

**115TH CONGRESS, 2ND SESSION  
U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON ETHICS**

**IN THE MATTER OF ALLEGATIONS RELATING TO  
REPRESENTATIVE THOMAS GARRETT**

**STAFF REPORT**

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**January 2, 2019**

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**FOREWORD**

The report that follows contains the findings, recommendations, and guidance of the nonpartisan, professional staff of the Committee on Ethics.

**I. INTRODUCTION**

In May 2018, the Committee learned through public reports of allegations by several former members of Representative Thomas Garrett’s staff that his congressional employees were treated as “personal servants” by Representative Garrett and his wife, Flanna Garrett.<sup>1</sup> Shortly thereafter, Representative Garrett made a public statement denouncing the allegations as “half-truths and whole lies,” and announcing that he is an alcoholic and would not seek re-election to Congress for the 116<sup>th</sup> Congress.<sup>2</sup>

On June 8, 2018, the Committee authorized an investigation pursuant to Committee Rule 18(a) into allegations that Representative Garrett may have improperly required, requested or allowed members of his official staff to perform non-official, personal tasks for his or his wife’s personal benefit.

On June 14, 2018, the Office of Congressional Ethics (OCE) notified the Committee it had begun a preliminary review of allegations that Representative Garrett used his congressional staff to perform unofficial work and personal errands, and an employee from Representative Garrett’s congressional staff performed personal errands while being paid by Representative Garrett’s

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<sup>1</sup> Rachael Bade, Alex Isenstadt and Kyle Cheney, “Ex-aides say congressman made them his servants,” POLITICO, May 25, 2018, available at <https://www.politico.com/story/2018/05/25/tom-garrett-staff-servants-608665> (last accessed Oct. 24, 2018) (hereinafter *POLITICO Article*).

<sup>2</sup> Laura Vozzella and Jenna Portnoy, “Rep. Garrett announces he is an alcoholic and will not seek reelection,” THE WASHINGTON POST, May 28, 2018, available at [https://www.washingtonpost.com/local/virginia-politics/rep-garrett-announces-he-is-an-alcoholic-and-will-not-seek-re-election/2018/05/28/40e8839a-62b2-11e8-99d2-0d678ec08c2f\\_story.html?utm\\_term=.93dff9ee831b](https://www.washingtonpost.com/local/virginia-politics/rep-garrett-announces-he-is-an-alcoholic-and-will-not-seek-re-election/2018/05/28/40e8839a-62b2-11e8-99d2-0d678ec08c2f_story.html?utm_term=.93dff9ee831b) (last accessed Nov. 16, 2018).

campaign committee. On September 5, 2018, OCE referred its Report and Findings (Referral) to the Committee, in which it recommended further review of the first matter and dismissal of the second matter.<sup>3</sup>

The Committee authorized staff to further review both allegations contained in OCE's Referral.<sup>4</sup> Committee staff's investigation revealed numerous instances in Representative Garrett's office of diverting staff time away from official matters toward tasks related to Representative Garrett's and his family's personal needs. At times, this resulted in a prioritization of Representative Garrett's and his wife's personal needs over those of his constituents. The evidence also showed that Representative Garrett failed to appropriately compensate staff who performed personal services for him or his family. Representative Garrett has suggested that his collegial relationship with his staff, who he referred to as "co-workers" and "friends," should inform the Committee's evaluation of his conduct in this matter. However, regardless of how friendly Representative Garrett was with his staff, he was still their employer. Although at least some of Representative Garrett's staff were willing volunteers, others felt pressured to assist him and his wife or risk losing their jobs.

