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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 17-5018

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on May 5, 2017, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter the “Committee”).

SUBJECT: Michael Collins

NATURE OF THE ALLEGED VIOLATION: From March 2015 until January 2017, Mr. Michael Collins, the Chief of Staff to Rep. John Lewis, served as Treasurer for the John Lewis for Congress campaign committee (the “campaign committee”). Mr. Collins received consulting fees from the campaign committee for work that may have involved fiduciary duties. Through his employment at the House of Representatives, Mr. Collins receives a salary that qualifies him as senior staff. If Mr. Collins received compensation for providing services to the campaign committee that involved a fiduciary relationship or served for compensation as an officer of the campaign committee, then he may have violated House rules and federal law.

In calendar year 2015, the campaign committee paid Mr. Collins \$27,550.00. In calendar year 2015, the outside earned income limit for senior staff was \$27,225.00. If Mr. Collins received more than \$27,255.00 in income from the campaign committee in 2015, then he may have violated House rules and federal law.

RECOMMENDATION: The Board recommends that the Committee further review the allegation that Mr. Collins improperly received compensation for his work for the campaign committee, as the Board finds that there is substantial reason to believe that Mr. Collins received compensation for practicing a profession that involved a fiduciary relationship with the campaign committee and for serving as an officer to the campaign committee.

The Board recommends that the Committee further review the allegation that Mr. Collins received compensation in 2015 that exceeded the outside earned income limitation for senior staff, as the Board finds that there is substantial reason to believe that Mr. Collins received more than \$27,255.00 in compensation from the campaign committee in 2015.

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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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 17-5018

On May 5, 2017, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*). The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. From March 2015 until January 2017, Mr. Michael Collins, the Chief of Staff to Rep. John Lewis, served as Treasurer for the John Lewis for Congress campaign committee (the “campaign committee”). Mr. Collins received consulting fees from the campaign committee for work that may have involved fiduciary duties. Through his employment at the House of Representatives, Mr. Collins receives a salary that qualifies him as senior staff. If Mr. Collins received compensation for providing services to the campaign committee that involved a fiduciary relationship or served for compensation as an officer of the campaign committee, then he may have violated House rules and federal law.
2. In calendar year 2015, the campaign committee paid Mr. Collins \$27,550.00. In calendar year 2015, the outside earned income limit for senior staff was \$27,225.00. If Mr. Collins received more than \$27,255.00 in income from the campaign committee in 2015, then he may have violated House rules and federal law.
3. The Board recommends that the Committee on Ethics further review the allegation that Mr. Collins improperly received compensation for his work for the campaign committee, as the Board finds that there is substantial reason to believe that Mr. Collins received compensation for practicing a profession that involved a fiduciary relationship with the campaign committee and for serving as an officer to the campaign committee.
4. The Board recommends that the Committee on Ethics further review the allegation that Mr. Collins received compensation in 2015 that exceeded the outside earned income limitation for senior staff, as the Board finds that there is substantial reason to believe that Mr. Collins received more than \$27,255.00 in compensation from the campaign committee in 2015.

B. Jurisdiction Statement

5. The allegations that were the subject of this review concern Mr. Michael Collins, an employee of the United States House of Representatives. The Resolution the United

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States House of Representatives adopted creating the Office of Congressional Ethics (hereafter “OCE”) directs that, “[n]o review shall be undertaken... by the board of any alleged violation that occurred before the date of adoption of this resolution.”¹ The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

6. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on February 3, 2017. The preliminary review commenced on February 4, 2017.²
7. On February 6, 2017, the OCE notified Mr. Collins of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.³
8. At least three members of the Board voted to initiate a second-phase review in this matter on March 3, 2017. The second-phase review commenced on March 6, 2017.⁴ The second-phase review was scheduled to end on April 19, 2017.
9. On March 6, 2017, the OCE notified Mr. Collins of the initiation of the second-phase review in this matter, and again notified him of his right to be represented by counsel in this matter, and that invoking that right would not be held negatively against him.⁵
10. The second-phase review ended on April 19, 2017.
11. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on May 5, 2017.
12. The report and its findings in this matter were transmitted to the Committee on Ethics on May 11, 2017.

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

² A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is received by the OCE on a date certain. According to H. Res. 895 of the 110th Congress (as amended) (hereafter “the Resolution”), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

³ Letter from Omar S. Ashmawy, Chief Counsel and Staff Director, Office of Congressional Ethics, to Mr. Michael Collins, February 6, 2017.

⁴ According to the Resolution, the Board must vote (as opposed to make a written authorization) on whether to conduct a second-phase review in a matter before the expiration of the 30-day preliminary review. If the Board votes for a second-phase, the second-phase commences the day after the preliminary review ends.

⁵ Letter from Omar S. Ashmawy, Chief Counsel and Staff Director, Office of Congressional Ethics, to Mr. Michael Collins, March 6, 2017.

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D. Summary of Investigative Activity

13. The OCE requested documentary and in some cases testimonial information from the following sources:

- (1) Mr. Michael Collins;
- (2) John Lewis for Congress;
- (3) Former Treasurer; and
- (4) Fiorello Consulting.

