sent: Friday, November 16, 2012 11:26am
To: "Rivlin, Douglas" <█████@mail.house.gov>
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

What was Cecilia's message to him?

-----Original Message-----

From: "Rivlin, Douglas" <█████@mail.house.gov>
Sent: Friday, November 16, 2012 11:22am
To: "█████@scofieldcompany.com" <█████@scofieldcompany.com>
Cc: "Collins, Susan" <█████@mail.house.gov>
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

The current plan is to have a CHC press conference to release the CHC's principles on Wed. 11/28.

Sen. Menendez advised against a bill but for unifying CHC principles, instead.

FYI: I got a download from LVG on his talk w/ Cecilia Munoz yesterday: He said the President has to meet with CHC soon and publicly and that he had nothing else to say to her.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

█████@mail.house.gov // <http://twitter.com/douglasrivlin>
phone: (202) 225-█████ // fax: (202) 225-7810
Follow Congressman Gutierrez on Twitter, Facebook, and YouTube.

-----Original Message-----

From: █████@scofieldcompany.com [█████@scofieldcompany.com]
Sent: Friday, November 16, 2012 11:17 AM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Are we doing a bill? I think we need to lay down a marker quickly.

-----Original Message-----

From: "Rivlin, Douglas" <█████@mail.house.gov>
Sent: Friday, November 16, 2012 11:05am
To: "Collins, Susan" <█████@mail.house.gov>, █████@scofieldcompany.com" <█████@scofieldcompany.com>
Subject: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

FYI...

Los Angeles Times is asking for our reaction to Diaz-Balart...

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

[redacted]@mail.house.gov<mailto:[redacted]@mail.house.gov> // <http://twitter.com/douglasrivlin>
phone: (202) 225-[redacted] // fax: (202) 225-7810 Follow Congressman Gutierrez<<http://www.gutierrez.house.gov/>> on
Twitter<<http://www.twitter.com/luisgutierrez>>, Facebook<<http://www.facebook.com/RepGutierrez>>, and
YouTube<<http://www.youtube.com/RepLuisGutierrez>>.

From: Bennett, Brian [redacted]@latimes.com]
Sent: Friday, November 16, 2012 10:58 AM
To: Rivlin, Douglas
Subject: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

From: Valdes, Katrina [mailto:[redacted]@mail.house.gov]
Sent: Friday, November 16, 2012 08:25 AM
Subject: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

[cid:image001.jpg@01CDC3DC.4CFE7B60]
FOR IMMEDIATE RELEASE: CONTACT: Katrina Valdes<mailto:[redacted]@mail.house.gov>
November 16, 2012 202-225-4211

Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Washington, D.C. – Today, Congressman Mario Diaz-Balart (R-FL), Chairman of the Hispanic Conference, announced that he has restarted the process of moving a comprehensive immigration bill through congress as soon as possible. Diaz-Balart has been meeting with his colleagues from both political parties.

"For too long, both parties have used immigration as a political wedge issue, but the time has come to find a bipartisan solution to this critical issue. I am committed to passing legislation to once and for all to fix our broken immigration system," said Congressman Diaz-Balart.

###

Katrina Valdes
Press Secretary
Rep. Mario Diaz-Balart (FL-21)
Chairman, Congressional Hispanic Conference
O: 202-225-[redacted]
[cid:image002.png@01CDC3DC.4CFE7B60]<<https://www.facebook.com/pages/Congressman-Mario-Diaz-Balart/119538428117878>>[cid:image003.png@01CDC3DC.4CFE7B60]<<http://twitter.com/#!/MarioDB>>[cid:image004.jpg@01CDC3DC.4CFE7B60]<<http://www.youtube.com/MarioDiazBalart>>

EXHIBIT 25

I rise today in strong, unwavering support of the Dream Act.

The Dream Act addresses the fact that we have a million or so people who are undocumented immigrants but who grew up in the US. They came as children, sometimes toddlers or babies. The U.S. is their home. However, we currently have no way for them and their families to legalize their status. They are stuck. Unable to work legally. Caught in limbo.

A young man named Pedro in Phoenix is an excellent example. He was brought here at the age of 7 by his grandmother. After she passed away, he graduated from high school. His goal? To serve our nation as a marine. Our nation's goal? To deport him -- and we were ready to do so, until he received a one-year reprieve just last week.

My friend Gabino has not received a reprieve. He lives in South Carolina. He has a wife and two U.S. citizen children. He was brought to the U.S. as an adolescent. He is a good, hard-working man. He pays taxes and supports his family. Yet routine traffic violations place him on the verge of deportation.

The Dream Act would address the problem of these individuals and a million more like them. People who want to attend college, join our armed forces, get good jobs and help our communities.

The Dream Act has been around for a while -- so long, in fact, that it's received bipartisan support. It passed out of the Republican-controlled Senate Judiciary Committee by a 16-2 vote in 2003. In the Senate as part of a comprehensive immigration reform bill in 2006 it received 23 Republican votes.

But Republican politics have changed. During the last Congress, we passed the DREAM Act 216-198. It received just 8 Republican votes and six of the eight have left the House. The Senate version got just three Republican votes in 2010. To be clear -- in the last Congress, Republicans killed the Dream Act.

But, we are now told that the very same Republican Senators who buried the Dream Act last year can now revive it.

But there's a catch.

The Republicans aren't actually supporting the real Dream Act. They propose that over the course of many years, if you go to college or serve in the military, the U.S. will not deport you – but you cannot become a citizen. No right to vote or serve juries. No real inclusion in American society. We might keep taking your tax dollars – we just won't give you full value for the taxes you pay.

Behind this pretend Dream Act is our colleague from Florida, Senator Rubio. As Senator Rubio has said many times, his family came to America as immigrants from Cuba. America welcomed his family and tens of thousands like them.

The key word is “welcomed.”

America didn't half-welcome, or conditionally welcome, or maybe someday, when we get around to it, with a lot of strings attached -- kind-of welcome Cuban immigrants.

No. America did the right thing. Whether Cuban Americans came to America looking for a brighter economic future or fleeing Castro's tyranny, America welcomed them, fully, with open arms.

And I applaud that policy. It's fair. It's just. No excuses, no half-measures, no pretending to support Cuban immigrants' dreams of a better life.

We welcomed them. Period.

And that's exactly what we should do with the Dream Act today. Don't make it a “not quite your worst nightmare act.” Don't make it a “modest hope act.” Keep it the Dream Act.

Scotfield 22

Dreamers are our friends, our neighbors, our kids, our future. Good people who have lived among us since they were young. Good people making America a better place.

Just like Cuban immigrants, nothing about Dreamers is second-class, and they don't deserve a second-class solution.

So I say this to the Senator -- If Republicans want to help Dreamers, we can do it. It's not necessary to create an unprecedented, second-class category of American resident. We don't need to treat them like criminals and we don't need to start over. If Republicans, including Mr. Boehner and Mr. McConnell, are serious about helping dreamers, let's do it. Our President supports the Dream Act. Democrats support the Dream Act. We always have -- we always will. If Republicans actually support it -- then we can get something done and we should talk.

But if they don't support the Dream Act, and what they really support is a public relations campaign to pretend they do, then we should stop wasting the time of decent, hard-working people and move on to ways we can really help them and millions of deserving immigrants.

Mr. Speaker,

I believe that there is no greater cause for celebration in America than when we expand civil rights to more of our people.

We are never more true to our American values than when we look at a group of people and demand that they be treated with dignity and respect. We are never more patriotic than when we protect and expand the rights of honest, hard-working people. When we live up to our original promise of liberty and equality and give meaning to those quintessentially American words: "We hold these truths to be self-evident. All men are created equal."

Today, we have reason to celebrate.

