

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 19-2187

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on August 9, 2019, 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: Representative William Huizenga

NATURE OF THE ALLEGED VIOLATION: Rep. Huizenga’s campaign committee, Huizenga for Congress (“Campaign Committee”), may have accepted contributions from individuals employed in Rep. Huizenga’s congressional office. If Rep. Huizenga failed to ensure that his campaign committee complied with applicable rules regarding contributions from congressional employees, then he may have violated House rules, standards of conduct, and federal law.

The Campaign Committee reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Rep. Huizenga converted campaign funds from the Campaign Committee to personal use, or if Rep. Huizenga’s Campaign Committee expended funds that were not attributable to bona fide campaign or political purposes, then Rep. Huizenga may have violated House rules, standards of conduct, and federal law.

RECOMMENDATION: The Board recommends that the Committee further review the above allegation concerning Rep. Huizenga because there is substantial reason to believe that Rep. Huizenga’s Campaign Committee accepted contributions from individuals employed in Rep. Huizenga’s congressional office.

The Board recommends that the Committee further review the above allegation concerning Rep. Huizenga because there is substantial reason to believe that Rep. Huizenga’s Campaign Committee reported campaign disbursements that were not legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes.

VOTES IN THE AFFIRMATIVE: 4

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 1

NATURE OF THE ALLEGED VIOLATION: Rep. Huizenga may have authorized expenditures from his Members’ Representational Allowance (“MRA”) that were not for permissible official expenses. If Rep. Huizenga authorized impermissible MRA expenditures, then he may have violated House rules, standards of conduct, and federal law.

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RECOMMENDATION: The Board recommends that the Committee dismiss the above allegation concerning Rep. Huizenga because there is not substantial reason to believe that Rep. Huizenga authorized expenditures from his MRA that were not for permissible official expenses.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

ABSTENTIONS:

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

FINDINGS OF FACT AND CITATIONS TO LAW

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 19-2187

On August 9, 2019, 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. Rep. Huizenga’s Campaign Committee may have accepted contributions from individuals employed in Rep. Huizenga’s congressional office. If Rep. Huizenga failed to ensure that his campaign committee complied with applicable rules regarding contributions from congressional employees, then he may have violated House rules, standards of conduct, and federal law. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Huizenga accepted contributions from congressional staffers.
2. Rep. Huizenga’s Campaign Committee reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Rep. Huizenga converted campaign funds from the Campaign Committee to personal use, or if Rep. Huizenga’s campaign committee expended funds that were not attributable to bona fide campaign or political purposes, then Rep. Huizenga may have violated House rules, standards of conduct, and federal law. Accordingly, the Board recommends that the Committee further review the above allegation that the Campaign Committee may have reported disbursements that were not for legitimate and verifiable campaign expenditures.
3. Rep. Huizenga may have authorized expenditures from his Members’ Representational Allowance (“MRA”) that were not for permissible official expenses. If Rep. Huizenga authorized impermissible MRA expenditures, then he may have violated House rules, standards of conduct, and federal law. Accordingly, the Board recommends that the Committee dismiss the above allegation that Rep. Huizenga may have authorized expenditures from his MRA that were not for permissible official expenses.

B. Jurisdiction Statement

4. The allegations that were the subject of this review concern Rep. William Huizenga, a Member of the United States House of Representatives from the 2nd District of Michigan. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (“OCE”) directs that, “[n]o review shall be undertaken ... by the

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[B]oard 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

5. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on April 12, 2019. The preliminary review commenced on April 13, 2019.²
6. On April 15, 2019, the OCE notified Rep. Huizenga 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
7. At least three members of the Board voted to initiate a second-phase review in this matter on May 10, 2019. The second-phase review commenced on May 13, 2019.⁴ The second-phase review was scheduled to end on June 26, 2019.
8. On May 13, 2019, the OCE notified Rep. Huizenga 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
9. The Board voted to extend the second-phase review by an additional period of fourteen days on June 7, 2019. The additional period ended on July 10, 2019.
10. The Board voted to refer the matter to the Committee for further review and dismissal and adopted these findings on August 9, 2019.
11. The report and its findings in this matter were transmitted to the Committee on August 16, 2019.

D. Summary of Investigative Activity

12. The OCE requested documentary and in some cases testimonial information from the following sources:
 - (1) Rep. William Huizenga;

¹ H. Res. 895 of the 110th Congress § 1(e) (2008) (as amended) (hereafter “the Resolution”).

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 30 days from the date of receipt of the Board’s request.

³ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Huizenga, April 15, 2019.

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 Dir., Office of Cong. Ethics, to Rep. Huizenga, May 13, 2019.

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- (2) Campaign Chairman;
- (3) Chief of Staff;
- (4) D.C.-based Deputy Chief of Staff (“D.C. Deputy”);
- (5) Michigan-based Deputy Chief of Staff (“Michigan Deputy”);
- (6) District Director;
- (7) Huntington National Bank;
- (8) SunTrust Bank;
- (9) BB&T Bank;
- (10) American Express;
- (11) Countryview Auto Sales;
- (12) Grand Rapids Beer Tours LLC;
- (13) Affordable Limousine;
- (14) Playtime Events Management, Inc.;
- (15) Jans Mountain Outfitters;
- (16) Marriott International, Inc., St. Regis Deer Valley;
- (17) The Walt Disney Company;
- (18) The King and the Prince Beach and Golf Resort; and
- (19) Sea Island, The Cloister.

13. The following individuals and entities refused to cooperate with the OCE’s review:

- (1) Affordable Limousine;
- (2) Playtime Events Management, Inc.;
- (3) The Walt Disney Company; and
- (4) Sea Island, The Cloister.

II. REP. HUIZENGA’S CAMPAIGN COMMITTEE MAY HAVE ACCEPTED CONTRIBUTIONS FROM CONGRESSIONAL STAFFERS

A. Applicable Law, Rules, and Standards of Conduct

14. Federal Law

Under 18 U.S.C. § 602, “[i]t shall be unlawful for . . . an individual elected to or serving in the office of Senator or Representative . . . to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person.”⁶

Under 18 U.S.C. § 603(a), “[i]t shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any . . .

⁶ “The term ‘contribution’ includes (i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A); see also 11 CFR § 100.52(a).

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Senator or Representative in . . . the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution.”⁷

15. House Rules

House Rule 23, clause 1 states that “[a] Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”

House Rule 23, clause 2 states that “[a] Member, Delegate, Resident Commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.”

16. House Ethics Manual

“A provision of the federal criminal code, 18 U.S.C. § 603, makes it unlawful for any federal officer or employee to make certain campaign contributions to ‘the employer or employing authority of the person making the contribution.’ Accordingly, an employee of a Member office is prohibited from making a ‘contribution’ . . . to his or her employing Member.”⁸

According to the House Ethics Manual, “[t]he prohibition against an employee making [a] contribution to the individual’s employing Member is absolute. A House employee may not make such a contribution even if the contribution was entirely unsolicited and the employee genuinely wishes to make the contribution.”⁹

*“The definition of the term contribution in the FECA is quite detailed . . . [U]nder FEC regulations, most **outlays** that an individual makes on behalf of a campaign are deemed to be a contribution to that campaign from that individual. **This is so even if it is intended that the campaign will reimburse the individual promptly.** The major exception to this rule is for outlays that an individual makes to cover expenses that he or she incurs in **traveling** on behalf of a campaign.”¹⁰ Assuming certain travel outlays are reimbursed within specified time periods, they will not be considered “contributions.”¹¹*

The House Ethics Manual also states that a Member “must take reasonable steps to ensure that any outside organization over which he or she exercises control – including the individual’s own authorized campaign committee . . . – operates in compliance with applicable law.”¹²

⁷ Under 18 U.S.C. § 603(b), “a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee.”

⁸ House Ethics Manual (2008) at 137-38.

⁹ *Id.* at 138.

¹⁰ *Id.* at 138-39 (emphasis in original).

¹¹ With respect to personal outlays for travel expenses, a “contribution” does not include situations where “the campaign provides reimbursement within 60 days after the expenses are incurred if payment was made by credit card, or within 30 days in all other cases.” *Id.* at 139 n.27; see also 11 C.F.R. § 116.5(b).