II. MR. COLLINS MAY HAVE RECEIVED COMPENSATION FOR PROVIDING FIDUCIARY SERVICES TO AND FOR SERVING AS AN OFFICER OF THE CAMPAIGN COMMITTEE AND MAY HAVE VIOLATED THE OUTSIDE EARNED INCOME LIMITATION FOR SENIOR STAFF

A. Applicable Law, Rules, and Standards of Conduct

14. The Ethics in Government Act of 1978

“[A] Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.”⁶

“A Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule shall not—

(3) receive compensation for practicing a profession which involves a fiduciary relationship;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity”⁷

⁶ 5 U.S.C. app. 4 § 501(a)(1).

⁷ 5 U.S.C. app. 4 § 502(a).

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15. House Rules

House Rule 25, Clause 1(a) states, “a Member, Delegate, Resident Commissioner, officer, or employee of the House may not—

- (1) have outside earned income attributable to a calendar year that exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of that calendar year. . . .”*

House Rule 25, Clause 2 states, “A Member, Delegate, Resident Commissioner, officer, or employee of the House may not—

- (c) receive compensation for practicing a profession that involves a fiduciary relationship except the practice of medicine;*
- (d) serve for compensation as an officer or member of the board of an association, corporation, or other entity. . . .”*

16. House Ethics Manual and House Ethics Committee Guidance

According to the House Ethics Manual, “[t]he ban on accepting compensation for serving as an officer or board member applies to all entities, including nonprofit and campaign organizations, and government entities.”⁸

The House Ethics Manual provides as an example, “[a] staff person whose pay is above the senior staff rate works on a Member’s campaign on her own time and outside of congressional space. The staff person may be paid for her campaign work, subject to the outside earned income cap, as long as she is not paid as the campaign’s treasurer or any other officer for the campaign.”⁹

The House Ethics Manual further explains, “a senior staff person is not prohibited from accepting compensation for political consulting services that he or she provides to either a candidate (including one’s employing Member), a political party, or a Member’s leadership PAC.”¹⁰ “[I]n order to be permissible, the political consulting services for which the senior staff person is compensated may not be in a professional field such as law or accounting, and the other limitations on outside earned income and employment set forth in this chapter must be observed.”¹¹

The House Ethics Manual states that the term “fiduciary” generally denotes, “an obligation to act in another person’s best interests or for that person’s benefit, or a

⁸ House Ethics Manual (2008) at 222.

⁹ *Id.* at 223.

¹⁰ *Id.* at 218.

¹¹ *Id.*

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relationship of trust in which one relies on the integrity, fidelity, and judgment of another."¹²

B. Mr. Collins May Have Received Compensation for Practicing a Profession that Involves a Fiduciary Relationship and for Serving as an Officer of a Campaign Committee

17. Michael Collins has served as Chief of Staff to Representative John Lewis since approximately 1999.¹³ In addition to his duties as Chief of Staff, Mr. Collins is also responsible for supporting Rep. Lewis's work as the Democratic Chief Deputy Whip.¹⁴
18. For his work as Chief of Staff and his responsibilities related to the Democratic Chief Deputy Whip, Mr. Collins received a salary from the House of Representative of \$167,500.08 in both 2015 and 2016.¹⁵
19. The salary threshold to be considered senior staff of the House of Representatives was \$121,956.00 in 2015 and \$123,175.00 in 2016, and thus Mr. Collins's salary qualified him as senior staff.¹⁶ As of the date of this report, the Chief Administrative Officer had not published the statement of disbursements for the first quarter of 2017, although the OCE Board found that Mr. Collins likely would continue to receive a salary for his congressional work that met the senior staff threshold for early 2017.
20. As described above, House rules and federal law prohibit senior staff from receiving compensation for practicing a profession that involves a fiduciary relationship, and from receiving compensation for serving as an officer for a campaign committee.

¹² *Id.* at 215.

¹³ Report of the Committee on Ethics, *In the Matter of Allegations Relating to Michael Collins*, 112th Cong., 1st Sess. (2011) at 3; Memorandum of Interview of Michael Collins, March 9, 2011 ("Collins MOI"), OCE Review No. 11-4518 (Exhibit 1 at 17-5018_0002). The Collins MOI was included as Exhibit 2 in the Findings of Fact for a prior OCE investigation regarding Mr. Collins. Referral, Review No. 11-4518, *In the Matter of Michael Collins*, Off. of Cong. Ethics, Apr. 29, 2011.

¹⁴ Collins MOI (Exhibit 1 at 17-5018_0002).

¹⁵ House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, Oct. 1- Dec. 31, 2016, at 13, 1149; House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, July 1- Sept. 30, 2016, at 14, 1186; House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, April 1- June 30, 2016, at 14, 1306; House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, Jan. 1 – March 31, 2016, at 18, 20, 1361, 1364; House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, Oct. 1- Dec. 31, 2015, at 15, 1206; House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, July 1- Sept. 30, 2015, at 12, 1174; House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, April 1- June 30, 2015, at 13, 1229; House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, Jan. 1 – March 31, 2015, at 17, 19, 1353, 1356.