Not all of the tasks that Representative Garrett's staff expressed concerns about to the press, OCE, or the Committee were improper; several were merely mundane. However, because the lines between personal and official, between voluntary and required, were so often blurred in Representative Garrett's office, there was frequent confusion among the staff about what was and was not permissible. This confusion was exacerbated by bullying behavior from Mrs. Garrett, who responded with insults and profanity when staff questioned or displeased her. Staff's uncertainty culminated in an April 2018 staff meeting in which Representative Garrett brought in counsel from this Committee and sought to clarify the office "chain of command" and encouraged his staff to report ethics concerns to their supervisor, him, or the Committee, in that order. During the meeting, Committee counsel explained that official staff time cannot be used for personal tasks, nor can a Member accept personal services from staff without providing compensation. Despite this guidance, the Committee's investigation revealed that Representative Garrett did not fully understand when and how he could call upon his congressional staff to assist him with respect to tasks that were not in direct support of his official representational duties. He also incorrectly believed that congressional staffers could be asked to perform personal tasks if they were also on the campaign payroll.

The evidence showed that Representative Garrett likely: (1) misused official resources, including official staff time, for his and his family's personal benefit; and (2) improperly accepted gifts from his employees in the form of personal services for which he provided no compensation. It would be appropriate for individuals who violate these rules to reimburse the U.S. Treasury for the value of those misused official resources and personally compensate their staff for their gifts of personal services. The Committee has a longstanding practice of requiring that Members reimburse the U.S. Treasury for the impermissible use of official funds and requiring that Members repay the value of impermissible gifts that they receive. If the Committee had not lost jurisdiction here, those requirements could have been imposed as part of the resolution of the matter.

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<sup>3</sup> The Committee released OCE's Report and Findings on December 4, 2018, pursuant to Committee Rule 17A.

<sup>4</sup> Committee staff also reviewed allegations that Representative Garrett's use of alcohol interfered with his official duties, but, as discussed more fully below, did not find sufficient evidence to substantiate those allegations.

As a general matter, Members are responsible for the conduct that occurs in their offices. Members' immediate family may, as a general matter, volunteer in their congressional offices. While volunteers are not subject to the Code of Official Conduct or within the jurisdiction of the Committee, Members nonetheless bear responsibility for any violations that result from their actions taken in their position as volunteers, including the mistreatment of the Members' staff. This is uniquely true for a Member's spouse, who staff are likely to assume speaks with the voice of the Member. In light of these issues, the Committee has long advised that Members and House offices obtain the agreement of anyone who volunteers in a House office that they will conduct themselves in a manner that reflects creditably on the House.<sup>5</sup>

Committee staff determined that Representative Garrett failed to place any limits on Mrs. Garrett's interactions with staff, which not only exacerbated the misuse of official resources in his office but resulted in many of his staff feeling disparaged and bullied. As the Committee recently emphasized, "the House of Representatives should be a workplace free of physical, verbal, or emotional abuse, and it is the responsibility of Members to ensure that each of their offices remains so."<sup>6</sup> Representative Garrett abdicated that responsibility when he failed to take any corrective actions regarding Mrs. Garrett's mistreatment of staff, even after such issues were brought to his attention.

About the time that the allegations first surfaced, Representative Garrett announced that he would not seek re-election to the House. When he retires at the end of this Congress, the Committee will lose jurisdiction over him. However, Representative Garrett was plainly confused about what is permissible for his staff to do under House rules, and Committee staff is concerned that other members of the House community may share his confusion. Committee staff hopes that this Report will serve to clarify the appropriate uses of staff time and other official resources.

## II. PROCEDURAL HISTORY

On June 8, 2018, the Committee authorized an investigation pursuant to Committee Rule 18(a). Over the course of its investigation, the Committee staff interviewed eleven witnesses, including current and former members of Representative Garrett's staff and Representative Garrett. In addition, the Committee authorized the issuance of four subpoenas.

On June 14, 2018, while the Committee's investigation was already underway, OCE informed the Committee it had begun a preliminary review of this matter. On July 9, 2018, OCE initiated a second-phase review. On August 29, 2018, the OCE Board voted to adopt the Findings and refer the matter to the Committee with a recommendation for further review and dismissal. The Committee received OCE's referral on September 5, 2018, and publicly released it on December 4, 2018, pursuant to House and Committee rules.<sup>7</sup>

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<sup>5</sup> In addition, there are limitations on how a House office may accept the services of a volunteer. *House Ethics Manual* (2008) at 288-290 (hereinafter *Ethics Manual*).