¹² House Ethics Manual at 123.

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While FECA and other statutes on campaign activity are not rules of the House, Members and employees must also bear in mind that the House Rules require that they conduct themselves ‘at all times in a manner that shall reflect creditably on the House’ (House Rule 23, clause 1). In addition, the Code of Ethics for Government Service, which applies to House Members and staff, provides in ¶ 2 that government officials should ‘[u]phold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion.’ Accordingly, in violating FECA or another provision of statutory law, a Member or employee may also violate these provisions of the House rules and standards of conduct.”¹³

The House Ethics Manual requires “that each campaign outlay made by a Member be not only ‘legitimate,’ but also capable of being verified as such. . . . With the huge number of outlays that Members’ campaigns typically make, often on a nearly continuous basis, the propriety of particular outlays may not be subject to review for months or years after the fact, when recollections as to the circumstances or specific purpose of an outlay may well have faded. Absent a requirement for verification, the prohibition against converting campaign funds to personal use would be nullified in substantial part. Furthermore, the verification requirement should serve to cause Members and their campaign staff to exercise caution in spending campaign funds, and to ensure that no outlay is for an impermissible personal purpose.

Members and their campaign staff should bear in mind that the verification requirement imposed by the House rules is separate from, and in addition to, whatever recordkeeping requirements are imposed by the Federal Election Commission”¹⁴

B. Personal Outlays by Congressional Staffers

17. In this review the OCE examined twenty-three disbursements comprising hundreds of individual staff outlays that may have been impermissible contributions.
18. The OCE collected documents from Rep. Huizenga’s congressional office and campaign committee and interviewed six individuals through the course of the investigation. As is common, Rep. Huizenga has several congressional staff members who also work on his campaign.
19. Of the six interviewees, four were high-level congressional staff members. Interviewees included the Chief of Staff,¹⁵ a D.C.-based Deputy Chief of Staff (the “D.C. Deputy”),¹⁶ a Michigan-based Deputy Chief of Staff (the “Michigan Deputy”),¹⁷ and the District Director.¹⁸

¹³ *Id.* at 122.

¹⁴ *Id.* at 164-65.

¹⁵ Transcript of Interview of Chief of Staff (“Chief of Staff Transcript”), June 25, 2019 (Exhibit 1 at 19-2187_0002).

¹⁶ Transcript of Interview of the D.C. Deputy Chief of Staff (“D.C. Deputy Transcript”), June 25, 2019 (Exhibit 2 at 19-2187_0040).

¹⁷ Transcript of Interview of the Michigan Deputy Chief of Staff (“Michigan Deputy Transcript”), June 27, 2019 (Exhibit 3 at 19-2187_0072).

¹⁸ Transcript of Interview of the District Director (“District Director Transcript”), June 26, 2019 (Exhibit 4 at 19-2187_0106).

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20. All of those individuals also have a role on the campaign. The District Director is also the Campaign Manager,¹⁹ and the Michigan Deputy is a local, individual-donor fundraiser for the Campaign, though she has no official title.²⁰ Both are paid positions.²¹ The Chief of Staff works for the campaign on a volunteer basis, but is part of the core leadership group of the campaign.²² The D.C. Deputy volunteers for the campaign, but does so on a more limited basis and does not hold a title or leadership position on the campaign.²³
21. In addition, the OCE interviewed Rep. Huizenga and his half-brother, who is also the Campaign Chairman, though he holds no position in Rep. Huizenga's congressional office.²⁴

i. Lack of Policy and Procedure

22. Generally, all the individuals interviewed stated that the campaign had no written or generally known policies or procedures related to how funds are spent or reimbursed.²⁵ As the Chief of Staff put it, “[w]e don’t have a written policy. I mean basically everybody’s on the honor system. . . . If you made an expense, you’d get reimbursed.”²⁶
23. Additionally, while it was common practice to provide receipts when requesting a reimbursement, staffers either failed to do so with some frequency or those receipts were not maintained and thus could not be produced when the OCE asked Rep. Huizenga and his staff to verify certain reimbursements.²⁷ Because the Campaign Committee could not provide documentary proof of many of the largest expense reimbursements, the OCE often had limited information with which to determine whether a given reimbursement was permissible. This was a particular problem with regard to campaign reimbursements to Rep. Huizenga’s Chief of Staff, for whom there were at least \$33,274.33 of reimbursements since November of 2015 with no supporting documentation.²⁸

¹⁹ District Director Transcript (Exhibit 4 at 19-2187_0111).

²⁰ Michigan Deputy Transcript (Exhibit 3 at 19-2187_0078).

²¹ *Id.* at 19-2187_0081; District Director Transcript (Exhibit 4 at 19-2187_0112).

²² Chief of Staff Transcript (Exhibit 1 at 19-2187_0005).

²³ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0043).

²⁴ Transcript of Interview of Campaign Chairman (“Chairman Transcript”), June 27, 2019 (Exhibit 5 at 19-2187_0146-47).

²⁵ *See e.g.*, Chief of Staff Transcript (Exhibit 1 at 19-2187_0009).

²⁶ *Id.*

²⁷ *Id.* at 19-2187_0011-15.

²⁸ *Id.*; *see also* Huizenga for Congress, 2015 Year End Report of Receipts and Disbursements at 69, filed at Nov. 27, 2015; Huizenga for Congress, 2016 Q1 Report of Receipts and Disbursements at 90, filed at Jan. 11, 2016; Huizenga for Congress, 2016 Q3 Report of Receipts and Disbursements at 61, filed at July 15, 2016; Huizenga for Congress, 2016 Q3 Report of Receipts and Disbursements at 61, filed at Sept. 27, 2016; Huizenga for Congress, 2017 Q2 Report of Receipts and Disbursements at 88, filed at May 31, 2017; Huizenga for Congress, 2017 Q3 Report of Receipts and Disbursements at 71, filed at Aug. 1, 2017; Huizenga for Congress, 2017 Year End Report of Receipts and Disbursements at 53, filed at Nov. 24, 2017; Huizenga for Congress, 2017 Year End Report of Receipts and Disbursements at 54, filed at Dec. 11, 2017; Huizenga for Congress, 2017 Year End Report of Receipts and Disbursements at 54, filed at December 22, 2017; Huizenga for Congress, 2018 Q2 Report of Receipts and Disbursements at 141, filed at April 25, 2018; Huizenga for Congress, 2018 Year End Report of Receipts and Disbursements at 10, filed at Nov. 27, 2018. For ease of reference, relevant excerpts of these FEC Disbursement Reports are cited hereinafter as Collection of Chief of Staff FEC Disbursement Reports (Exhibit 7 at 19-2187_0233-44).

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24. Further, Rep. Huizenga and his staff generally were unaware that congressional staff members may not make personal outlays for the campaign. For example, when OCE staff asked the Chief of Staff how often he made expenditures on behalf of the campaign, he stated that he did so “fairly regularly.”²⁹
25. When asked about whether there were policies in place preventing his congressional staffers from making personal outlays on behalf of his campaign, Rep. Huizenga appeared not to be aware that his congressional staffers would be prohibited from doing so, and instead stated that he simply preferred that the Campaign Committee pay directly.³⁰
- ii. A Pattern of Impermissible Reimbursements to Congressional Staffers
26. The OCE inquired about twenty-three different unverified lump-sum reimbursements from the Campaign Committee to individuals who were employed in Rep. Huizenga’s congressional office, including the Chief of Staff, the D.C. Deputy, and the District Director.³¹ The twenty-three reimbursements were not an exhaustive list of all reimbursements from the Campaign Committee to congressional staffers, but was a representative sample of more recent reimbursements.
27. Rep. Huizenga produced documents showing that several staff members made personal outlays for catering and entertainment expenses for campaign events. For example, receipts submitted for reimbursement show that on January 5, 2017 and January 24, 2017 one congressional staffer made four transactions and spent a combined total of \$310.57 on baked goods and catering items for events hosted by the Campaign Committee.³² In 2018, the District Director received reimbursements for multiple purchases of candy totaling \$571.16 for a Fourth of July parade, two purchases in October on different days totaling \$194.33 described as “Food for Event,” and a \$136.00 purchase for a “Staff Meal” in November.³³ The Chief of Staff made personal outlays for \$1,078.69 of unspecified “entertainment” expenses in November and December of 2015.³⁴ And the D.C. Deputy received multiple reimbursements for park tickets she paid for at yearly campaign trips to the Walt Disney World Resort in Orlando, Florida (“Disney World”) totaling \$1,850.79 during the years 2016-2018.³⁵
28. Additionally, Rep. Huizenga’s District Director, who also serves as his Campaign Manager, receives an \$85.66 reimbursement on a monthly for a portion of his personal cellular phone bill that he uses for campaign business.³⁶

²⁹ Chief of Staff Transcript (Exhibit 1 at 19-2187_0009).