¹⁶ House Committee on Ethics, *The 2015 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees* (Jan. 21, 2015) at 3, available at <https://ethics.house.gov/sites/ethics.house.gov/files/PinkSheet.pdf>; House Committee on Ethics, *The 2016 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees* (Jan. 5, 2016) at 3, available at <https://ethics.house.gov/sites/ethics.house.gov/files/Outside%20Earned%20Income%20Pink%20Sheet.pdf>.

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21. From March 2015 until January 2017, Mr. Collins may have received compensation for serving as the campaign committee's Treasurer, an officer position involving fiduciary duties.

i. From Early 2015 Until Early 2017 Mr. Collins Served as Campaign Treasurer While Receiving Consulting Fees from the Campaign Committee

22. According to the campaign committee's filings with the FEC, Mr. Collins served as the campaign committee's Treasurer from March 18, 2015 until January 30, 2017, an officer position involving a fiduciary relationship with the campaign committee.¹⁷ Mr. Collins refused to cooperate with this review and provide the OCE with records or emails related to his hiring as Treasurer, or the terms and conditions of his service in that position.¹⁸

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.				
Type or Print Name of Treasurer	Michael Collins			
Signature of Treasurer	Michael Collins	[Electronically Filed]	Date	MM / DD / YYYY
				03 / 18 / 2015
NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.				
Office Use Only				
For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100			FEC FORM 1 (Revised 06/2012)	

23. Under FEC rules, a campaign treasurer's fiduciary duties include, for example, ensuring that committee receipts are deposited properly, authorizing all committee expenditures, and filing timely and accurate financial reports with federal and state governments.¹⁹ Based on the Committee on Ethics's guidance regarding fiduciary responsibilities, a campaign treasurer has a fiduciary relationship with the campaign committee because the treasurer serves in a relationship of trust and provides services with an obligation to act in the committee's best interest.²⁰

24. During the period of time when he served as the campaign committee's Treasurer, a position with fiduciary duties, Mr. Collins continued to receive compensation from the campaign committee through consulting fees.

25. In 2015, Mr. Collins received \$27,550.00 from the campaign committee in five separate payments described as "campaign consulting fee."²¹ In 2015, Mr. Collins also received

¹⁷ John Lewis for Congress, FEC Form 1 Statement of Organization, filed Jan. 30, 2017; John Lewis for Congress, FEC Form 1 Statement of Organization, filed March 18, 2015.

¹⁸ Letter from Robert P. Charrow, Counsel to Michael Collins and John Lewis for Congress, to Helen Eisner, Investigative Counsel, March 2, 2017; Letter from Robert P. Charrow, Counsel to Michael Collins and John Lewis for Congress, to Omar S. Ashmawy, Staff Director and Chief Counsel, March 8, 2017.

¹⁹ See, e.g., 11 C.F.R. §§ 102.7, 102.9, 104.1, 104.14.

²⁰ House Ethics Manual at 215 (describing the meaning of the term "fiduciary" under House rules).

²¹ John Lewis for Congress, Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2016, at 37 – 39.

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reimbursements from the committee for fundraising event expenses.²² Mr. Collins refused to provide the OCE with materials related to payments to him from the campaign committee.²³

26. In 2016, Mr. Collins received \$27,224.00 from the campaign committee described in the campaign committee's FEC filings as a "campaign consulting fee."²⁴ Mr. Collins also received reimbursements for expenses during this period.²⁵ Mr. Collins's refusal to cooperate prevented further review of these payments to him from the campaign committee.
27. The campaign committee, which was represented by the same counsel as Mr. Collins, provided the OCE with four pages of IRS income forms that confirmed Mr. Collins's income from the campaign committee from 2013 through 2016.²⁶ The campaign committee was unwilling to provide any other materials to the OCE about payments to Mr. Collins, or his position, hiring, and the terms and conditions of his service as Treasurer.²⁷
28. A senior staffer cannot serve *for* compensation as a campaign committee's treasurer. To violate the rule, there must be a nexus between the compensation to the individual, and the individual's service as an officer or the individual's service involving fiduciary duties. This means that as long as a senior staffer is not paid for treasurer responsibilities, then the staffer can serve as a campaign committee's treasurer.
29. Mr. Collins's counsel told the OCE that Mr. Collins's service as Treasurer was strictly as a volunteer, and that Mr. Collins never received compensation for acting as Treasurer for the campaign committee.²⁸
30. Mr. Collins's counsel stated in a letter to the OCE that Mr. Collins was asked to "volunteer" as Treasurer when the former Treasurer was on the verge of resigning, and that the compensation that Mr. Collins received from the campaign committee was strictly for his work as a campaign consultant, not for his work as Treasurer.²⁹ Based on this explanation, Mr. Collins allegedly served a dual role for the campaign committee as a

²² *Id.* at 38; John Lewis for Congress, April 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2015, at 88.

²³ Letter from Robert P. Charrow, Counsel to Michael Collins and John Lewis for Congress, to Helen Eisner, Investigative Counsel, March 2, 2017; Letter from Robert P. Charrow, Counsel to Michael Collins and John Lewis for Congress, to Omar S. Ashmawy, Staff Director and Chief Counsel, March 8, 2017.