<sup>6</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Elizabeth Esty*, H. Rep. 115–1093, 115th Cong., 2d Sess. 31 (2018).

<sup>7</sup> House Rule XI, cl. 3(b)(8)(A)(i); Committee Rule 17A(c)(2).

The Committee also reviewed material provided by OCE, including its Referral, along with other documentary and testimonial evidence obtained by OCE, including seven interview transcripts and one witness statement. In total, the Committee reviewed over 1,500 pages of documents.

Given Representative Garrett's announcement on May 29, 2018, that he would not seek reelection, the Committee worked expeditiously to investigate this matter before losing jurisdiction over Representative Garrett in January 2019. These efforts were complicated by the House calendar. In addition, the investigation was slowed, but not deterred, by non-cooperation from several current and former employees of Representative Garrett's congressional staff. Two witnesses ignored inquiries by the Committee, another witness failed to appear for his scheduled interview date despite confirming his attendance, and one witness – a current staff member of Representative Garrett's office – refused to cooperate with the Committee's investigation altogether.

Representative Garrett's and Mrs. Garrett's interactions with the Committee also impeded the investigation's progress. For example, after various requests by Representative Garrett's counsel for an extension to production deadlines, which culminated in nearly two months of delays, Representative Garrett produced only ten pages of documents in response to the Committee's requests, all of which were text messages. Representative Garrett produced additional responsive documents, including on December 20, 2018, after repeated follow-up by Committee staff. Representative Garrett's as well as Mrs. Garrett's overall document productions omitted numerous responsive documents the Committee later obtained from former and current members of Representative Garrett's congressional staff. Though such documents were requested of Representative Garrett and Mrs. Garrett, and should have been within their custody and control, neither of the Garretts produced those documents or provided a plausible explanation for why they could not produce them.

Moreover, Mrs. Garrett, through her counsel, declined to be interviewed by Committee staff.<sup>8</sup> Mrs. Garrett also refused to answer a set of written questions. Given the short period of time available to conclude the Committee's investigation, the Committee lacked the time needed to compel Mrs. Garrett's cooperation. The Garretts' delays and last minute productions raise concerns that they were trying to run out the clock on the Committee's jurisdiction.

Notwithstanding these limitations, the Committee conducted an extensive investigation into the allegations.

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<sup>8</sup> Mrs. Garrett declined to be interviewed after learning that the Committee could not guarantee that any of its Members would be present at the interviews. In Committee investigations conducted under Committee Rule 18(a), the Chairwoman and Ranking Member can, and often do, authorize the Committee's nonpartisan staff to conduct interviews of witnesses without Committee Members present. This practice is essential for ensuring that matters can be resolved in a timely manner.

### III. APPLICABLE HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT

Federal appropriations law states that “[a]ppropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”<sup>9</sup> Regulations issued by the Committee on House Administration implement that requirement and provide that House funds and resources are to be used for official House business and may not be used for any unofficial purposes.<sup>10</sup> Generally, the Members’ Representational Allowance (MRA) “may only be used for official and representational expenses,” and “may not pay for personal expenses.”<sup>11</sup> Nor may the MRA be “used to pay for any expenses related to activities or events that are primarily social in nature (including but not limited to: … personal events, etc.).”<sup>12</sup> The *Members’ Handbook* states:

Each Member is personally responsible for the payments of any official and representational expenses incurred that exceed the provided MRA or that are incurred but are not reimbursable under these regulations.