³⁰ Transcript of Interview of Rep. Huizenga (“Rep. Huizenga Transcript”), July 10, 2019 (Exhibit 6 at 19-2187_0216-17).

³¹ April 17, 2019 Request for Information to Rep. Huizenga.

³² Staff Receipts for Swearing-In Refreshments (Exhibit 8 at 19-2187_0246-49).

³³ District Director email re “June Expenses” (Exhibit 9 at 19-2187_0251-52); District Director Nov. 9, 2019 Expense Reimbursement Request (Exhibit 10 at 19-2187_0254-55).

³⁴ Excel spreadsheet from Chief of Staff titled “HFC Expenses for Nov. & Dec. ‘15” (Exhibit 11 at 19-2187_0257).

³⁵ Excel spreadsheet titled “McManus HFC Disney Trip” (Exhibit 12 at 19-2187_0259-261).

³⁶ District Director Transcript (Exhibit 4 at 19-2187_0133).

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iii. At Least \$41,419.22 of Unverifiable Reimbursements to the Chief of Staff

29. Based on FEC disbursement reports, from November 2015 to November 2018, the Chief of Staff received 11 lump-sum reimbursements from the Campaign Committee totaling \$41,419.22, which comprise hundreds of underlying purchases.³⁷ Despite repeated, specific requests identifying each of the reimbursements by date and amount, Rep. Huizenga provided no documents to verify the underlying purchases for at least \$33,274.33 of those reimbursements.

³⁷ Collection of Chief of Staff FEC Disbursement Reports (Exhibit 7 at 19-2187_0233-44).

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30. For two of the eleven disbursements, the OCE received excel spreadsheets prepared by the Chief of Staff with vague descriptions insufficient to determine the nature of much of the spending. Below is an example of the excel spreadsheet submitted to justify a \$3,707.00 disbursement:³⁸

HFC Expenses for Nov. & Dec. '15				
	Date	Expenditure	Location	Purpose
	18-Nov	\$284	DC	mileage
	21-Nov	24	DC	parking
	21-Nov	289.23	NYC	hotel
	20-Nov	28.32	DC	lunch
	20-Nov	15.99	NYC	breakfast
	2-Dec	120.25	DC	dinner
	7-Dec	50	NYC	entertainment
	4-Dec	62.86	NYC	lunch
	4-Dec	15.8	NYC	taxi
	6-Dec	962	NYC	entertainment
	6-Dec	5.72	NYC	breakfast
	5-Dec	10.56	NYC	breakfast
	5-Dec	29	nyc	ENTERTAINMENT
	5-Dec	5.71	NYC	LUNCH
	4-Dec	28.13	nyc	dinner
	5-Dec	8.71	nyc	lunch
	5-Dec	16.56	NYC	taxi
	5-Dec	12.96	NYC	taxi
	5-Dec	21.36	nyc	taxi
	5-Dec	89.13	NYC	dinner
	5-Dec	50.00	NYC	dinner
	6-Dec	36.79	NYC	entertainment
	7-Dec	68.00	NYC	parking
	6-Dec	15.96	NYC	taxi
	5-Dec	38.05	NYC	breakfast
	6-Dec	10.34	NYC	breakfast
	6-Dec	3.81	NYC	breakfast
	6-Dec	1381.7	nyc	lodging
	12-Dec	22.50	DC	taxi
TOTAL		\$3,707		

31. Further complicating efforts to verify the Chief of Staff’s purchases and reimbursements, the Campaign Committee likely failed to itemize dozens of purchases on its FEC reports for at least nine of the eleven reimbursements reviewed by the OCE.³⁹ This includes the above-detailed \$3,707.00 reimbursement. For example, regarding the chart above, the Campaign

³⁸ Excel spreadsheet from Chief of Staff titled “HFC Expenses for Nov. & Dec. ‘15” (Exhibit 11 at 19-2187_0257).

³⁹ Collection of Chief of Staff FEC Disbursement Reports (Exhibit 7 at 19-2187_0233-39).

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Committee failed to itemize the \$289.23 for a “hotel,” the \$962.00 for “entertainment,” and the \$1,381.70 for “lodging,” violating FEC regulations and obscuring the nature of the Chief of Staff’s purchases.⁴⁰

32. When asked about the large reimbursements, the Chief of Staff repeatedly stated that he did not have any specific recollection as to what the reimbursements were for and that he and other staff had searched for receipts and supporting documents and produced what they could find.⁴¹
33. Rep. Huizenga was also asked about a number of the large reimbursements to his Chief of Staff and surmised that most of those reimbursements would be for travel or meals while traveling,⁴² which would fall within the exception to the ban on congressional staffer outlays.⁴³ However, the eleven identified expenditures were reported to the FEC with disbursement category code descriptions of either 001 or 007, neither of which are for travel expenses.⁴⁴ Category 001 is for “Administrative/salary/overhead expenses” and Category 007 is for “Campaign event expenses.”⁴⁵
34. From the little detail that was provided, the OCE can determine that in November and December, the Chief of Staff made personal outlays for \$1,078.69 of unspecified “entertainment” expenses.⁴⁶
35. Because no receipts or limited other documentation were maintained and because the Campaign Committee’s FEC reporting does not contain the requisite detail, the OCE cannot determine conclusively whether all of the Chief of Staff’s \$41,419.22 of expenditures filed under Categories 001 and 007 were in fact impermissible outlays, or whether some were travel and subsistence related expenses that were permissible. However, based on the evidence available to the OCE, some portion of these expenditures appears to be impermissible.
36. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Huizenga’s Campaign Committee accepted contributions from individuals employed in Rep. Huizenga’s congressional office.

⁴⁰ See 11 C.F.R. §§ 104.3(b)(4)(i), 104.9; 78 Fed. Reg. 130 (July 8, 2013).

⁴¹ Chief of Staff Transcript (Exhibit 1 at 19-2187_0010-14).

⁴² Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0218).

⁴³ See *supra* para. 16 note 10 (explaining FEC and House rules regarding congressional staffer outlays).

⁴⁴ Collection of Chief of Staff FEC Disbursement Reports (Exhibit 7 at 19-2187_0233-44).

⁴⁵ *Disbursement category code descriptions*. Available at: <https://www.fec.gov/campaign-finance-data/disbursement-category-code-descriptions/> (last accessed Aug. 15, 2019).

⁴⁶ Excel spreadsheet from Chief of Staff titled “HFC Expenses for Nov. & Dec. ‘15” (Exhibit 11 at 19-2187_0257).

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III. REP. HUIZENGA MAY HAVE REPORTED CAMPAIGN DISBURSEMENTS THAT WERE NOT FOR LEGITIMATE AND VERIFIABLE CAMPAIGN EXPENDITURES

A. Applicable Law, Rules, and Standards of Conduct

37. Federal Law

Pursuant to 52 U.S.C. § 30114(b)(1), a “contribution or donation [to a Member of Congress] shall not be converted by any person to personal use.”

38. Federal Election Commissions Regulations

a. 11 C.F.R. § 113.1(g)(1)(i) FEC Personal Use Definition

“(g) Personal use. Personal use means any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.

(1)(i) Personal use includes but is not limited to the use of funds in a campaign account for any item listed in paragraphs (g)(1)(i)(A) through (J) of this section: . . .