²⁴ John Lewis for Congress, Year-End 2016 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2017, at 44; John Lewis for Congress 2016 IRS Form 1090-MISC for Michael Collins (Exhibit 2 at 17-5018_0010).

²⁵ John Lewis for Congress, October 2016 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2017, at 126-127.

²⁶ John Lewis for Congress 2015 IRS Form 1090-MISC for Michael Collins (Exhibit 2 at 17-5018_0009).

²⁷ Letter from Robert P. Charrow, Counsel to Michael Collins and John Lewis for Congress, to Helen Eisner, Investigative Counsel, March 2, 2017; Letter from Robert P. Charrow, Counsel to Michael Collins and John Lewis for Congress, to Omar S. Ashmawy, Staff Director and Chief Counsel, March 8, 2017.

²⁸ Letter from Robert P. Charrow, Counsel to Michael Collins and John Lewis for Congress, to Helen Eisner, Investigative Counsel, Feb. 27, 2017.

²⁹ *Id.*

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paid consultant without fiduciary responsibility and an unpaid treasurer with fiduciary responsibility.

31. House senior staff can perform paid consulting work under certain conditions. The House Ethics Manual explains that it is permissible for a senior staffer to accept compensation for consulting work from a campaign committee, however states, “in order to be permissible, the political consulting services for which the senior staff person is compensated may not be in a professional field such as law or accounting. . . .”³⁰ Consequently, a senior staffer can receive compensation for work as a campaign consultant, however this paid consulting work is not permissible when it involves fiduciary duties.
32. The OCE did not identify any evidence that Mr. Collins served as Treasurer on a volunteer basis, and Mr. Collins and the campaign committee did not provide any materials to substantiate this claim.
33. As further explained below, and contrary to Mr. Collins’s counsel’s claims, the OCE found that Mr. Collins received compensation directly for his service as Treasurer between March 2015 and January 2017.
34. The OCE also found that the paid consulting work that Mr. Collins performed for the committee likely involved fiduciary duties and may have been impermissible even if Mr. Collins never officially assumed the Treasurer role.
 - ii. Before Becoming Treasurer in 2015 Mr. Collins Was a Paid Campaign Consultant and the De Facto Campaign Treasurer
35. Before becoming Treasurer in 2015, Mr. Collins’s responsibilities for the campaign committee, at least in part, mirrored those of a campaign treasurer. From 2005 to the present, Mr. Collins received paid consulting fees for work that involved managing the campaign’s finances. If this compensated financial management involved a fiduciary relationship, then Mr. Collins’ consulting work for the campaign committee may have violated House rules and federal law, even if Mr. Collins had never officially become the campaign committee’s Treasurer.
36. Moreover, this unbroken chain of responsibilities for the campaign committee’s financial management during the period before and after his appointment to Treasurer demonstrates that Mr. Collins continued to receive compensation for performing these same services when he became Treasurer.
37. In 2005, Mr. Collins first started to receive compensation from the campaign committee for consulting work.³¹ In his long tenure of working for the campaign committee, Mr. Collins frequently received salary disbursements described in the campaign committee’s FEC filings as “fundraising consulting fee,” “campaign management consulting fee,”

³⁰ House Ethics Manual at 218.

³¹ John Lewis for Congress, April 2005 FEC Quarterly Report of Receipts and Disbursements, filed Dec. 3, 2007, at 64.

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“consulting fee/political strategy,” “finance consulting fee,” “management consulting fee” and “campaign consulting fee.”³²

38. While the description of Mr. Collins’s consulting work varied in the campaign committee’s FEC filings, from 2011 through 2013, Mr. Collins received disbursements specifically labeled “finance consulting fee,” demonstrating the financial nature of at least part of his paid consulting work.³³
39. Finance consulting work does not necessarily entail fiduciary duties. For example, consulting likely would be permissible if it strictly involved fundraising efforts and donor outreach.
40. However, the OCE found that Mr. Collins was in complete control of the campaign committee’s finances from at least late 2007 to the present. Importantly, Mr. Collins was also in complete control of his own salary.³⁴
41. Former Treasurer served as the campaign committee’s official Treasurer from December 2007 until approximately March 2015.³⁵ Former Treasurer officially submitted a letter of resignation in January 2015, but he told the OCE that he did not “in fact” serve the campaign committee after January 2013.³⁶ Former Treasurer said that an “absence of contact with the Lewis campaign during that time [after January 2013] contributed to my decision to leave the post.”³⁷
42. Former Treasurer told the OCE that during his service as official Treasurer, Mr. Collins was the “de facto Treasurer” for the campaign committee.³⁸

³² See, e.g., John Lewis for Congress, April 2005 FEC Quarterly Report of Receipts and Disbursements, filed Dec. 3, 2007, at 64; John Lewis for Congress, Year-End 2007 FEC Quarterly Report of Receipts and Disbursements, filed Jan. 31, 2008, at 63; John Lewis for Congress Year-End 2008 FEC Quarterly Report of Receipts and Disbursements, filed March 5, 2009, at 9; John Lewis for Congress Year-End 2010 FEC Quarterly Report of Receipts and Disbursements, filed Apr. 10, 2011, at 7; John Lewis for Congress Year-End 2011 FEC Quarterly Report of Receipts and Disbursements, filed March 9, 2012, at 72; John Lewis for Congress, October 2012 FEC Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2012, at 63; John Lewis for Congress, Year-End 2014 FEC Quarterly Report of Receipts and Disbursements, filed Jan. 30, 2015, at 6; John Lewis for Congress, Year-End 2016 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2017, at 44.