Because today, our President will detail the guidelines on the application process for Dream Act eligible immigrants to apply for work permits so they can take a vital step toward living freely and fully in the only nation that has ever truly been their home.

This is a fundamental expansion of civil rights and historic progress for immigrants to our nation.

Today, I want to congratulate the Dream Act eligible youth who have fought so hard for this right.

And I want to remind Dream Act eligible youth that because of this bold decision by President Obama, on August 15, you will be able to apply for your work permits. On August 15, the light of equality that our constitution promises will finally be shining brightly on you.

I encourage you to exercise this right, and I want you to know that help and resources are available to you.

But first – a warning. Any progress on immigration is soon followed by some unscrupulous attempts to make money off of the backs of deserving immigrants. So I say to my friends today – be careful.

Some immigration attorneys or neighborhood "notarios" may try to take advantage of you. There is no reason that applying for relief through President Obama's use of prosecutorial discretion should be expensive or cumbersome to you. If someone in your neighborhood says the only way for you to apply is to write them a big check, you should run the other direction. They're lying to you.

And you should run toward help, because help is on the way.

In Chicago yesterday, the Illinois Coalition for Immigrant and Refugee Rights and I announced a workshop that will be held on August 15 – the very first day you can apply for your work permits.

The event will be at Navy Pier in Chicago. We will have all of the resources you need to apply. It will be free. We will answer your questions and provide the resources you need.

Most important, we are not alone in Chicago. All across the country plans are being made by immigrant advocates and organizations and elected officials for how to help Dream Act eligible youth to apply for their work permits. Later today, I will be joined by my colleagues to talk about resources available to you coast to coast.

As one important step, I encourage you to visit this website:

DreamRelief.org – that’s DreamRelief.org, to find out more about whether you are eligible, how to apply and where you can receive assistance.

On August 15, across America, honest and hard-working and law-abiding Dream Act eligible people should be celebrating by lining up and taking that historic step toward equality.

It’s a day of long-overdue fairness for our young people and I don’t want one of you to miss this opportunity. I want you to demonstrate to America on August 15th what you’ve demonstrated to your communities and your families and your friends your entire lives.

That you have worked hard and earned this right. By excelling in school. By helping your neighborhoods. By serving your country.

I know who you are – you are the next generation of leaders of our great nation. On August 15, show all of America who you are.

And we need your example. Because it’s vital to remember that every time we’ve expanded civil rights in America – every time -- someone tried to stand in the way.

From women’s suffrage to voting rights for African-Americans to marriage equality – someone will raise their voice against expanding the rights enjoyed by *some* Americans to *all* Americans.

There is always someone who says – these rights, these liberties, and this equality – it’s for me – it’s not for you.

So I ask my Dream Act eligible friends – on August 15, show America who you are. And remind America that freedom and equality are for *all* of us.

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Thank you Chairman Durbin and Ranking Member Graham for inviting me to testify on ending racial profiling.

As part of my work to defend immigrants, I have traveled from coast to coast to visit dozens of cities and communities and to listen to immigrants' stories.

Immigrants everywhere tell me that they are regarded with suspicion. They tell me they are frequently treated differently, because of the way they look, sound or spell their last name.

Last November I joined ten Members of Congress to receive testimony on Alabama's HB 56, an even tougher version of Arizona's "papers please" law. In Alabama, and across the country, I have heard stories that make clear racial profiling is real.

In my written testimony, I detail many cases. One is Gabino, from South Carolina, a father of two U.S. citizen children facing deportation. A second is Martha, the mother of a U.S. citizen and wife of a citizen who was almost placed in deportation proceedings. Both came as adolescents to the U.S. and would likely benefit from the DREAM Act. Both were pulled over in minor traffic stops – traffic stops that likely occurred because they are Latinos living in largely immigrant communities. A police officer targeting Gabino and Martha because of where they lived or how they looked could result in U.S. citizen children being without a parent.

In my travels, immigrant after immigrant detailed their experience with traffic stops. As examples, both Gabino and Martha live in largely Latino, largely immigrant communities that receive targeted attention from police to traffic violations. ICE enforcement programs such as 287(g) and Secure Communities encourage this practice.

By targeting immigrant communities for minor traffic violations or—and this is pervasive—for driving without a license, we do little to make our roads more safe. Instead, we are removing hard-working parents from their communities. We treat a man like Gabino as a priority for deportation instead of drunk drivers, drug dealers or rapists. Our federal government, with programs like Secure Communities, is diverting both law enforcement and immigration enforcement resources away from serious offenses and potentially dangerous criminals and toward harassment of immigrants who pose no threat.

This racial profiling undermines our public safety. Immigrants and Latinos grow to distrust the police when law enforcement officers become deportation officers. This undermines the safety of everyone and limits our ability to successfully fight crime in our neighborhoods.

Senator Durbin and Senator Graham, you and I and others here today have spent countless hours discussing our country's need for immigration reform. The law enforcement resources we waste in the absence of reform are a tragedy of our making because we have failed to come to an agreement. Parents are deported, thousands of U.S. children are in foster care and jails are filling with our hardworking neighbors and friends. These are costs the nation incurs because Congress fails to act.

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We need to get the millions of immigrants who are living and raising families here and whose roots and contributions go deep into our communities into the system and on-the-books. We need to reestablish integrity and legality in our immigration system so that America's young people view good people like Gabino and view them for what they are -- a hard-working parent and church member. So that people look at mothers like Martha and say what a fine young American family she is raising. This is an urgent challenge to us as leaders.

Thank you again for the opportunity to testify. I welcome any questions Members of the Subcommittee may have.

City Club Talking Points

Example of bipartisan cooperation

Paul, you haven't joined me in my hometown before, but let me tell you something about how I'm viewed here in Chicago. I assure you that when all of the reporters you see here today think of Luis Gutierrez, the first thing that comes to their mind are the words "moderate." "Bipartisan." "Conciliator." "Voice of reason." My reputation in Chicago, Paul, from my first election, to the city council to Congress has been as a moderate dealmaker – a guy who gets along with everyone. When things get a little heated, Luis Gutierrez is the quiet guy you can count on to calm things down.

Why are you laughing? You're going to give Paul the wrong idea. OK, maybe only I see myself that way. But here's my point – some things are just too important for Congress not to find common ground. To not try to find a way to help people. To not set aside our differences and make sure we get things done.

Paul Ryan is here today because he agrees. He wants to get things done. To make progress on comprehensive immigration reform – which our nation and the city of Chicago desperately needs – we need to compromise. If Paul Ryan's party had 100 members of Congress – I would still love to have Paul come visit us today – but we might not be *negotiating* immigration reform. But they don't. They are in the majority, and we need to take action and we need to find common ground. Democrats can't do it alone.

Look, let's be honest. Paul and I could spend all day discussing in detail issues that we don't agree on. Trust me, it would be easy. Somebody could shout out a topic and Paul and I could take up the rest of the afternoon in spirited disagreement. You might shout and shout and have a hard time coming up with something we agree on.

That's exactly why it is so important that he is here. We're here to talk about how two parties, and two people, with very different world views can come together to help millions of immigrants. How we can be pro-family. How we can make America safer. How we can grow our economy. How we can create tax revenue. And how we can help millions of people – hundreds of thousands of whom are living in our city and our region – stay with their families, stop living in fear, and reach their goal of making America better.

I think it would be great if members of Congress across the nation, from different parties, with different beliefs, could do what Paul and I are doing today. Travel to each other's districts. Meet some of their constituents. Listen to their concerns. Understand what's important to them. It doesn't mean we will always find common ground. We are not always going to agree. But maybe it would help us to turn down the rhetoric and the anger and the distrust. And that would be good for America. I hope Paul will let his colleagues on his side of the aisle know that I am ready to meet with them, talk to them, and travel to their districts. And I will do the same – and I appreciate Paul coming to Chicago to listen to us today, and to share his vision for our community.