(F) Admission to a sporting event, concert, theater or other form of entertainment, unless part of a specific campaign or officeholder activity.⁴⁷

. . .

(J) A vacation.”

b. 11 C.F.R. § 113.1(g)(1)(ii) Personal Use Case-By-Case Determinations

“(ii) The Commission will determine, on a case-by-case basis, whether other uses of funds in a campaign account fulfill a commitment, obligation or expense that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder, and therefore are personal use. Examples of such other uses include:

. . .

(B) Meal expenses;

(C) Travel expenses, including subsistence expenses incurred during travel. If a committee uses campaign funds to pay expenses associated with travel that involves both personal activities and campaign or officeholder-related activities, the incremental expenses that result from the personal activities are personal use, unless the person(s) benefiting from this use reimburse(s) the campaign account within thirty days for the amount of the incremental expenses”^{48 49}

⁴⁷ See Contribution and Expenditure Limitations and Prohibitions: Personal Use of Campaign Funds, 60 Fed. Reg. 7861, 7866 (Feb. 9, 1995) (to be codified at 11 C.F.R. pts. 100, 104, 113) (hereafter “Personal Use of Campaign Funds, 60 Fed. Reg. 7861 (Feb. 9, 1995)”) (“The final rules require that the purchase of tickets be part of a particular campaign event or officeholder activity and not a leisure outing at which the discussion occasionally focuses on the campaign or official functions.”).

⁴⁸ Travel expenses are assessed on a case-by-case basis under the FEC’s personal use rules. In the past, the FEC has approved travel expenses for a candidate and his minor children to travel between the home district and Washington, D.C. to participate in “a function directly connected to the Senator’s *bona fide* official responsibilities.” FEC Advisory Op. 2005-09 (Aug. 19, 2005). The FEC also permitted campaign expenditures for travel by candidates

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39. House Rules

House Rule 23, clause 1 states that “[a] Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”

House Rule 23, clause 2 states that “[a] Member, Delegate, Resident Commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.”

House Rule 23, clause 6 states: “A Member, Delegate, or Resident Commissioner— (a) shall keep the campaign funds of such individual separate from the personal funds of such individual; (b) may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures; and (c) except as provided in clause 1(b) of rule XXIV, may not expend funds from a campaign account of such individual that are not attributable to bona fide campaign or political purposes.”

40. House Ethics Manual

*The House Ethics Manual states, “Members have wide discretion in determining what constitutes a bona fide campaign or political purpose to which campaign funds and resources may be devoted, but Members have **no** discretion whatsoever to convert campaign funds to personal use. Furthermore, House rules require that Members be able to verify that campaign funds have not been used for personal purposes.”⁵⁰*

*The House Ethics Manual states, “[a] Member’s use of campaign funds for federal office is permissible only if it complies with the provisions of **both** the House Rules **and** [the Federal Election Campaign Act].”⁵¹*

With respect to meals, the Manual explains: “use of campaign funds to pay for any meal when the only individuals present are a Member and the Member’s personal friends or relatives

and children accompanying their parents between the home district and Washington, D.C. “provided that the parents are traveling for campaign purposes, and the children are minors.” FEC Advisory Op. 1995-20 (June 30, 1995). Similarly, the FEC permitted the use of campaign funds for travel and subsistence expenses for a candidate, his spouse and two minor children during a party convention, noting that the candidate’s wife and children “[would] play a significant role in the political receptions and fundraising events that [were] part of the trip.” FEC Advisory Op. 1996-34 (September 12, 1996). In another opinion, the FEC again confirmed that campaign funds could be used to pay travel expenses for a Congressman’s two minor children (ages 12 and 16) to attend a party convention where the children would “play a significant role in the political receptions and fundraising events that will be part of the convention” and “may represent [the Congressman] before certain constituencies such as the Young Republicans.” FEC Advisory Op. 1996-19 (June 10, 1996).

⁴⁹ The FEC has opined that a candidate may use campaign funds to pay for the costs of campaign-related travel for congressional staff when the staffer is performing functions directly related to the reelection campaign, for instance, by fundraising or liaising between the Member and the congressional office. *See* FEC Advisory Op. 1996-20 (June 14, 1996).

⁵⁰ *See supra* para. 16 (quoting House Ethics Manual regarding verification).

⁵¹ *See supra* para. 16 (quoting House Ethics Manual regarding FECA violations).

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*inherently raises concerns of conversion of campaign funds to personal use. The only circumstance in which payment for such a meal with campaign funds may be permissible is if the other attendees actively work in the Member's campaign, and if the meal is merely incident to a meeting having a clear, specific agenda of campaign business.”*⁵²

*The Manual goes on to say: “In order to be able to verify that there was a proper campaign purpose for meal outlays, the Standards Committee strongly advises that campaign committees maintain records that note both the individuals who were present at each meal, and the specific campaign or political purpose served by the outlay. When the attendees include only friends or relatives, and the above-stated requirements for campaign payment for such a meal are satisfied, the maintenance of specific, written records is essential. In these circumstances, the records should specifically describe the campaign agenda of the meal.”*⁵³

*According to the House Ethics Manual, “a Member or employee must take reasonable steps to ensure that any outside organization over which he or she exercises control – including the individual's own authorized campaign committee ... operates in compliance with applicable law.”*⁵⁴

B. Personal Use

41. After reviewing documents produced by Rep. Huizenga, the OCE reviewed several campaign-related trips Rep. Huizenga, members of his staff, and their families took from 2015 to 2018.⁵⁵ Those trips include trips to Disney World, Mackinac Island in Michigan, and Deer Valley in Park City, Utah.⁵⁶ While these trips were generally described as campaign fundraisers, the high cost and the attendance of staff's families on these trips raised concerns that campaign funds were being converted for personal use to pay for vacations for Rep. Huizenga, his staff, and their families.

i. Campaign Funded Trips

(1) Disney World

42. In approximately 2012 or 2013, Rep. Huizenga began taking yearly trips to Disney World.⁵⁷ On each of those trips, Rep. Huizenga generally brought his entire family (his spouse and up to five children, depending on the year), as well as his Chief of Staff and his family (his spouse and two children), and the D.C. Deputy and her family (her spouse and young child).⁵⁸ While all three families generally attended, witnesses noted that for one or two years, one family or some members of each family might not attend for various reasons.⁵⁹

⁵² *Id.* at 169.

⁵³ *Id.* at 170.

⁵⁴ *Id.* at 123.

⁵⁵ May 29, 2019 Supplemental Request for Information to Rep. Huizenga.

⁵⁶ *Id.*

⁵⁷ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0184); D.C. Deputy Transcript (Exhibit 2 at 19-2187_0049).

⁵⁸ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0049).

⁵⁹ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0190); Chief of Staff Transcript (Exhibit 1 at 19-2187_0016).

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43. Nearly all the documentary and testimonial evidence produced to the OCE pertained to trips to Disney World in 2016, 2017, and 2018.
44. The OCE established that Rep. Huizenga and his family, the Chief of Staff and his family,⁶⁰ and the D.C. Deputy and her family all attended the 2016-2018 Disney World trips.⁶¹ Those trips occurred on the following dates: March 17-20, 2016; April 6-9, 2017; and May 25-28, 2018.⁶²
45. The D.C. Deputy told the OCE that a typical Disney World trip lasted over a weekend and the event agenda included a reception on the first night, a breakfast event, a dinner, and informal “meet-ups” in the parks during the days that might occur during breakfast, midmorning, or midafternoon.^{63, 64} Generally, there were at least two “meet-ups” in the parks on a given day.⁶⁵ She also testified that she, the Chief of Staff, and Rep. Huizenga and their families all attended each of these events.⁶⁶
46. An agenda produced for the 2016 Disney World trip supports this account, though does not list or account for the “meet-ups.”⁶⁷
47. The Chief of Staff explained that the Campaign Committee would have its PAC fundraisers “make all the arrangements” and “a number of lobbyists would want to participate.”⁶⁸ He also indicated that the lobbyist’s families would attend the weekend trip.⁶⁹ The D.C. Deputy agreed that “most of the lobbyists . . . like to bring their families.”⁷⁰
48. Emails suggest that, at least for the 2016 trip to Disney World, approximately eleven corporate or PAC representatives attended,⁷¹ and invitations for 2017 describe the event as a “fun family trip” and set the required donation at “\$2,500 per PAC, \$2,000 personal.”⁷²

⁶⁰ Chief of Staff Transcript (Exhibit 1 at 19-2187_0016).