³³ John Lewis for Congress, Year-End 2011 FEC Quarterly Report of Receipts and Disbursements, filed March 9, 2012, at 72; John Lewis for Congress, Year-End 2012 FEC Quarterly Report of Receipts and Disbursements, filed Apr. 17, 2013, at 7; John Lewis for Congress, Post-General 2012 FEC Report of Receipts and Disbursements, filed Dec. 6, 2014, at 40; John Lewis for Congress, Year-End 2013 FEC Quarterly Report of Receipts and Disbursements, filed Apr. 12, 2014, at 41 – 42.

³⁴ Transcript of Interview of Former Treasurer, March 29, 2017 (“Former Treasurer Transcript”) (Exhibit 3 at 17-5018_0026).

³⁵ John Lewis for Congress, FEC Form 1 Statement of Organization, filed Dec. 3, 2007; John Lewis for Congress, FEC Form 1 Statement of Organization, filed February 11, 2015; John Lewis for Congress, FEC Form 1 Statement of Organization, filed March 18, 2015.

³⁶ Letter from Former Treasurer to Rep. Lewis, Jan. 12, 2015 (Exhibit 4 at 17-5018_0038); Email from Former Treasurer to Helen Eisner, Investigative Counsel, April 19, 2017.

³⁷ *Id.*

³⁸ Former Treasurer Transcript (Exhibit 3 at 17-5018_0033).

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43. When asked what official role Mr. Collins played for the campaign committee, Former Treasurer stated, “Michael is everything. Michael controls the Congressman’s checkbook. He controls all the money. . . . Michael has kind of stepped into the responsibility of controlling the whole show.”³⁹ During Former Treasurer’s time at the campaign committee from 2007 until 2015, Former Treasurer told the OCE that Mr. Collins “handled all disbursements.”⁴⁰
44. During a March 9, 2011 interview with the OCE as part of a prior OCE review related to similar allegations regarding Mr. Collins’s receipt of compensation from the campaign committee, Mr. Collins confirmed that he held substantial authority over the campaign committee’s finances.⁴¹
45. According to Mr. Collins’s prior statements to the OCE, his “duties for the campaign include[d] overseeing all operations, hiring staff, paying bills, handling invoices and receipts. He also [wrote] payroll checks for campaign staff.”⁴² Mr. Collins told the OCE that only he and Rep. Lewis were involved in approving campaign expenditures.⁴³ Mr. Collins also stated that he reviewed FEC filings for errors and discrepancies.⁴⁴
46. According to Former Treasurer, during Former Treasurer’s time at the campaign committee, Vickie Winpisinger, the current Treasurer of the campaign committee, worked with Mr. Collins on disbursements, but “she answered to Michael.”⁴⁵
47. The OCE directed its Request for Information for the campaign committee to Ms. Winpisinger. The campaign committee refused to cooperate with the OCE’s review.⁴⁶
48. Former Treasurer told the OCE that Mr. Collins did not perform any work on a volunteer basis for the campaign.⁴⁷ Former Treasurer was not aware of any employees who had a dual role where they were compensated for some of their work and volunteered for another part of their campaign work.⁴⁸
49. As such, prior to his official assumption of treasurer responsibilities, Mr. Collins already provided the services of a treasurer, was in complete control of the campaign committee’s finances, and received compensation for this work through consulting fees.

³⁹ *Id.* (Exhibit 3 at 17-5018_0018).

⁴⁰ *Id.* (Exhibit 3 at 17-5018_0019).

⁴¹ Collins MOI (Exhibit 1 at 17-5018_0003).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Former Treasurer Transcript (Exhibit 3 at 17-5018_0025); John Lewis for Congress, FEC Form 1 Statement of Organization, filed Jan. 30, 2017.

⁴⁶ Request for Information from Omar S. Ashmawy, Chief Counsel and Staff Director, to Vickie L. Winpisinger, Treasurer, John Lewis for Congress, Feb. 8, 2017.