I know people laughed when I said I was a moderate. But I'm getting older. And maybe just a touch – just a little – wiser. And I'm trying to get along with people. Look – I won't get everything I want out of our comprehensive immigration reform bill. It won't be perfect. I wish I could just make my list and pass my bill. I can't do it. Paul keeps helping Republicans get elected to Congress. I can't help it. I'm fighting for the best bill possible, one that does the most it can to help immigrants. But in the end – just

like Paul will — I will have to compromise, or get nothing. And my main point is this: we need to help immigrants and we need to do it now. They can't wait. And I will work with anyone to get it done, and I thank Paul for being my friend, and for listening, and for coming here today.

Immigration reform is about security and safety

The tragic events in Boston have us all thinking about security and safety. But those of us who have supported comprehensive immigration reform have always made security and enforcement a priority. The bottom line is this: Comprehensive immigration reform makes us safer.

It makes us safer in two ways. One, the most obvious one, any agreement will include enhanced border security provisions. My bills always have. Border security, as well as enforcement of workplace regulations and hiring provisions, have always been a priority. We will not get a bill done without increased safety and security provisions.

But here is another element that is often overlooked, and one that is vital to our nation. Right now, we spend — not spend, *waste* — the resources of the federal government chasing immigrants who are absolutely no threat to our nation. None. Hard-working, taxpaying, honest, decent members of our society who only want to support their families. Every single day, we devote your tax dollars, and the finite resources of the federal government, to monitor, detain and deport these people.

We are spending your money to monitor the men filling and refilling your water glasses. The women cleaning your hotel rooms. The men cutting your lawns. Let me ask you a question — I know there are some folks here who play golf at the fine golf courses throughout Chicago and our suburbs. The men, and sometimes women, tending to the those courses to keep them beautiful, do they look like a threat to you? They are hard-working immigrants. And yet we devote scarce law enforcement resources to monitoring them. And if they run a red light, they might just get ripped away from their families and sent out of the country.

Here's something Paul Ryan understands and he and I agree on: the resources of the federal government are not infinite. Paul and I might disagree on how they can be spent, but we both know that there is a limit. So when law enforcement worries about a gardener — with no criminal record, who is working, paying taxes and is a solid member of his community — instead of following up leads about actual threats to our community — we waste law enforcement resources.

Is every single immigrant a good and honest person? No — and comprehensive immigration reform helps us to target the people who are potential threats. The people who break the law. Who shouldn't be here. It takes our hard-working immigrant community and gives them safety and shelter, it brings them out of the shadows, it lets them work and contribute and thrive. It allows us to focus on criminals. If you are an immigrant who is breaking the law — you don't want comprehensive immigration reform. You want the federal government to continue to worry about busboys with a traffic violation. You like the status quo.

I hate the status quo because it is anti-family, anti-work, and anti-safety. That's why we need a change, and that's why immigrants can't wait.

5-MINUTE 2/29/2012

As my colleagues know, Latinos are America's fastest growing population.

So if you are a Presidential candidate, and you want to make sure ~~that every~~ that every single Latino in America ~~to~~ knows you strongly oppose -sensible and fair immigration reform, and want ten to twelve million fewer immigrants living in your country, you have to work hard. ~~To reach~~ from Puerto Ricans in Florida, to Dominicans in New York and to Mexicans in every single corner of America with your message that millions of Latinos should just go away, ~~knows that you are an anti-immigrant extremist,~~ you have to work pretty hard. stay busy.

It takes time and determination.

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After all, the Latino population increased more than 40 percent between 2000 and 2010. A lot more Latinos, and a lot more Latino voters.

And a lot of us live in swing states. We are about 30 percent of the population in Arizona. About 25 percent in Colorado and Florida and Nevada. Indiana has 350,000 Latinos. Not so many-, you say? It ~~is~~ seems like a lot when you remember that President Obama only won Indiana by 26,000 votes in 2008 and his Latino support in the Latino community was the margin of victory.

The truth is, we're growing everywhere. One-quarter of the children in America are Latino. 600,000 Latinos turn 18 and become eligible to vote every year. More than 50 million Latinos live in America. Most of us

are citizens. 50 million. That's is a lot of people to keep track of.

Especially if you want to offend each and every one of us.

But to Mitt Romney's credit, -- he's trying.

To appeal to the most extreme anti-immigration elements of his party, last week he called Arizona's harsh immigration law, "a model for America."

Well, he's partially right.

Arizona's anti-immigrant law is definitely a model.

It's just not a model for immigration policy.

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But it's a model for an awful lot of other things.

Let's count them.

One, if you're a politician, Arizona's law is a model for how to achieve early retirement.

State Senator Russell Pearce was an author and lead sponsor of Arizona's draconian anti-immigrant law. In fact, ~~He~~ talked about little else. His constituents weren't pleased. So Senator Pearce became the first state legislator in Arizona history -- the first in history -- to be recalled from office. The biggest backer of Mitt Romney's immigration "model" is now unemployed.

Two, if you want to wreck your local economy, Arizona's law is a model for lost jobs and tax revenue.

The purchasing power of Latinos in Arizona in 2009 was nearly 35 billion dollars – billion with a "b." One study estimated that undocumented immigrants alone paid 443 million dollars in local taxes. Another study estimates that Arizona would lose nearly 150,000 jobs if all undocumented workers were removed from the state, and local business groups have estimated that the law could cost the Phoenix area as much as \$100 million in lost tourism and convention revenue alone.

Three, Arizona's law is a model for how to energize and mobilize Latino voters.

In 2004, George W. Bush received almost 45 percent of the Latino vote in Arizona for President. John Kerry received a fairly modest 53 percent of the Latino vote running against George W. Bush for President. How did anti-immigrant Republican Jan Brewer do for Governor in

~~In 2010? She received 15 percent of the Latino vote. ,
Republican candidates like Jan Brewer drove Latinos
towards the Democrats, with the state's Democratic
nominee for Governor winning on 85 percent of the
Latino vote running against anti-immigrant extremist Jan
Brewer.—In 2011, Hispanic voter mobilization led to the
election of two Latinos to the Phoenix city council for the
first time ever. in history. In Daniel Valenzuela's district,
Latino voter turnout quintupled.~~

Four – and I'll stop at four only because my time is
limited – Arizona's law is a model on how to make decent
people suffer.

Alabama followed the Arizona "model," and a judge
advised a woman facing domestic abuse that if she sought
a restraining order against her abuser she would be asked

to prove her immigration status ~~at the end of the hearing~~
and face deportation to stop the abuse.

Small business owners have lost long time, legal
employees because of flaws in the system.

~~In~~ And in both Arizona and Alabama, citizens and
legal immigrants have been harassed or detained because
they “look” suspicious or cannot immediately prove their
citizenship status. I could go on ~~and on~~ about the human
toll of this law.

So let's review.

Mitt Romney's “model” for America:

Has an author who was kicked out of office.

Means lost jobs and tax revenue for everyone, not just immigrants.

Has mobilized Latino voters and pushed them away from the Republican ~~against his P~~ party.

And has caused good, hard-working people – immigrants and non-immigrants, documented and undocumented -- to live in fear.

Maybe Mitt Romney and I have a different idea of what “model” means.

Maybe he thinks Bernie Madoff is a “model” investment advisor.

But I think model means something you can be proud of. Something that makes America better and stronger – more just and fair. Something that shows the way.

By that standard, Arizona's law is a perfect model: it shows America exactly the policy to avoid on immigration and it shows Americans exactly the type of candidate to avoid for President.

EXHIBIT 26

Dear Secretary McHugh:

I am writing to you regarding SAJ 2010-028811P-EWG, the so-called Via Verde Joint Permit application.