⁶¹ Excel spreadsheet titled “McManus HFC Disney Trip” (Exhibit 12 at 19-2187_0259-261).

⁶² *Id.*

⁶³ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0050).

⁶⁴ Rep. Huizenga and his staff described park “meet-ups” as informal, uncharged events that event attendees would be informed of by word-of-mouth. The “meet-ups” were generally short lived compared to scheduled events on the agenda, and might include meeting for ice cream, drink, or snack. Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0187-88).

⁶⁵ *Id.* at 19-2187_0051.

⁶⁶ *Id.*

⁶⁷ Agenda titled “TEAMPAC Disney Weekend Bill Huizenga” (Exhibit 13 at 19-2187_0263-65).

⁶⁸ Chief of Staff Transcript (Exhibit 1 at 19-2187_0015).

⁶⁹ *Id.*

⁷⁰ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0053).

⁷¹ Email string “Tonight’s attendees” (Exhibit 14 at 19-2187_0267-68).

⁷² Email string “Join Congressman Bill Huizenga in Walt Disney World this April!” (Exhibit 15 at 19-2187_0271).

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Don't miss out on a weekend at Walt Disney World with Congressman Bill Huizenga with special guests, Congresswoman Mia Love and Congressman Sean Duffy! **April 6th through the 8th** at the Polynesian Resort in Orlando Florida, enjoy all of the unforgettable adventures that only Disney World can offer. Act fast! There are a limited number of rooms still available for this fun family trip with Congressman Bill Huizenga!

To Attend: \$2,500 per PAC, \$2,000 personal

Questions? Contact Andrew Theodore, [REDACTED]
[REDACTED]

49. In her interview, the D.C. Deputy was asked what sort of work she performed on the Disney trips and she stated that she made sure events were set up, name tags were available, that she greeted attendees as they arrived, and ensured that Rep. Huizenga knew who would be attending what events.⁷³ She stated that her family was generally with her when she was performing these functions, but did not say that they participated in that work in any way.⁷⁴
50. In contrast, emails show that at least leading up to the event, much or all of the organization and logistics were handled by fundraising entities such as the Theodore Company.^{75 76}
51. The OCE asked the D.C. Deputy why she brought her family on the Disney trip. She articulated two reasons. At first she stated that it was “because most of the lobbyists . . . like to bring their families, and so it . . . put[s] everybody at ease . . . it gives people a good chance to really see the personal side of people.”⁷⁷ When asked again later in her interview, she stated it was “[b]ecause, it’s time away from my family when I’m gone. And so, just having them close when I can spend time.”⁷⁸
52. The Chief of Staff articulated a different reason for bringing his family. When asked why he brought his spouse and kids, the Chief of Staff responded, “[y]ou know, I don't get

⁷³ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0052).

⁷⁴ *Id.* at 19-2187_0052-54.

⁷⁵ Email string “Tonight’s attendees” (Exhibit 14 at 19-2187_0267-68).

⁷⁶ The Theodore Company’s owner, Andrew Theodore, describes himself as providing “[p]olitical fundraising services for GOP members of Congress and candidates.” Available at: <https://www.linkedin.com/in/andrew-theodore-b6a3246/> (last accessed Aug. 8, 2019).

⁷⁷ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0053).

⁷⁸ *Id.* at 19-2187_0068.

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compensated by the campaign. That was one of the things that Bill invited us to come and be a part of.”⁷⁹ When asked whether he had ever had a conversation with Rep. Huizenga about these trips being a form of compensation, the Chief of Staff said, “[y]eah, yes. We’ve had the conversation a number of times.”⁸⁰

53. The OCE received inconsistent testimony from the D.C. Deputy. When asked if she viewed the Disney World trip as a thank you from the Campaign Committee, the D.C. Deputy said she did not and had not had any conversations along those lines with the Chief of Staff or Rep. Huizenga.⁸¹
54. All those interviewed regarding the Disney trip agreed that the Campaign Committee paid for all expenses on the trip,⁸² save personal souvenirs if those were purchased.⁸³ This included airfare, hotel, ground transportation, park tickets, meals, and other daily expenses such as a stroller for the D.C. Deputy’s young child.⁸⁴ By way of example, for the D.C. Deputy’s family of three, in 2018, the trip cost at least \$4,654.35:

Hotel	\$	1,530.01					
Airfare	\$	1,450.17					
Park Tickets	\$	859.79					
Cab Fare	\$	108.96					
Stroller	\$	56.50					
Meals	\$	648.92					
Total	\$	4,654.35					

55. When asked which members of his staff and families attended the last three years, Rep. Huizenga stated that he believed only he and his family attended in 2018 because he was a “special guest” of Rep. Scalise and so the 2018 Disney World trip was less focused on Rep. Huizenga’s campaign.⁸⁵ However, documents show that the D.C. Deputy Chief of Staff submitted reimbursement requests for 2016, 2017, and 2018,⁸⁶ and the Chief of Staff also stated that he attended the Disney trip in 2016, 2017, and 2018.

⁷⁹ Chief of Staff Transcript (Exhibit 1 at 19-2187_0034).

⁸⁰ *Id.*

⁸¹ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0067).

⁸² *Id.* at 19-2187_0054; Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0191).

⁸³ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0054).

⁸⁴ *Id.* at 19-2187_0053-55; see also excel spreadsheet titled “McManus HFC Disney Trip” (Exhibit 12 at 19-2187_0259-261).

⁸⁵ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0188).

⁸⁶ Excel spreadsheet titled “McManus HFC Disney Trip” (Exhibit 12 at 19-2187_0259-261).

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56. The OCE inquired about the “special guest” status in interviews with Rep. Huizenga and his staff. His D.C. Deputy Chief of Staff stated that the point of a special guest was to generate more interest in an event by having additional Members present.⁸⁷
57. The D.C. Deputy explained that generally a special guest does not bring staff,⁸⁸ though some circumstances may warrant an exception.⁸⁹ Staff do not generally attend because the host Member bears the organizational and logistical costs,⁹⁰ and because there is often limited space.⁹¹
58. A special guest raises fewer funds for his campaign because he is only there in a support role, and generally may only raise funds to benefit his campaign by hosting a smaller “sidebar fundraiser” with the host’s permission.⁹²
59. Accordingly, when asked about the 2018 trip, Rep. Huizenga stated that he would have only done a “sidebar” event and informally met up with event attendees in the Disney parks.⁹³
60. Documents and testimony establish that Rep. Huizenga hosted one Disney character breakfast during the 2018 Disney World trip,⁹⁴ but continued to bring the same full complement of staff, raising questions about whether the purpose of the trip was campaign related or for the personal enjoyment of Rep. Huizenga and his staff.
61. The Chief of Staff testified that the campaign did not take a trip in 2019: “We’re in the minority. We’re just trying to cut back on trips honestly. . . . Just cut back on the number of travel, it’s expensive to travel.”⁹⁵

(2) Mackinac Island

62. The Campaign Committee also funds a biennial trip to Mackinac Island in Michigan to attend the Mackinac Republican Leadership Conference (“the Conference”).⁹⁶ The Conference is held in odd years and, as Rep. Huizenga’s District Director told the OCE, is an unofficial kickoff of the election cycle and a space to “get the grassroots teams organized” and to network with other campaign staff around the state.⁹⁷ Rep. Huizenga and his staff described the Conference as a family event, noting activities such as an ice cream social.⁹⁸ Rep. Huizenga also described the Conference as “this big giant cocktail party, fundraising,

⁸⁷ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0060).

⁸⁸ *Id.*

⁸⁹ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0188).

⁹⁰ Chief of Staff Transcript (Exhibit 1 at 19-2187_0031).

⁹¹ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0060).

⁹² Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0184-85).

⁹³ *Id.*

⁹⁴ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0185); Email string “Huizenga Character Breakfast in Disney World” (Exhibit 16 at 19-2187_0274-75).