⁴⁷ Former Treasurer Transcript (Exhibit 3 at 17-5018_0030)

⁴⁸ *Id.*

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50. Former Treasurer described Mr. Collins’s work as “ongoing” and did not recall any changes to Mr. Collins’s responsibilities during Former Treasurer’s time with the campaign committee.⁴⁹
51. In 2013, Mr. Collins’s \$26,500.00 salary from the campaign committee was reported in FEC filings as “finance consulting fee.”⁵⁰ From 2014 to the present, Mr. Collins’s salary from the campaign committee has been reported to the FEC as “campaign consulting fee.”⁵¹
52. Regarding the change in description on the FEC filings from 2013 to 2014 from “finance consulting fee” to “campaign consulting fee,” Former Treasurer did not recall the reason for the change in the description or any change in Mr. Collins’s responsibilities that coincided with the updated description.⁵²
53. When asked who was responsible for filling out the disbursement purpose section of the FEC filings, Former Treasurer told the OCE that generally Mr. Collins would provide that information to Ms. Winpisinger to include in the FEC report.⁵³ Without Mr. Collins’s or the campaign committee’s cooperation, the OCE could not determine why the purpose characterization was updated to eliminate “finance” from the description of Mr. Collins’s consulting work, or if it was done to conceal that he was compensated for these financial services.
- iii. As Treasurer Mr. Collins Continued to Receive Compensation and to Oversee the Committee’s Finances
54. When Mr. Collins officially became Treasurer in March 2015, he continued to perform the financial duties of the Treasurer position that he already had been performing as a paid consultant. While his legal responsibility for the campaign committee’s activities and his title may have changed, the OCE did not identify any change in his duties for the campaign committee.
55. Additionally, when Mr. Collins took on the role of Treasurer, his rate of pay from the campaign committee increased a small degree, potentially reflecting this change in title.⁵⁴

⁴⁹ *Id.* (Exhibit 3 at 17-5018_0028).

⁵⁰ John Lewis for Congress, Year-End 2013 FEC Quarterly Report of Receipts and Disbursements, filed Apr. 12, 2014, at 41 – 42.

⁵¹ John Lewis for Congress, Year-End 2014 FEC Quarterly Report of Receipts and Disbursements, filed January 30, 2015, at 6; John Lewis for Congress, Post-Election 2014 FEC Report of Receipts and Disbursements, filed Dec. 4, 2014, at 14; John Lewis for Congress, Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2016, at 37 – 39; John Lewis for Congress, Year-End 2016 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2017, at 44.

⁵² Former Treasurer Transcript (Exhibit 3 at 17-5018_0027-0028).

⁵³ *Id.* (Exhibit 3 at 17-5018_0027).

⁵⁴ In 2013 and 2014, Mr. Collins received a rate of pay from the campaign committee that was below the upper limit for House senior staff pursuant to the outside earned income limitations. As discussed in Part II.C. of the Findings of Fact, after assuming the role of Treasurer in 2015, Mr. Collins received a rate of pay from the campaign committee that exceeded the permissible amount for senior staff. Mr. Collins received \$26,500.00 in 2014 from the campaign committee as “campaign consulting fee.” John Lewis for Congress, Year-End 2014 FEC Quarterly Report of Receipts and Disbursements, filed January 30, 2015, at 6; John Lewis for Congress, Post-Election 2014

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According to Former Treasurer, Mr. Collins was responsible for all salary disbursements for the campaign committee.⁵⁵

56. Accordingly, the OCE found that from at least March 2015 through January 2017, Mr. Collins may have received compensation for serving as the campaign committee's Treasurer and for providing services involving a fiduciary relationship.
57. Upon assuming an officer position, there was no evidence that Mr. Collins's financial management responsibilities for the campaign changed, and no indication that these responsibilities transitioned to volunteer work. Instead, Mr. Collins continued to receive compensation from the campaign and continued to oversee the campaign committee's finances.
58. Based on the foregoing information, the OCE Board finds that there is substantial reason to believe that Mr. Collins received compensation for practicing a profession that involved a fiduciary relationship with the campaign committee and for serving as an officer to the campaign committee, in violation of House rules and federal law.

C. Mr. Collins Exceeded the 2015 Outside Earned Income Limit for Senior Staff

59. In 2015, Mr. Collins received \$27,550.00 in compensation from the campaign committee,⁵⁶ an amount which exceeded the \$27,225.00 calendar year 2015 outside earned income limit for senior staff.⁵⁷
60. Former Treasurer told the OCE that Mr. Collins was responsible for setting salaries for all campaign committee staff.⁵⁸
61. In 2011, Mr. Collins told the OCE that he had been aware of the outside earned income limit throughout his thirteen years of employment with the House of Representatives.⁵⁹

FEC Quarterly Report of Receipts and Disbursements, filed Dec. 4, 2014, at 14. In 2014, the Outside Earned Income limitation for senior staff was \$26,955.00. House Committee on Ethics, *The 2014 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees* (Jan. 15, 2014) at 3, available at https://ethics.house.gov/sites/ethics.house.gov/files/2014%20pay%20pink%20sh_0.pdf. As such, in 2014 Mr. Collins received salary from the campaign committee that was \$455.00 below the annual threshold, and his rate of pay only increased above the threshold in 2015 when he took on treasurer responsibilities. Further, in 2013, Mr. Collins again received \$26,500.00 from the campaign committee with all the payments listed as "finance consulting fee." John Lewis for Congress, Year-End 2013 FEC Quarterly Report of Receipts and Disbursements, filed Apr. 12, 2014, at 41 – 42. Again, the \$26,500.00 was below the \$26,955.00 outside earned income limitation for senior staff in 2013. House Committee on Ethics, *The 2013 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees* (Jan. 24, 2013) at 3, available at https://ethics.house.gov/sites/ethics.house.gov/files/pay%20rates%202013_0.pdf.