As you know, the Government of Puerto Rico and the government-owned Puerto Rico Electric Power Authority (PREPA) are, at least publicly, no longer insisting on the permit to proceed with this project and have all but abandoned plans to build the massive pipeline. This is despite the flawed November 30, 2011 Draft Environmental Assessment issued by the Jacksonville District of the United States Army Corps of Engineers (USACE) proposing that the permit be granted.

~~New, T~~ the Government of Puerto Rico and PREPA have begrudgingly accepted the facts about this project. One key factor is the, ~~the most important being that there is insufficient capacity to supply gas to the proposed pipeline from the EcoEléctrica re-gasification facility. Overall, experts have agreed that~~ ~~and that the risks to life, property, and the environment are too great.~~

In that context, I am alarmed by a published report about the role your Department may be playing. According to a June 29, 2012 article published in the *La Perla del Sur* weekly newspaper, Puerto Rico Governor Luis Fortuño claimed Army Assistant Secretary Jo-Ellen Darcy told him not to withdraw the Via Verde joint permit application at their June 20, 2012 meeting in Washington, DC.

The purpose of this meeting was supposed to be for the Governor to inform Assistant Secretary Darcy of the findings and recommendations of yet another commission the Governor had designated to study alternatives to the existing energy system in Puerto Rico. This Governor's own commission did not include ~~—discarded—~~ the Via Verde project among its recommendations. Of the three proposals submitted by the Governor's commission, one proposes to retain a fragment of the original Via Verde project, which would build a west-east pipeline along the north coast of Puerto Rico.

The *La Perla del Sur* article reads in part: "Although it seems highly unusual, [Governor] Luis Fortuño Burset asserted this week that it was the Army Corps of Engineers, and not him, who asked him not to withdraw the permit application for the polemic North gas Pipeline [Via Verde] (translation my own).

As he told *La Perla del Sur*, it was Assistant Secretary Darcy, not his Administration, who recommended keeping the permit application pending before the federal agency until the government of Puerto Rico and the Corps of Engineers decide on the next step.

To be clear, ~~So, for all intents and purposes,~~ the Governor's commission and every entity inside and outside the Government of Puerto Rico has abandoned ~~walked away from~~ the Via Verde pipeline project.

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You may find the complete article (in Spanish) here:

http://www.periodicolaperla.com/index.php?option=com_content&view=article&id=4070:atomi-lla-via-verde-al-cuerpo-de-ingenieros&catid=135:actualidad-del-sur&Itemid=423

When I first read the article, I was shocked. ~~It seems that A~~after months and years of the people of Puerto Rico fighting against this unwanted and unneeded project being forced on them ~~driven down their throats~~ by the current government of Puerto Rico and its powerful allies, the government finally listened to reason and to the people. ~~I fail to understand why at very government had essentially capitulated and were ready to toss the Via Verde project in the dumpster when the U.S. Army Corps of Engineers would intervene to keep this project alive.~~ ~~said "Stop!"~~

My question to you, Mr. Secretary, is whether ~~are~~ the statements reported in *La Perla del Sur* are accurate?

If they are, Mr. Secretary, I again respectfully ask why the USACE is not letting sleeping dogs lie, or in this case, dead dogs die?

There has always only been one acceptable option for USACE regarding the Via Verde joint permit application: to deny it.

The people of Puerto Rico have rejected the project. The costs and dangers, ~~the cost and danger~~ are too high, the potential supply of gas is too low, and now even the stakeholders driving this project in the Government of Puerto Rico have walked away.

I ask the U.S. Army to do the same.

Finally,

I also reiterate my request for all documents and communications related to the Via Verde project, including but not limited to meetings, conversations, phone calls, and e-mails between the USACE and the applicant, the PREPA, and/or any entity acting as its representative. I have not received any documents or information regarding this permit application from USACE Jacksonville since December 8, 2011. I expect to receive any and all information I have requested plus any communication involving your office or Assistant Secretary Darcy's office.

Lastly, I also request an update regarding the investigation by the Office of the Inspector General, or any other agency within the U.S. Army you may deem appropriate, that I have previously requested about the ~~"eazy~~ relationship between current Jacksonville staff and former Jacksonville staff who now supervise or work for BCPeabody, the Florida-based consulting company hired by the Puerto Rico Electrical Power Authority (PREPA) to lobby, or 'provide technical assistance,' for the project."

Thank you in advance for your attention to my concerns.

Sincerely,

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A

Luis V. Gutierrez
Member of Congress

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EPA Administrator Lisa Jackson

Dear Administrator Jackson:

I was intensely angered, but sadly not entirely surprised, when I read the "Draft 30 Nov 2011 Department of the Army Environmental Assessment (EA) and Statement of Finding for Permit Application SAJ-2010-02881" issued by the Jacksonville District of the U.S. Army Corps of Engineers regarding the *gasoducto* (or *Via Verde*) gas pipeline project in Puerto Rico.

Your agency was clear in a letter to the Army Corps dated October 28, 2011~~XXXX~~ that "Based on all the issues previously described, EPA continues to recommend that the permit for the Via Verde project not be granted until our concerns regarding protecting the wetlands and compensatory mitigation are fully addressed."

Yet in issuing the Draft Environmental Assessment, the Army Corps is essentially giving the green light to the project to move forward. They have accepted all of the reasoning of the government of Puerto Rico, the electric power company PREPA, and the consultants on the project apparently without question.

I am calling for an investigation by the U.S. Army of the entire permitting process and the apparently cozy ties between the permit applicants and the Army Corps of Engineers officials reviewing the application.

~~In the mean time, all other federal agencies that have an ability to weigh in or have already weighed in, like yours - I am asking you to - should take whatever steps are necessary to ensure that your concerns about this project are not ignored. paved over, literally or figuratively. The Among all of these, the EPA is considered to be the preeminent federal agency charged with defending the environment. Furthermore, the EPA shares the responsibility with the Army Corps of Engineers to enforce the National Environmental Policy Act. We all expect the EPA to spare no effort or resource and to do its utmost in discharging its duty in this important case.~~

~~The devastation, dislocation, and potential danger to life and property of this environmentally, economically and ethically dubious project demands federal oversight at the highest level. This is no time for the EPA to be asleep at the switch or to defer to other agencies - particularly to an agency that has a cozy relationship with consultants that are benefitting financially from this project. that appear to be deferring themselves to those who will profit financially from this project. I urge you to This is the time for the EPA to stand up firmly and draw the line in demanding that USACE not issue this permit unless and until all reasonable environmental protection concerns have been fully and completely addressed by the applicant.~~

I implore you to get personally involved in reviewing whether or not this project is being evaluated properly and whether or not the statutory and regulatory mandates of the Environmental Protection Agency are being followed. I ask you to join with the overwhelming majority of the people of Puerto Rico and with me in defending the lives of the people whose lives would be placed under threat by this dangerous, wasteful and environmentally devastating project.

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I would welcome the chance to discuss this matter with you personally at your earliest convenience, and I have asked my ~~I will have my scheduler, Katherine Johnson, to contact your office. I look forward to discussing this urgent matter. get in touch.~~

Sincerely,

A

Luis V. Gutierrez
Member of Congress

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Dear Secretary of Labor/Dear Attorney General:

I am writing to direct your attention to a very serious allegation of misuse of public funds and possible fraud.

The information is from an extensive investigation in Puerto Rico by the newspaper *El Nuevo Día* that was published this week. Reporters for the newspaper found that the newspaper *El Vocero*, and a group of closely related corporations, received a total of \$24.9 million from the government of Puerto Rico and the federal government during the past ten years.