⁹⁵ Chief of Staff Transcript (Exhibit 1 at 19-2187_0008).

⁹⁶ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0204); District Director Transcript (Exhibit 4 at 19-2187_0114-15).

⁹⁷ District Director Transcript (Exhibit 4 at 19-2187_0114, 116).

⁹⁸ Chief of Staff Transcript (Exhibit 1 at 19-2187_0018); District Director Transcript (Exhibit 4 at 19-2187_0115); Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0204).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended relationship building two day extravaganza.”⁹⁹ The District Director told the OCE that there are speakers throughout the conference including state and national candidates and elected officials.¹⁰⁰

63. The Conference is another trip for which the Campaign Committee pays for family members to attend.¹⁰¹ Compared to the Disney World trip, the Campaign Committee pays for significantly more individuals and families to attend, and the guest list extends beyond just staff and their families.¹⁰² The Campaign Committee has at times sponsored and paid “politically minded kinds . . . to come and experience [the Conference].”¹⁰³

⁹⁹ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0207).

¹⁰⁰ District Director Transcript (Exhibit 4 at 19-2187_0115-116).

¹⁰¹ *Id.* at 19-2187_0115.

¹⁰² *Id.* at 19-2187_0126.

¹⁰³ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0206).

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64. The below email produced by Rep. Huizenga includes room reservations paid for by the Campaign Committee for Rep. Huizenga and his family, the Campaign Chairman and his wife, the Campaign Bookkeeper and his wife, the District Director and his wife, the Chief of Staff, the Public Policy Manager and his wife, four friends of Rep. Huizenga's son, and the Communications Director and his family.¹⁰⁴



65. When asked about his son's friends attending the Conference, Rep. Huizenga noted that the friends "are still politically involved and engaged and work on our campaigns and volunteer and do all kinds of stuff."¹⁰⁵ Rep. Huizenga noted his son and his friends greeted Conference

¹⁰⁴ Email string "Mackinac Island Questions" (Exhibit 17 at 19-2187_0277).

¹⁰⁵ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0207).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended attendees coming onto Mackinac Island from the ferry and handed out “Huizenga for Congress” branded sunglasses.¹⁰⁶

66. As to the Communications Director’s in-laws mentioned in the above email (“Colena’s Family”), Rep. Huizenga said they were not paid for because there are not connected to the campaign and are not constituents.¹⁰⁷ However, other family members did attend and were not connected to the campaign. For example, the District Director’s wife, who does not work for the campaign and went shopping while others were attending conference events,¹⁰⁸ is grouped with the individuals in the email above who were paid for by the Campaign Committee.

(3) Deer Valley

67. Deer Valley is a more recently inaugurated yearly trip. The first of the Deer Valley trips occurred February 22-25, 2018.¹⁰⁹ In 2018, Rep. Huizenga was a special guest of Rep. Jeb Hensarling, who was, at the time, Chairman of the House Financial Services committee. Recently, in 2019, Rep. Huizenga took an organizational role in the event and was no longer a special guest.¹¹⁰

¹⁰⁶ *Id.* at 19-2187_0208.

¹⁰⁷ *Id.* at 19-2187_0207-08.

¹⁰⁸ District Director Transcript (Exhibit 4 at 19-2187_0113, 117).

¹⁰⁹ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0198).

¹¹⁰ *Id.*

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68. In 2018, Rep. Huizenga hosted one luncheon at the St. Regis in Deer Valley called “Bloodies with Bill.”¹¹¹ An email from the Chief of Staff to Rep. Huizenga indicates that as of January 26, 2018, 9 PACs had pledged \$10,500 to the Campaign Committee.

First	Last	Company	Hulzenga Pledge	Hulzenga Attended
Will	Kinzel	Delta		
Jane	Adams	J&J	NO	NO
Stephen	Allis	KPMG	\$1,000	1
Dan	Berger	NAFCU	\$1,000	1
Lisa	Blackwell	NMHC	\$1,000	1
Kathy	Didawick	BCBSA		
Rachel	Dresen	AICPA	\$1,000	1
Tucker	Foote	Mastercard	No	No
Tara	Foscato	PNC Bank	COMP	1
Matt	Green	DRS		
Barry	Hutchison	AT&T	NO	NO
Matt	Iandoli	Deloitte	\$1,000	1
Mary	Jackson	Cash America		
Marty	McGuinness	Unum	NO	NO
jake	Menefee	Marathon	NO	NO
Ian	Musselman	Continental Corporation		
Scott	Myer	NAHB		
Michael	O'Brien	PricewaterhouseCoopers	COMP	1
Kevin	O'Neill	Fraternity PAC		
Ted	Okun	Community Oncology Alliance		
Raymond	Paul	Koch	\$1,000	1
Dan	Roehl	National Restaurant Assn		
Alan	Rosenbloom	Senior Care Pharmacy Coalition		
Caroline	Rydell	Farm Credit Bank		
John	Savercool	UBS		
Hollyn	Scheumann	Viacom		
Mike	Shutley	Dunkin Brands		
Jason	Spence	CME	\$1,000	1
Mike	Thompson	Goldman Sachs	likely	likely
Majida	Turner	Tellurion		
Todd	Walker	Altria	NO	NO
Justin	Wormmeester	BNSF	\$2,500	1
Brian	Yates	Elevate	maybe	maybe
Eric	Zulkowsky	Fierce Govt Relations		
Nick	Zupancic	Capital One	\$1,000	1

¹¹¹ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0198); “Bloodies w/ Bill @ Deer Valley” email from Chief of Staff to Rep. Huizenga, Jan. 26, 2019 (Exhibit 18 at 19-2187_0279-80).

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Pete	Sessions	MEMBER	MEMBER	1
Bill	Huizenga	MEMBER	MEMBER	1
Dennis	Ross	MEMBER	MEMBER	1
Jeff	Duncan	MEMBER	MEMBER	1
Tom	Graves	MEMBER	MEMBER	1
Cindy	Ross		Wife of Rep. Ross	E41 1
Melody	Duncan		Wife of Rep. Duncan	1
Jon	DeWitte	Office of Rep. Huizenga		1
Greg	Walden	MEMBER	MEMBER	1
		Total	\$10,500	20

Jon DeWitte
Chief of Staff
Congressman Bill Huizenga (MI-02)

Cell - [REDACTED]

Huizenga for Congress
P.O. Box 254
[REDACTED]

69. The Campaign Committee did not host any other events during the 2018 Deer Valley trip.¹¹²
70. Testimony and documents establish that Rep. Huizenga brought his wife, and at least two children, as well as his Chief of Staff and two of his children.¹¹³ Rep. Huizenga told the OCE that his children as well as the Chief of Staff’s children attended all of the fundraiser events, but did not articulate any purpose they served at the event, other than that there was an “expectation[] of participation.”¹¹⁴
71. While some of the activities appear to have been family-oriented, such as roasting marshmallows, drinking hot chocolate, and skiing,¹¹⁵ others such as the luncheon, were less so. When asked whether everyone brought their kids, the Chief of Staff responded: “No, a mix. It kind of depends on the age of your kids.”¹¹⁶
72. Credit card, hotel, and ski shop records show that Rep. Huizenga spent at least \$15,703.59 in campaign funds for himself, his family, and his Chief of Staff and his children to go on the trip to Deer Valley. The Campaign Committee paid \$5,164.60 for flights for Rep. Huizenga, the Chief of Staff, and their family members,¹¹⁷ at least \$7,827.83 on lodging at St. Regis Deer Valley,¹¹⁸ including \$970.52 for ski rentals,¹¹⁹ all for the same individuals. The Campaign Committee also paid \$2,711.16 in miscellaneous expenses at Deer Valley, which

¹¹² Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0198-99).

¹¹³ *Id.* at 19-2187_0198; Jans Ski Rental Invoice (Exhibit 19 at 19-2187_0282-85).

¹¹⁴ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0201-02).

¹¹⁵ Chief of Staff Transcript (Exhibit 1 at 19-2187_0017).

¹¹⁶ *Id.* at 19-2187_0018.

¹¹⁷ Excerpted American Express Statements (Exhibit 20 at 19-2187_0287-302).