⁵⁵ Former Treasurer Transcript (Exhibit 3 at 17-5018_0026).

⁵⁶ John Lewis for Congress, Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2016, at 37 – 39; John Lewis for Congress 2015 IRS Form 1090-MISC for Michael Collins (Exhibit 2 at 17-5018_0009).

⁵⁷ House Committee on Ethics, *The 2015 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees* (Jan. 21, 2015) at 3, available at <https://ethics.house.gov/sites/ethics.house.gov/files/PinkSheet.pdf>.

⁵⁸ Former Treasurer Transcript (Exhibit 3 at 17-5018_0026).

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62. After the initiation of this review, Mr. Collins refunded the campaign committee for the \$295.00 in excess compensation. The campaign committee's April 2017 quarterly report confirms that Mr. Collins repaid the campaign committee \$295.00 in two separate payments in February and March 2017.⁶⁰
63. Mr. Collins provided the OCE with a copy of a February 2017 personal check and a March 2017 bank receipt that his counsel told the OCE were meant as repayment to the campaign committee for the \$295.00 in excess income in 2015.⁶¹
64. Besides the two pages of documents related to this repayment, Mr. Collins refused to provide the OCE with requested materials related to other payments or reimbursements from the campaign committee.
65. Although Mr. Collins took remedial measures after the initiation of this review to refund the campaign committee, the OCE Board finds that Mr. Collins's receipt of income in excess of the outside earned income limitation for senior staff is part of a pattern of conduct in disregard for these limits, for which he already was reprimanded by the Committee on Ethics following an OCE referral.⁶²

⁵⁹ Collins MOI (Exhibit 1 at 17-5018_0003).

⁶⁰ John Lewis for Congress, April 2017 FEC Quarterly Report of Receipts and Disbursements, filed Apr. 15, 2017, at 1950.

⁶¹ Personal Check from Michael Collins to John Lewis for Congress, Feb. 1, 2017 (Exhibit 5 at 17-5018_0040); Bank of America Deposit Slip, March 13, 2017 (Exhibit 6 at 17-5018_0042); Letter from Robert P. Charrow, Counsel to Michael Collins and John Lewis for Congress, to Omar S. Ashmawy, Staff Director and Chief Counsel, March 16, 2017.

⁶² See Report of the Committee on Ethics, *In the Matter of Allegations Relating to Michael Collins*, 112th Cong., 1st Sess. (2011). In 2009, Mr. Collins received \$27,000.00 from the campaign committee, which exceeded the 2009 outside earned income threshold by \$450.00. *Id.* at 6. On April 29, 2011, the same day that the OCE Board adopted its report in the prior OCE investigation of Mr. Collins, Mr. Collins also refunded the campaign committee for this overpayment. Referral, Review No. 11-4518, *In the Matter of Michael Collins*, Off. of Cong. Ethics, Apr. 29, 2011; John Lewis for Congress, July 2011 FEC Quarterly Report of Receipts and Disbursements, filed July 15, 2011, at 31.

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66. Additionally, the OCE notes a problematic pattern of conduct with regards to reporting on annual financial disclosure statements required for senior staff of the House of Representatives. Mr. Collins reported his salary from the campaign committee on his 2015 House of Representatives annual financial disclosure statement as \$27,495.00, which is less than the \$27,550.00 reported as salary disbursements to Mr. Collins in the campaign committee's 2015 FEC reports and tax filings.⁶³

SCHEDULE C: EARNED INCOME		
Source	Type	Amount
John Lewis for Congress Campaign Committee	salary	\$27,495.00

<input type="checkbox"/> VOID <input type="checkbox"/> CORRECTED							
PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. John Lewis for Congress 2015 Wallace Road Atlanta, GA 30331 [REDACTED]		1 Rents	OMB No. 1545-0115	2015 Form 1099-MISC Miscellaneous Income			
		\$					
		2 Royalties					
PAYER'S federal identification number [REDACTED]		\$	4 Federal income tax withheld	Copy 1 For State Tax Department			
		\$	\$				
RECIPIENT'S identification number [REDACTED]		5 Fishing boat proceeds	6 Medical and health care payments				
		\$	\$				
RECIPIENT'S name Michael Collins Street address (including apt. no.) [REDACTED]		7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest				
		\$ 27550.00	\$				
City or town, state or province, country, and ZIP or foreign postal code Washington DC [REDACTED]		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds				
		\$	\$				
		11	12				

67. Similarly, in 2013 the \$26,955.00 of income from the campaign committee that Mr. Collins reported in his annual financial disclosure report does not match the \$26,500.00 in income he received from the campaign committee that year.⁶⁴

68. In 2015 and 2013, Mr. Collins may have reported and certified an amount in his annual financial disclosures that reflected the corresponding outside earned income limitation

⁶³ Michael Collins, 2015 Annual Financial Disclosure Report, filed Aug. 14, 2016 (Exhibit 7 at 17-5018_0044); John Lewis for Congress 2015 IRS Form 1090-MISC for Michael Collins (Exhibit 2 at 17-5018_0009); John Lewis for Congress, Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2016, at 37 – 39.