The government funding of *El Vocero* and the related corporations increased greatly beginning in 2009 when the related corporations were created in an apparent attempt to hide or legitimize the receipt of government funds. Since that time, according to the *El Nuevo Día* reports, these corporations received more than \$17.6 million in funds from both the government of Puerto Rico and the federal government. Significant funding came from federal programs including the Workforce Investment Act (WIA) and the American Recovery and Reinvestment Act (ARRA). The reports strongly suggest that these federal funds were not used for their intended purpose. Further, the *El Nuevo Día* report suggests that *El Vocero* may also be delinquent in paying appropriate payroll taxes for its employees.

As you are aware, WIA and ARRA funds are designed primarily to stimulate the economy and enhance job creation and retention. These are particularly crucial funds for Puerto Rico as it is experiencing a tremendous economic crisis. Currently in Puerto Rico, labor force participation is below 40 percent and unemployment is greater than 16 percent. Misuse of government funds should be treated with the utmost gravity at any time, but the abuse of job training and creation funds at this critical moment is particularly troubling.

In addition, I believe the Department of Justice should be aware that *El Vocero* regularly promotes the policies and political campaigns of the current ruling party in Puerto Rico. *El Vocero* also recently began distributing the newspaper for free, immediately prior to the upcoming election. Given these facts, I believe an investigation into whether the government improperly converted government funds into campaign funds by funneling taxpayer dollars to a partisan, pro-government publication would be appropriate.

While the leaders of the Puerto Rican government have the right to fund any political or partisan publications that promote their candidacies, it is not appropriate to fund those publication with taxpayer dollars. It is certainly not appropriate to try to cloak the funding as payments to closely related businesses.

I believe many Puerto Ricans are very troubled by these serious allegations. I know you consider misuse of public funds, or failure to meet federal tax obligations, to be potentially serious offenses. I am particularly troubled that an outlet that purports to provide unbiased news to the Puerto Rican people appears to be funded by the government. A free and fair press is fundamental to our democracy. Thomas Jefferson wrote that "no government ought to be without censors, and where the press is free, no one ever will." I am concerned that a newspaper

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in Puerto Rico is acting not as a censor of the government, but as a sponsor of the government – and that they may be doing so with money intended to create jobs for the Puerto Rican people.

Congress reconvenes on Nov. 13 and I would welcome a briefing regarding this situation at that time. Thank you very much for your attention to this important matter, and please contact me or my Deputy Chief of Staff Enrique Fernandez if you have any questions.

Signed,

Scofield 220

13-7135_0121

EXHIBIT 27

Joseph E. Sandler

From: [REDACTED]@scotfieldcompany.com
Sent: Friday, October 04, 2013 2:09 PM
To: Joseph E. Sandler
Subject: FW: RE: DOJ and DOL letters

-----Original Message-----

From: [REDACTED]@scotfieldcompany.com
Sent: Friday, October 19, 2012 10:45am
To: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
Cc: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>, [REDACTED]@yahoo.com" <[REDACTED]@yahoo.com>, "Fernandez, Enrique" <[REDACTED]@mail.house.gov>
Subject: RE: DOJ and DOL letters

I'm looking at this now and will send over an updated draft in just a bit.

-----Original Message-----

From: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
Sent: Thursday, October 18, 2012 5:20pm
To: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>, [REDACTED]@yahoo.com" <[REDACTED]@yahoo.com>
Cc: "[REDACTED]@scotfieldcompany.com" <[REDACTED]@scotfieldcompany.com>, "Fernandez, Enrique" <[REDACTED]@mail.house.gov>
Subject: RE: DOJ and DOL letters

Sorry, this is the correct attachment and is the same as the letter I pasted...

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

[REDACTED]@mail.house.gov<mailto:[REDACTED]@mail.house.gov> // <http://twitter.com/douglasrivlin>
phone: (202) 225-[REDACTED] // fax: (202) 225-7810
Follow Congressman Gutierrez<<http://www.gutierrez.house.gov/>> on Twitter<<http://www.twitter.com/luisgutierrez>>,
Facebook<<http://www.facebook.com/RepGutierrez>>, and YouTube<<http://www.youtube.com/RepLuisGutierrez>>.

From: Rivlin, Douglas
Sent: Thursday, October 18, 2012 5:14 PM
To: [REDACTED]@yahoo.com'
Cc: [REDACTED]@scotfieldcompany.com'; Fernandez, Enrique; Rivlin, Douglas
Subject: DOJ and DOL letters

I drafted one letter that can be sent separately to the Secretary of Labor and the Attorney General calling for an investigation into what El Nuevo Dia uncovered.

It is pasted below and attached.

Please give me your feedback.

It is too late to get this out today, but we can send tomorrow. We can also discuss who should get copies.

Douglas G. Rivlin
Director of Communication

Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> // <http://twitter.com/douglasrivlin>
phone: (202) 225-██████ // fax: (202) 225-7810 .
Follow Congressman Gutierrez<<http://www.gutierrez.house.gov/>> on Twitter<<http://www.twitter.com/luisgutierrez>>,
Facebook<<http://www.facebook.com/RepGutierrez>>, and YouTube<<http://www.youtube.com/RepLuisGutierrez>>.

Dear Secretary of Labor/Dear Attorney General:

It has come to light that the Government of Puerto Rico has been funneling money, including federal funds intended for job creation and retention, to a pro-government newspaper over a number of years. I feel certain that ethical and moral standards have been violated, and suspect that there has been substantial and ongoing misuse of federal funds and perhaps other criminal violations. This is deeply troubling because it undermines the credibility of our democracy, freedom of the press, and the basic standards of government transparency and honesty, which unfortunately fits a broader pattern with the current Puerto Rico government regime of limiting transparency and exercising government power behind closed doors.

I am calling on the Department of Labor and the Justice Department to investigate this matter thoroughly.

According to an extensive investigation by Puerto Rico's leading newspaper, El Nuevo Día, the newspaper El Vocero, and an extensive group of related corporations received \$24.9 million over more than ten years. This intensified since 2009 when these related corporations were created in an apparent scheme to legitimize the receipt of government funds. Since that time, according to the reports, these corporations received more than \$17.6 million in Puerto Rico government and federal funds. It is alleged that some of the federal programs been defrauded include WIA (the Workforce Investment Act) and ARRA (the American Recovery and Reinvestment Act) funds.

Tragically, this has happened during one of Puerto Rico's worst economic periods, when the labor force participation rate is below 40% and unemployment is more that 16%. Congress and the Obama Administration designated resources for job creation, retention and re-training to assist the extremely hard-pressed Puerto Rican workers, but it appears to have been used for political purposes.

This is neither the Soviet Union nor Assad's Syria, so I expect Puerto Rican and American taxpayers are shocked that their dollars fund pro-government news media in Puerto Rico. But the information uncovered by El Nuevo Día demands the federal government review how funds were used, whether the Government of Puerto Rico was honest, and whether any criminal laws were violated or ethical lines were crossed.

Congress reconvenes on Nov. 13 and I would welcome a personal briefing soon thereafter from your staff as to whether an investigation is forthcoming and how quickly it may proceed. Please contact me or my Deputy Chief of Staff Enrique Fernandez if you have any questions or to schedule a briefing.

Signed,

EXHIBIT 28

Joseph E. Sandler

From: [REDACTED]@scofieldcompany.com
Sent: Friday, October 04, 2013 2:13 PM
To: Joseph E. Sandler
Subject: FW: RE: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

-----Original Message-----

From: [REDACTED]@scofieldcompany.com
Sent: Wednesday, October 10, 2012 4:14pm
To: "Fernandez, Enrique" <[REDACTED]@mail.house.gov>
Cc: "Luis V. Gutierrez" <[REDACTED]@yahoo.com>, "Fuentes, Jennice" <[REDACTED]@mail.house.gov>, "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
Subject: RE: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

It makes sense to me to wait. We're a month away from having a clear idea of how to deal with it. Should probably hit them on the conflict of interest at some point, though.