¹¹⁸ *Id.*; St. Regis Invoice (Exhibit 21 at 19-2187_0287-304-09).

¹¹⁹ Jans Ski Rental Invoice (Exhibit 19 at 19-2187_0282-85).

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73. Both the D.C. Deputy and the Chief of Staff described the event as a financial-services focused fundraiser.¹²¹ Rep. Huizenga also noted that in 2018 Rep. Hensarling “invited [him] to be a special guest as a financial services focus.”¹²²
74. However, all those interviewed agreed that the D.C. Deputy was Rep. Huizenga’s financial services expert,¹²³ and she was not invited to attend the Deer Valley event.¹²⁴ When asked why she didn’t go on the trip, the D.C. Deputy posited that there wasn’t space for her on the trip, but said she wasn’t specifically aware of why she didn’t go. It was also apparent in the interview that though she thought there was not enough room for her on the trip, the D.C. Deputy did not know that Rep. Huizenga and the Chief of Staff brought their children on the ski trip.¹²⁵

ii. Campaign Funded Osteria Rossa Dinner

75. On September 27, 2014 Rep. Huizenga and his half-brother—who also serves as his Campaign Chairman—had dinner in Grand Rapids, Michigan at a restaurant called Osteria Rossa.¹²⁶ The dinner coincided with a large, well-attended public art event in Grand Rapids called ArtPrize.¹²⁷

¹²⁰ Excerpted American Express Statements (Exhibit 20 at 19-2187_0292).

¹²¹ Chief of Staff Transcript (Exhibit 1 at 19-2187_0016); D.C. Deputy Transcript (Exhibit 2 at 19-2187_0061).

¹²² Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0185).

¹²³ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0042); Chief of Staff Transcript (Exhibit 1 at 19-2187_0030); Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0176).

¹²⁴ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0061).

¹²⁵ *Id.* at 19-2187_0060-62.

¹²⁶ Osteria Rossa Receipt (Exhibit 22 at 19-2187_0311); Chairman Transcript (Exhibit 5 at 19-2187_0166-69); Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0225-27).

¹²⁷ Chairman Transcript (Exhibit 5 at 19-2187_0164-66).

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76. The Osteria Rossa dinner was the subject of an FEC complaint,¹²⁸ which referenced and attached a Facebook post by Rep. Huizenga's brother, stating, "My little brother Bill and me. We were in GR with the wives for a little dinner and ArtPrize last night. Fun night!"¹²⁹



77. Because ArtPrize was about six weeks ahead of the election, Rep. Huizenga used the opportunity to "maximize visibility with anybody and everybody" that he could.¹³⁰ As his brother stated, "that particular day we did not have a hard event on the schedule but we knew ArtPrize was going on"¹³¹
78. After attending ArtPrize, Rep. Huizenga, his brother, and their spouses went to Osteria Rossa for dinner. Rep. Huizenga told the OCE, "we went to the restaurant. There was a wait. I had some of my former state legislative colleagues kind of sitting there also having a drink at the bar kind of thing. I picked up the tab and they were able to roll that into our table."¹³²

¹²⁸ See *In the Matter of William P. Huizenga, et al.*, First Gen. Couns. Rep., MUR 7534 (FEC May 16, 2019).

¹²⁹ Osteria Rossa Facebook post, Sept. 28, 2014 (Exhibit 25 at 19-2187_0321).

¹³⁰ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0225).

¹³¹ *Id.* at 19-2187_0166.

¹³² Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0225).

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79. No other individuals joined Rep. Huizenga for dinner.¹³³ Though the House Ethics Manual strongly advises Members to maintain a written record of the specific campaign-related agenda for a meal such as this,¹³⁴ neither Rep. Huizenga nor his brother had any such documentation or any recollection of what was discussed at dinner, and could only assume that the conversation would have largely been about politics because of the impending election.¹³⁵
80. During their interviews with the OCE, neither Rep. Huizenga nor his brother were able to recall who they saw at Osteria Rossa that night.¹³⁶ Rep. Huizenga said he could not specifically recall who was at the dinner but could make a guess about who would have likely been there.¹³⁷ When the OCE asked Rep. Huizenga to provide the names of the individuals he thought might have been in attendance, he responded: “I’m not sure I want to haul them into this. It’s like a guess. As I’m sitting there, in my mind’s eye, projecting who it would be. So, I don’t know that that’s a fair answer to- because it’s pure speculation.”¹³⁸
81. Before the interviews, Rep. Huizenga’s counsel provided a letter to the OCE on May 17, 2019 listing four individuals who were at the dinner “based on the best recollection of the Congressman and campaign staff who were there”¹³⁹ When shown that letter, Rep. Huizenga’s brother could not confirm that those were the individuals at Osteria Rossa, and stated that he did not provide the names for the list nor did he know who provided them.¹⁴⁰
82. At Rep. Huizenga’s interview, after disavowing any specific recollection of the individuals at Osteria Rossa, counsel interjected to remind Rep. Huizenga that he had submitted a letter to the FEC and the OCE listing several individuals that were present at the dinner.¹⁴¹ At that point Rep. Huizenga indicated that he may have provided the names “from best recollection.”¹⁴²
83. The FEC disbursement report for the Osteria Rossa dinner shows that the event was described as a “Campaign Event: Campaign Dinner Meeting.”¹⁴³
84. While the evidence shows there was some underlying campaign purpose motivating each of the above-described trips and other expenditures, the evidence also shows that they also had a significant or primary personal-use component for some of the attendees that were nevertheless paid for with Campaign Committee funds. Though Rep. Huizenga may have had a bona fide campaign purpose for bringing his family on the above trips, based on the

¹³³ Rep. Huizenga’s brother gave conflicting testimony. When asked to confirm that they sat down to dinner with the individuals they met at Osteria Rossa, he said “Correct.” Chairman Transcript (Exhibit 5 at 19-2187_0169).

¹³⁴ See *supra* para. 40 (quoting House Ethics Manual regarding meals with family).

¹³⁵ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0225); Chairman Transcript (Exhibit 5 at 19-2187_0169)

¹³⁶ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0226).

¹³⁷ *Id.* at 19-2187_0227.

¹³⁸ *Id.*

¹³⁹ Letter from Charlie Spies to Jeffrey Brown, May 17, 2019 (Exhibit 23 at 19-2187_0313-15).

¹⁴⁰ Chairman Transcript (Exhibit 5 at 19-2187_0167-68).

¹⁴¹ Rep. Huizenga Transcript (Exhibit 6 at 19-2187_0227).

¹⁴² *Id.*

¹⁴³ Huizenga for Congress, 2014 Q3 Report of Receipts and Disbursements at 71, filed Nov. 13, 2014.

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85. When considering whether financing travel for staff's family members was primarily motivated by a campaign or personal purpose, there are several indicia of personal use. The D.C. Deputy told the OCE she brought her family to Disney World to be near them, as the campaign frequently pulls her away from her family.¹⁴⁴ And the Chief of Staff understood the funding of his family's trips to be a form of compensation for his work for the Campaign Committee.¹⁴⁵ With respect to the Deer Valley trip, the Chief of Staff explicitly stated that attendees didn't need to bring children to participate,¹⁴⁶ and the D.C. Deputy noted that space was limited on the trip. Nonetheless, Rep. Huizenga chose to bring his family and his Chief of Staff's children on a financial-services focused fundraising trip, instead of bringing his financial services expert, the D.C. Deputy. Additionally, the evidence shows that some of the ten or more family members and friends brought to the Mackinac Island Conference did little or no work for the campaign while on the trip, and instead spent their time touring the island or shopping.¹⁴⁷
86. Taking the trips, combined with the campaign funds spent on the personal, family dinner at Osteria Rossa, there appears to be a pattern of disregard for, or lack of understanding of, the rules prohibiting the use of campaign funds for personal use.
87. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Huizenga's Campaign Committee reported campaign disbursements that were not legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes.