⁶⁴ Michael Collins, 2013 Amended Annual Financial Disclosure Report, filed Nov. 12, 2014 (Exhibit 8 at 17-5018_0047); John Lewis for Congress 2013 IRS Form 1090-MISC for Michael Collins (Exhibit 2 at 17-5018_0007).

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that he thought applied for those years, rather than the actual amount of income he received from the campaign committee for those years.⁶⁵

Year	Actual Income from the Campaign Committee	Income from the Campaign Committee Reported on Financial Disclosure Forms	Outside Earned Income Limit
2013	\$26,500.00	\$26,955.00	\$26,955.00
2014	\$26,500.00	\$26,500.00 ⁶⁶	\$26,955.00
2015	\$27,550.00	\$27,495.00	\$27,225.00
2016	\$27,224.00	Not Yet Available	\$27,495.00

69. The OCE previously investigated, among other issues, Mr. Collins’s failure to report income from the campaign committee on his financial disclosure statements and the Committee on Ethics adopted a series of sanctions and required remedies concerning this conduct.⁶⁷ According to the Committee on Ethics Report, Mr. Collins agreed to comply with sanctions and remedies, and the Committee noted that “Mr. Collins understands that failing to meeting any of the . . . conditions at any time in this or future Congresses could result in further Committee action.”⁶⁸

70. Based on the foregoing information, the OCE Board finds that there is substantial reason to believe that in 2015 Mr. Collins received income from the campaign committee in excess of the outside earned limit for senior staff, in violation of House rules and federal law.

⁶⁵ The outside earned income limit was \$26,955.00 in 2013 and \$27,225.00 in 2015. For 2015, Mr. Collins may have mistakenly referenced the 2016 limit of \$27,495.00 in attempt to report a number that complied with the 2015 outside earned income limit in his 2015 financial disclosure statement. Mr. Collins filed his 2015 financial disclosure statement in August 2016, at which time the House Committee on Ethics had already published its 2016 guidance. House Committee on Ethics, *The 2013 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees* (Jan. 24, 2013) at 3, available at https://ethics.house.gov/sites/ethics.house.gov/files/pay%20rates%202013_0.pdf; House Committee on Ethics, *The 2015 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees* (Jan. 21, 2015) at 3, available at <https://ethics.house.gov/sites/ethics.house.gov/files/PinkSheet.pdf>; House Committee on Ethics, *The 2016 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees* (Jan. 5, 2016) at 3, available at <https://ethics.house.gov/sites/ethics.house.gov/files/Outside%20Earned%20Income%20Pink%20Sheet.pdf>.

⁶⁶ This amount was not previously identified in the findings of fact. See Michael Collins, 2014 Amended Annual Financial Disclosure Report, filed Jan. 19, 2016 (Exhibit 9 at 17-5018_0051).

⁶⁷ See Report of the Committee on Ethics, *In the Matter of Allegations Relating to Michael Collins*, 112th Cong., 1st Sess. (2011) at 6-8.

⁶⁸ *Id.* at 8.

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III. INDIVIDUALS WHO REFUSED TO COOPERATE WITH THE OCE REVIEW

Michael Collins

71. The OCE requested information from Mr. Collins related payments to him from the campaign committee, and related to his hiring, removal, or withdrawal, and the terms and conditions of his service as Treasurer.⁶⁹
72. Mr. Collins provided the OCE with two pages of documents related to his repayments to the campaign committee, but refused to provide the OCE with additional materials.

John Lewis for Congress

73. The OCE requested information from John Lewis for Congress related to payments from the campaign committee to Mr. Collins and his hiring, removal, or withdrawal, and the terms and conditions of his service as Treasurer.⁷⁰
74. John Lewis for Congress provided the OCE with four pages of IRS income records, but refused to provide the OCE with additional materials.

IV. CONCLUSION

75. Based on the foregoing information, the Board finds that there is substantial reason to believe that Mr. Collins received compensation for practicing a profession that involved a fiduciary relationship with the campaign committee and for serving as an officer to the campaign committee.
76. Based on the foregoing information, the Board finds that there is substantial reason to believe that Mr. Collins received more than \$27,255.00 in income from the campaign committee in 2015.
77. Accordingly, the Board recommends that the Committee on Ethics further review the allegation that Mr. Collins improperly received compensation for his work for the campaign committee in violation of House rules and federal law.
78. The Board also recommends that the Committee on Ethics further review the allegation that Mr. Collins received compensation in 2015 that exceeded the outside earned income limitation for senior staff in violation of House rules and federal law.

⁶⁹ Request for Information from Omar S. Ashmawy, Chief Counsel and Staff Director, to Michael Collins, Feb. 7, 2017.

⁷⁰ Request for Information from Omar S. Ashmawy, Chief Counsel and Staff Director, to Vickie L. Winpisinger, Treasurer, John Lewis for Congress, Feb. 8, 2017.

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

79. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE review:

- a. Michael Collins
- b. John Lewis for Congress

80. The Board recommends the issuance of subpoenas to Michael Collins and John Lewis for Congress.