-----Original Message-----

From: "Fernandez, Enrique" <[REDACTED]@mail.house.gov>
Sent: Wednesday, October 10, 2012 3:50pm
To: "Luis V. Gutierrez" <[REDACTED]@yahoo.com>, "[REDACTED]@scofieldcompany.com" <[REDACTED]@scofieldcompany.com>
Cc: "Fuentes, Jennice" <[REDACTED]@mail.house.gov>, "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
Subject: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

Congressman, Doug:

Attached, please find the "latest interim response" from the Secretary of the Army.

I do not think we should respond at this time.

The Corps is allowing the Regime to submit additional information until November 2, and based on the additional information, decide how to proceed. Whatever the decision, it will be rendered after the elections.

In addition, it is clear they do not want to really investigate the Jacksonville district's conflict of interest with BCPeabody...

Thank you,

Enrique

-----Original Message-----

From: Harris, George JR CIV USARMY HQDA OCLL (US) [REDACTED]@mail.mil
Sent: Wednesday, October 10, 2012 1:22 PM
To: Fernandez, Enrique
Subject: Via Verde natural gas pipeline project (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Enrique,

Attached is the latest interim response. We should have the final next month.

R,
george

Classification: UNCLASSIFIED
Caveats: NONE

EXHIBIT 29

William O. Lipinski
3rd District, Illinois

COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE
PARANOID BENTONIC MEMBER
SUBCOMMITTEE ON HIGHWAYS AND TRAINS
SUBCOMMITTEE ON AIRWAYS
SUBCOMMITTEE ON RAILROADS

Congress of the United States

House of Representatives

Washington, DC 20515
March 31, 2004

The Honorable James T. Walsh
Chairman
Appropriations Subcommittee on VA, HUD and Independent Agencies
H-143 Capitol
Washington, DC 20515

Dear Chairman Walsh:

We are writing to express our strong support for an earmark in the HUD-Economic Development Initiative (EDI) for FY 2005 VA, HUD and Independent Agencies Appropriations Bill in the amount of \$2 million. The funds would be used to benefit an exemplary non-profit agency that works every day to meet the needs of hungry people throughout the Congressional Districts we serve.

Specifically, these funds would be used to assist in the construction of a new facility for the operations and programs of the Greater Chicago Food Depository. The Greater Chicago Food Depository is building a new model food bank and training facility to serve hungry individuals and families in Cook County.

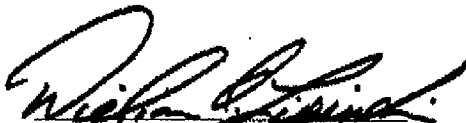
The Greater Chicago Food Depository is Chicago's food bank. The Food Depository's mission is "providing food to hungry people while striving to end hunger in our community." Since it was founded in 1979, the Food Depository has grown rapidly and dramatically to meet the very real needs of our communities. Today, the Food Depository distributes more than 42 million pounds of food per year and serves 309,655 unduplicated clients annually through its network of 600 member pantries, soup kitchens and shelters in Cook County. The Food Depository has member agencies in every one of the districts we represent. Many of the pantries, soup kitchens and shelters in our communities simply would not be able to meet the demands of hungry people were it not for the exemplary work of the Food Depository.

The expanded facility will enable the Food Depository to distribute as much as 80 million pounds of food annually to a network of more than 600 organizations. This project comes at a critical time – the number of individuals and families seeking emergency and supplemental food has risen dramatically during the last three years. The Food Depository provides food for more than 300,000 people annually – more than one-third of whom are children under the age of 18. The new facility will add additional capabilities, including onsite shopping and a training facility for our member agencies.

You can be assured that the funds would be spent efficiently and effectively. In 2002, the Greater Chicago Food Depository was honored with the first Alford-Axelson Award for Nonprofit Managerial Excellence. In 2003, Executive Director Michael P. Mulqueen was named one of the nation's "best bosses" by *Fortune Small Business* and *Winning Workplaces*. Over the years, the Food Depository's work has been recognized through such awards as the Sara Lee Corporation's first Chicago Spirit Award, the Chicago Community Trust's James Brown IV Award of Excellence for Outstanding Community Service, and America's Second Harvest Award for Foodbanking Excellence. In addition, the Food Depository has worked to provide as much of the funding as possible for the much-needed new facility. The appropriation requested represents less than 10 percent of the total funding required.

By appropriating these funds, you will help the Food Depository to reach a simple, but vital, goal. You will help to assure that the Food Depository will be able to deliver more food to hungry people. We strongly support this effort and appreciate your consideration of this request.

Sincerely,



WILLIAM O. LIPINSKI



LUIS GUTIERREZ

RAHM EMANUEL

BOBBY RUSH

DANNY K. DAVIS

EXHIBIT 30

LUIS V. GUTIERREZ
MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS
2766 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6203
(202) 225-7610 Fax

DISTRICT OFFICE
2221 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 342-0774
(773) 342-0776 Fax

Congress of the United States
House of Representatives
Washington, DC 20515-1504

COMMITTEES:
FINANCIAL SERVICES
SUBCOMMITTEES:
FINANCIAL INSTITUTIONS AND
CONSUMER CREDIT
CHAIRMAN
HOUSING AND COMMUNITY OPPORTUNITY
INTERNATIONAL MONETARY POLICY
AND TRADE
JUDICIARY
SUBCOMMITTEE:
IMMIGRATION, CITIZENSHIP, REFUGEES,
BORDER SECURITY, AND INTERNATIONAL LAW

March 22, 2010

The Honorable Rosa DeLauro, Chair
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
House Appropriations Committee
2362-A Rayburn House Office Building
Washington, DC 20515

The Honorable Jack Kingston, Ranking Member
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
House Appropriations Committee
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman DeLauro and Ranking Member Kingston:

As you work on the FY 2011 Agriculture Appropriations bill, I ask your support for the following programs of critical importance to the 4th District of Illinois. I have listed them in order of priority.

Project Requests:

1. Urban Horticulture and Marketing Initiative, Chicago Botanical Gardens -- \$620,000

AG: National Institute of Food and Agriculture, Extension AG141

The project is a broadly supported and well-leveraged initiative to use horticulture and gardening as a tool for education, community development, employment, rehabilitation and employment of ex-offenders, and the provision of healthy vegetables to at risk populations in locations that too often lack access to such foods. The project develops and implements a horticulture-based job training model that produces and markets crops and provides employment and training to under- and unemployed workers consistent with industry-benchmarked standards.

Program Requests:

1. Commodity Supplemental Food Program	\$176.788 million
2. Human Slaughter - HMSA	\$2 million
3. Animal Welfare	\$22.33 million
4. Horse Protection Act	\$900,000
5. Investigative & Enforcement Services	\$14.213 million
6. Animal Fighting Enforcement	\$90 million
7. Veterinary Student Loan Forgiveness	\$5 million
8. Emergency Management Systems/Disaster Planning and Response for Animals	\$1.017 million

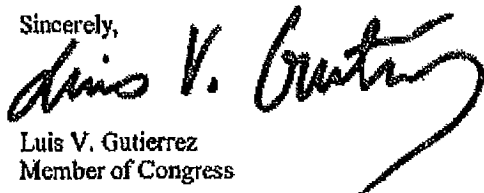
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13-7135_0132

I appreciate your consideration of my requests. Should you need any additional information,
please contact Virginia Zigras on my staff at x [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "Luis V. Gutierrez". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Luis V. Gutierrez
Member of Congress

LVG_OCE_103

13-7135_0133

EXHIBIT 31

IBS PST

From: Fuentes, Jennice
Sent: Tuesday, July 20, 2004 5:27 PM
To: 'Doug Scofield'
Subject: RE: Banc One, Barbara Stewart letter

by the way, is it kosher for us to send this kind of letter? ...i assume that it is...did you ever do it when you were here?