IV. REP. HUIZENGA MAY HAVE AUTHORIZED EXPENDITURES FROM HIS MRA THAT WERE NOT FOR PERMISSIBLE OFFICIAL EXPENSES

A. Applicable Law, Rules, and Standards of Conduct

88. Federal Law

2 U.S.C. § 5341(a) states that, "[t]here is established for the House of Representatives a single allowance, to be known as the 'Members' Representational Allowance', which shall be available to support the conduct of the official and representational duties of a Member of the House of Representatives with respect to the district from which the Member is elected."

31 U.S.C. § 1301(a) states that, "[a]ppropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

¹⁴⁴ D.C. Deputy Transcript (Exhibit 2 at 19-2187_0068).

¹⁴⁵ See *supra* para. 52.

¹⁴⁶ See *supra* para. 71.

¹⁴⁷ See *supra* para. 62-66.

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89. House Ethics Manual

“During each session of Congress, each Member has a single MRA available to support the conduct of official and representational duties to the district from which elected. . . . 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 expenses.”¹⁴⁸

90. Committee Precedent

As the Committee explained in In the Matter of Allegations Relating to Representative Luis V. Gutiérrez, “where Members have used official funds for impermissible purposes, the Committee has regularly directed them to repay any misspent funds. This requirement has most frequently arisen in circumstances where official funds were used for a Member’s personal benefit or to benefit their campaign . . . However, the Committee has also made clear that a Member is responsible to repay MRA funds used for impermissible purposes, even where neither the Member nor the Member’s campaign benefitted from the use of official funds.”¹⁴⁹ This is the case when a Member fails to properly supervise staff and the lack of appropriate oversight results in the misspent MRA funds.¹⁵⁰

B. Reimbursements for Mileage

91. During its review, the OCE recognized that certain campaign and official staffers were being reimbursed large amounts for driving many miles over repeated years. Though the OCE only reviewed the issue as it pertained to mileage reimbursements made from the MRA, the OCE reviewed miles driven both for official purposes, paid for by the MRA, and miles driven for campaign purposes, paid for by the Campaign Committee. Both sets of miles were considered to understand the total miles driven by any of the individuals during the relevant times.

92. Campaign and MRA mileage reimbursement records indicate that Rep. Huizenga’s Michigan Deputy was reimbursed \$14,017.18 in 2016 for miles she drove on behalf of the campaign and official office.¹⁵¹ This means, assuming she was reimbursed pursuant to IRS mileage regulations, that she would have driven a total of 71.12 miles per day (for 365 days) in 2016.¹⁵² In 2017, she was reimbursed \$14,820.39 for mileage.¹⁵³ Under IRS mileage regulations, she would have driven a total of 75.89 miles per day in 2017.¹⁵⁴ And in 2018, she was reimbursed \$13,040.16 for mileage.¹⁵⁵ Under IRS mileage regulations, she would

¹⁴⁸ *Id.* at 323.

¹⁴⁹ *In the Matter of Allegations Relating to Representative Luis V. Gutiérrez*, 115th Congress, 2d Sess. (2018) at 27-28.

¹⁵⁰ *Id.* at 26, 31-32.

¹⁵¹ OCE Compiled Mileage Chart (Exhibit 24 at 19-2187_0317-19). Figures compiled from Huizenga For Congress FEC reports and Statements of Disbursements of the U.S. House of Representatives.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

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have driven a total of 65.56 miles per day in 2018.¹⁵⁶ Other campaign and official staffers, such as the District Director, were also reimbursed thousands of dollars for mileage expenses during this time.

93. The OCE interviewed those individuals with the highest mileage reimbursements to determine the validity of these mileage claims.
94. The Michigan Deputy and the District Director are the two primary individuals who conduct outreach across the district for Rep. Huizenga.¹⁵⁷ They do not divide the district geographically, and instead each handle a portfolio of issues that may affect any part of the district.¹⁵⁸
95. When discussing the district office culture, the Michigan Deputy told the OCE that “if you’re at your desk every day, you’re not doing your job. There’s a lot of ground to cover. We have a lot of people that meet with you and you need to be the eyes and ears. People need to know who to come to. So we try to be at every possible thing we can all the time.”¹⁵⁹
96. Rep. Huizenga has two offices in his district. One is located in Grandville and the other is located in Grand Haven. It takes approximately 45 minutes to drive between the two offices.¹⁶⁰
97. The District Director and Michigan Deputy reported driving about five days a week on average,¹⁶¹ and very rarely driving less than three days a week.¹⁶² Driving across the district can take approximately two and half hours,¹⁶³ and staff can make a trip of that distance multiple times a day.¹⁶⁴ Additionally, the Michigan Deputy and District Director’s work takes them outside of the district, particularly dealing with a federal agency that has offices in Detroit, Lansing, or Chicago.¹⁶⁵
98. The Michigan Deputy is also a fundraiser for the Campaign Committee, which can take her outside the district as well.¹⁶⁶
99. The individuals the OCE interviewed regarding mileage reimbursements agreed that there is no set policy for how miles-traveled are tracked and reported, but each articulated their own method for doing so.¹⁶⁷ When asked how she keeps track of her mileage, the Michigan Deputy stated that she uses her odometer and writes down the miles she’s traveled every day.¹⁶⁸ She then records the daily mileage in a hardcopy calendar and submits total mileage

¹⁵⁶ *Id.*

¹⁵⁷ Michigan Deputy Transcript (Exhibit 3 at 19-2187_0078).

¹⁵⁸ *Id.* at 19-2187_0078, 87.

¹⁵⁹ *Id.* at 19-2187_0087.

¹⁶⁰ *Id.* at 19-2187_0090-91.

¹⁶¹ District Director Transcript (Exhibit 4 at 19-2187_0117).

¹⁶² Michigan Deputy Transcript (Exhibit 3 at 19-2187_0088).

¹⁶³ *Id.* at 19-2187_0087-88.

¹⁶⁴ *Id.* at 19-2187_0087.

¹⁶⁵ *Id.* at 19-2187_0089-90; District Director Transcript (Exhibit 4 at 19-2187_0117).

¹⁶⁶ Michigan Deputy Transcript (Exhibit 3 at 19-2187_0087).

¹⁶⁷ *Id.* at 19-2187_0091.

¹⁶⁸ *Id.*

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reports on approximately a monthly basis.¹⁶⁹ The District Director uses an Outlook calendar to record the location of each of his meetings, and then later uses Google maps to recreate his trips and determine the mileage between the points he traveled on a given day.¹⁷⁰

100. The Michigan Deputy also stated during her interview that she does not count the mileage between her home and the main office she uses in Grand Haven.¹⁷¹

101. The OCE notes that both the Michigan Deputy and the District Director offered credible testimony on the nature of their positions, including the need to take frequent lengthy trips to perform their official and campaign functions.

102. Based on the foregoing information, the Board finds that there is not substantial reason to believe that Rep. Huizenga authorized expenditures from his MRA that were not for permissible official expenses.

V. CONCLUSION

103. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Huizenga accepted contributions from congressional staffers.

104. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Huizenga accepted contributions from congressional staffers.

105. Based on the foregoing information, the Board finds that there is substantial reason to believe that the Campaign Committee reported disbursements that were not for legitimate and verifiable campaign expenditures.

106. Accordingly, the Board recommends that the Committee further review the above allegation that the Campaign Committee reported disbursements that were not for legitimate and verifiable campaign expenditures.

107. Based on the foregoing information, the Board finds that there is not substantial reason to believe that Rep. Huizenga authorized expenditures from his MRA that were not for permissible official expenses.

108. Accordingly, the Board recommends that the Committee dismiss the above allegation that Rep. Huizenga authorized expenditures from his MRA that were not for permissible official expenses.

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

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

- a. Sea Island, the Cloister;

¹⁶⁹ Michigan Deputy Transcript (Exhibit 3 at 19-2187_0091).

¹⁷⁰ District Director Transcript (Exhibit 4 at 19-2187_0119).

¹⁷¹ Michigan Deputy Transcript (Exhibit 3 at 19-2187_0093).

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- b. Playtime Events Management, Inc.;
- c. Affordable Limousine; and
- d. The Walt Disney Company.

110. The Board recommends that the Committee on Ethics issue subpoenas to Sea Island, The Cloister, Playtime Events Management, Inc., Affordable Limousine, and The Walt Disney Company.