Jennice Fuentes

Chief of Staff

Congressman Luis V. Gutierrez

2367 Rayburn HOB

Washington, D.C. 20515

Tel. (202) 225-8203

Fax (202) 225-7810

email: jennice.fuentes@mail.house.gov

-----Original Message-----

From: Doug Scofield [REDACTED]@scocomm.com]
Sent: Tuesday, July 20, 2004 4:16 PM
To: Fuentes, Jennice
Subject: Banc One, Barbara Stewart letter

Jennice,

Here is the draft letter to JP Morgan-Chase. Let me know how it looks. What do you think is the timing for any decision regarding the appropriation? Thanks, as always.

Also, Food Depository success will help me to clear my mind and find a wealthy and handsome husband for you.

EXHIBIT 32

Rivlin, Douglas

From: [REDACTED]@scotfieldcompany.com
Sent: Tuesday, June 04, 2013 2:19 PM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: USA Today

I trust your judgement, though I think there are a couple of points worth emphasizing. We've said "repeatedly approved contract" enough? Really, whatever you think, but we should consider next steps.

Is it worth saying to the reporter, "While Congressman Gutierrez has followed the guidelines of a contract repeatedly approved by the House of Representatives, we will sit down again with House Administration to make sure we are doing everything in an absolutely appropriate manner." Is that helpful? I really think we need -- maybe not to USA Today but to the next reporter -- to be able to say, "we want to do this absolutely right and have asked House Administration -- though they have approved the contract many times -- to review it again."

-----Original Message-----

From: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
Sent: Tuesday, June 4, 2013 1:49pm
To: "[REDACTED]@scotfieldcompany.com" <[REDACTED]@scotfieldcompany.com>
Cc: "Collins, Susan" <[REDACTED]@mail.house.gov>
Subject: RE: USA Today

I think further contact with the reporter may be counter-productive, but I am happy to call him. I have not shown this or your response to LVG. But I should.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

[REDACTED]@mail.house.gov // <http://twitter.com/douglasrivlin>
phone: (202) 225-[REDACTED] // fax: (202) 225-7810 Follow Congressman Gutierrez on Twitter, Facebook, and YouTube.

-----Original Message-----

From: [REDACTED]@scotfieldcompany.com [REDACTED]@scotfieldcompany.com]
Sent: Tuesday, June 04, 2013 1:26 PM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: USA Today

Well, I never lobbied for the Chicago Botanical Garden and I don't know anything about an earmark for them and had nothing to do with it. They were briefly a pr client. I never personally did any work for them at all -- it would have been other staff members of the company, and it wouldn't have had anything to do with Luis. I had no contact, ever, with anyone on the Congressional staff, or Luis, about the Botanical Garden. The public citizen quote that my clients are getting earmarks just isn't accurate. We should probably also note that I do not appear in the district on lvg's behalf. I can't recall ever doing that since I left.

On the food depository, I would re-emphasize that I simply did not talk to Luis about money.

A member of Congress supporting an appropriation for a food bank that feeds hungry people in his district is both routine and admirable, and in this case not caused or initiated by me -- it was led by Lipinski and Durbin. I think it's worth noting again that I have never been a federal lobbyist, and that I lobby at the state level. Almost exclusively for non-profits.

As far as the Sunlight quote -- though I know we can't change it -- I'm not being paid for political work and he hasn't even really made the case that I'm involved in political work.

He's made the case that I've done too much official work. That's very different and an important distinction. The Congressman can also hire an outside vendor to produce franked mail, and I believe that also has to go through House admin for approval. Certainly the piece itself goes through franking approval.

The case they can make is that I do government work outside the scope of the contract, though if you read the contract it really is quite broad. We are following the language of a repeatedly approved House contract, and the worst that can be said is that I might occasionally do more government, official work than is specifically authorized.

Here's what to think about moving forward -- I presume we need to do a different contract or change my role. I don't think we want to say "you're right, we are wrong," but at some point, quickly, maybe for whatever follow-up we get once the story runs, we want to be able to say, "While we believe the office and Doug Scofield appropriately followed the language of a contract that was repeatedly approved by the House, Congressman Gutierrez never wants to allow even the appearance of any conflict, so we have done x." I don't know what x is, and I would like to stay involved, but I think we have to make sure we are unassailable on whatever we do moving forward. I want to do it right, and you do to. I think the reporter is way over the top, but let's do whatever is necessary, and we should do it quickly. House admin might kill, or revise the contract anyway, so let's be out in front of it. I presume lvg agrees, but maybe we should all get on the phone.

Another option would be to send House admin a list of the things I do now, ask them to weigh in on whether anything that should be changed, and just make the changes they recommend. In any case, we should be proactive about being above reproach. We want to make a change before somebody tells us we have to do it. Just let me know what is the best way to do that.

-----Original Message-----

From: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>
Sent: Tuesday, June 4, 2013 12:48pm
To: "Douglas Scofield ([REDACTED]@scofieldcompany.com)" <[REDACTED]@scofieldcompany.com>, "Collins, Susan" <[REDACTED]@mail.house.gov>
Subject: USA Today

More from the reporter. He has quotes from two "Good Gov't." types, including Kathy Kiely of the Sunlight Foundation (a former USA Today reporter).

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

[REDACTED]@mail.house.gov<mailto:[REDACTED]@mail.house.gov> // <http://twitter.com/douglasrivlin>
phone: (202) 225-[REDACTED] // fax: (202) 225-7810 Follow Congressman Gutierrez<<http://www.gutierrez.house.gov/>> on Twitter<<http://www.twitter.com/luisgutierrez>>, Facebook<<http://www.facebook.com/RepGutierrez>>, and YouTube<<http://www.youtube.com/RepLuisGutierrez>>.

From: Singer, Paul [redacted]@usatoday.com]
Sent: Tuesday, June 04, 2013 12:31 PM
To: Rivlin, Douglas
Subject: RE: Scofield Company Contract

Doug - thanks for this.

I have to say - I have never seen anything like this. Scofield is functioning in nearly any non-legislative capacity you need, including appearing at "non-legislative" meetings on the Congressman's behalf and participating in media strategy and communications. He is functioning basically as a staff member ... yet without any of the conflict of interest requirements that would apply to a staff member. In fact, I think he ends up being one of the top 5 paid people in the office (I haven't run these numbers, but will), and the scope of his activities extends to "other relevant and appropriate areas..." which is essentially limited only to being non-legislative.

And his non-legislative work also includes production of franked mail touting the Congressman's legislative agenda.

How is this not the equivalent of being a staff member?

As you said, House Admin says they have reviewed the contract, (though they don't seem to have noticed that it refers to two different entities - Scofield Company and Scofield Communications. I presume this is simply a result of printing out the old contract on new letterhead.)

Kathy Kiely of Sunlight Foundation describes the relationship this way: "Are taxpayers paying the congressman's political consultant?... "It looks like classic Chicago cronyism," Kiely said. "It's really tantamount to a political patronage job."

And while I understand your point that Lipinski may have been the lead on the food bank, it does not change the fact that Scofield was working for the Congressman and the food bank when the Congressman appeared at a food bank event. One could imagine - though we can't prove and thus can't write - that Scofield had a hand in both the Congressman's statement at the food bank and the food bank's press release thanking the Congressman. And there is also the Botanical Garden which was listed on the website as a Scofield client when Gutierrez requested an earmark ... and who knows what else that I have not yet found.

Leading to this from Lisa Gilbert at Public Citizen: "While not technically illegal, it is at the very least unsavory for a former staffer to be simultaneously on the payroll of a Member and representing clients in his district who are requesting and gaining earmarks from the Congressman. The conflict of interest is apparent."

From: Rivlin, Douglas [mailto:redacted@mail.house.gov]
Sent: Tuesday, June 04, 2013 11:42 AM
To: Singer, Paul
Subject: Scofield Company Contract

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

██████████@mail.house.gov<mailto:██████████@mail.house.gov> //
http://twitter.com/douglasrivlin
phone: (202) 225-██████████ // fax: (202) 225-7810 Follow Congressman
Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>,
Facebook<http://www.facebook.com/RepGutierrez>, and
YouTube<http://www.youtube.com/RepLuisGutierrez>.

EXHIBIT 33

Rivlin, Douglas

From: [REDACTED]@scofieldcompany.com
Sent: Tuesday, June 04, 2013 10:04 AM
To: Collins, Susan
Cc: Rivlin, Douglas
Subject: RE: Food Bank

I agree with Susan. I might heighten the language about this being routine support for a good cause and good project, that the Congressman supported the project and didn't need any convincing to support it.

Do we need to tell them it's in a list of other projects supported but not taken the lead on? I think that's fine if you think more disclosure with this guy is helpful, but it might just give him an excuse to heighten lvg's involvement in the money, and to be honest, I really don't think he had much to do with it.

I also think the sentence about me not telling my client I secured them 500k, while true, just emphasizes my state lobbying, which we don't want to do. I would keep my role simple, and I think we can be more emphatic -- lvg and Doug Scofield did not have any discussions about funding for the food depository.

I strongly believe that is accurate. I think what I did was talk to him about visiting. I really don't remember much of anything about the money, and I think lvg's role was incidental. Didn't hurt, I'm sure, but the food Depository has always been close to Durbin, and my guess is that the Senator is probably really the one who made it happen.

-----Original Message-----

From: "Collins, Susan" <[REDACTED]@mail.house.gov>
Sent: Tuesday, June 4, 2013 9:18am
To: "Rivlin, Douglas" <[REDACTED]@mail.house.gov>, "Douglas Scofield ([REDACTED]@scofieldcompany.com)" <[REDACTED]@scofieldcompany.com>
Subject: RE: Food Bank

I am inclined to re-word the last phrase (it is a fine line between taking lots of credit years back and now trying to distance ourselves from such credit)

even if the Member's support was expressed through another Member's leadership via a sign-on letter.

Susan Collins
Congressman Luis V Gutierrez
202-225-[REDACTED]

From: Rivlin, Douglas
Sent: Tuesday, June 04, 2013 8:59 AM
To: Douglas Scofield ([REDACTED]@scofieldcompany.com); Collins, Susan
Subject: Food Bank

This is what I plan to send the reporter, unless you have edits.

Looking at our records, it appears that the money the Greater Chicago Food Depository received through the 2005 Omnibus Approps bill was actually something Rep. William Lipinski asked for (and probably Sen. Dick Durbin as well, who served on the conference committee for that bill).

Rep. Gutierrez signed onto a letter (along with Lipinski, Rush, Davis, and Emanuel, all the Chicago Dems at the time, it appears). The letter, on Lipinski letterhead, is attached (this is the letter as it was when our office signed on and we assume the other signatures were gathered but William Lipinski is no longer in office, so we could not confirm that).

In an undated internal Gutierrez memo labeled "2005 Appropriations: Member Project Requests" from that time, a staff member listed out the appropriations requests we made that year that made it into the final Approps bill. They include eight different projects in five Approps categories and then lists two "Projects we Supported, But Did Not Take The Lead On" which lists Lipinski's VA-HUD project to secure funding for the Greater Chicago Food Depository.

In talking to the Congressman and Doug Scofield about this, neither of them have any memory of having discussed an Approps matter for the Food Depository, nor does Scofield remember doing any lobbying for this matter (he is not a federal lobbyist), which includes having no memory of telling his client he successfully secured a block of federal money (something he would logically take credit for if he had in fact done anything to help get it).

This leads me to strongly believe that it is extraordinarily unlikely that Doug Scofield and the Congressman ever spoke about the proposed appropriation for the Greater Chicago Food Depository or that Scofield lobbied the Congressman (or anyone else) about the Approps request.

Members of Congress regularly sign on to letters and community groups regularly are generous in their praise for a Member speaking at a Hunger Awareness Day event they sponsor some time later, even if the credit is more appropriately directed at Lipinski.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

[\[REDACTED\]@mail.house.gov](mailto: [REDACTED]@mail.house.gov) <mailto: [REDACTED]@mail.house.gov> // <http://twitter.com/douglasrivlin>
phone: (202) 225- [REDACTED] // fax: (202) 225-7810 Follow Congressman Gutierrez <<http://www.gutierrez.house.gov/>> on Twitter <<http://www.twitter.com/luisgutierrez>>, Facebook <<http://www.facebook.com/RepGutierrez>>, and YouTube <<http://www.youtube.com/RepLuisGutierrez>>.

EXHIBIT 34

LUIS V. GUTIERREZ

MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS

2408 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203

DISTRICT OFFICES:

3210 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 342-0774

5531 WEST CERMAK ROAD
CICERO, IL 60804
(708) 652-5180

Congress of the United States
House of Representatives
Washington, DC 20515-1304

COMMITTEES:

JUDICIARY

SUBCOMMITTEES:
IMMIGRATION AND BORDER SECURITY
CRIME, TERRORISM, HOMELAND SECURITY,
AND INVESTIGATIONS

PERMANENT SELECT COMMITTEE ON
INTELLIGENCE

SUBCOMMITTEE:
TERRORISM, HUMINT, ANALYSIS AND COUNTERINTELLIGENCE

June 4, 2013

Mr. Jamie Fleet
Democratic Staff Director
Committee on House Administration

Dear Mr. Fleet:

In reference to our conversation today about the contract for Scofield Company, thank you for your willingness to review the contract to ensure that it complies with House rules. I understand that you, on our office's behalf, will reach out to the appropriate Majority staff with whom we can both meet to review any needed changes to the contract. I appreciate your willingness to try to find a time to meet this week, if possible.

While the contract was initially reviewed and approved by House Administration and Finance in 2003 and renewed each Congress since, it has come to our attention that questions have been raised about the contract with Scofield Company. With the assistance of the Committee, we want to make sure that we are in full compliance -- both in fact and in appearance -- with the spirit and the letter of House rules. The Congressman feels strongly that we do not do anything that even appears to be questionable.

Once again, thank you for your help in this matter.

Sincerely,



Susan Collins
Chief of Staff

LVG_OCE_108

EXHIBIT 35

LUIS V. GUTIERREZ

MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS

2408 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203

DISTRICT OFFICES:

3210 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 342-0774

5531 WEST CERMAK ROAD
CICERO, IL 60804
(708) 652-6180

Congress of the United States
House of Representatives
Washington, DC 20515-1304

COMMITTEES:

JUDICIARY

SUBCOMMITTEES:
IMMIGRATION AND BORDER SECURITY
CRIME, TERRORISM, HOMELAND SECURITY,
AND INVESTIGATIONS

PERMANENT SELECT COMMITTEE ON
INTELLIGENCE

SUBCOMMITTEE:
TERRORISM, HUMINT, ANALYSIS AND COUNTERINTELLIGENCE

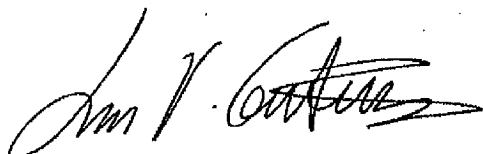
June 13, 2013

Mr. Doug Scofield
Scofield Communications
234 Home Ave.
Oak Park, IL 60302

Dear Mr. Scofield,

As per our conversation, I am cancelling our contract for non-legislative services with Scofield Communications, LLC, effective today, June 13, 2013. Thank you for your assistance in helping me to better serve my constituents of the 4th district.

Sincerely,



Luis V. Gutierrez
Member of Congress

LVG_OCE_109

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13-7135_0147