The *House Ethics Manual* also states that “Members may be personally liable for misspent funds or expenditures exceeding the MRA.”<sup>13</sup>

A provision of the *Members’ Handbook* permits the incidental personal use of House equipment and supplies “when such use is negligible in nature, frequency, time consumed, and expense.”<sup>14</sup> However, this policy applies only to incidental personal use of those resources, and not to their use for campaign or political purposes.<sup>15</sup>

As a general matter, House Rule XXV, clause 5(a)(3)(F) provides that Members, officers, and employees may accept “[a] gift from another Member . . . officer, or employee of the House or Senate.” The Committee has explained, however, that federal law generally bars government employees from giving gifts to their official superiors and prohibits employees from accepting a gift from those who work for them.<sup>16</sup> A “gift” is anything of monetary value, including gifts of services.

As explained in the *Ethics Manual*, a Member or House office may generally accept volunteer services only on a temporary basis where the voluntary service is of significant educational benefit to the participant and does not supplant the normal and regular duties of paid

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<sup>9</sup> 31 U.S.C. § 1301(a).

<sup>10</sup> Comm. on House Admin., *Members’ Congressional Handbook*, 115th Congress (July 25, 2018) (hereinafter *Members’ Handbook*) available at <https://cha.house.gov/handbooks/members-congressional-handbook> (last accessed Oct. 22, 2018).

<sup>11</sup> *Id.* at 2.

<sup>12</sup> *Id.*

<sup>13</sup> *Ethics Manual* at 323.

<sup>14</sup> *Members’ Handbook* at 3.

<sup>15</sup> *Ethics Manual* at 126.

<sup>16</sup> *Id.* at 70 (citing 5 U.S.C. § 7351). The Committee has recognized common sense exceptions for voluntary gifts on special occasions where gifts are traditionally given, such as birthdays and holidays.

employees.<sup>17</sup> However, a Member may accept volunteer services without limit from his or her own immediate family, including the Member’s spouse.<sup>18</sup> A Member’s spouse is permitted to work in the Member’s office, “on an unpaid basis only.”<sup>19</sup>

With respect to a Member’s casework, the *Ethics Manual* notes that the Member’s obligations are to all constituents equally, and considerations such as political support, party affiliation, or one’s status as a campaign contributor should not affect either the decision of a member to provide assistance or the quality of help that is given.<sup>20</sup> The *Ethics Manual* also states that, in assisting a private party, “a Member should be mindful that congressional allowances, including those for staff, are available only for conducting official business,” and assistance to a private party should not extend so far that the congressional office is actually doing the work of the private party, rather than that of Congress.<sup>21</sup> The *Ethics Manual* provides examples of activities that may be contrary to this precept, including completing paperwork for a constituent.<sup>22</sup>

The *Ethics Manual* further explains that, as a general matter, a Member “should not devote official resources to casework for individuals who live outside the district”<sup>23</sup> because the purpose of the MRA is “to support the conduct of the official and representational duties of a Member of the house of Representative *with respect to the district which the Member is elected.*”<sup>24</sup>

House Rule XXIII, clause 6 provides that a Member: (1) “shall keep his campaign funds separate from his personal funds”; (2) “may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures”; and (3) with limited exceptions, “may not expend funds from his campaign account that are not attributable to bona fide campaign or political purposes.” In addition, the Federal Election Campaign Act (FECA) provides that a campaign contribution may not be “converted by any person to any personal use.”<sup>25</sup>

Finally, House Rule XXIII, clauses 1 and 2, provide that “[a] Member . . . of the House shall behave at all times in a manner that shall reflect creditably on the House,” and “shall adhere to the spirit and the letter of the Rules of the House . . .”.

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<sup>17</sup> *Id.* at 288.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 244, 272. *See also* House Rule XXIII, cl. 8(c)(1)(A) (Member may not retain a relative in a paid position).

<sup>20</sup> *Id.* at 300.

<sup>21</sup> *Id.* at 310 (discussing government contracts but noting that such “matters are subject to the same guidelines as other casework”).

<sup>22</sup> *Id.* at 311.

<sup>23</sup> *Id.*

<sup>24</sup> *Ethics Manual* at 310 (citing 2 U.S.C. § 57b) (emphasis in the original). Members are not barred from ever responding to a non-constituent; the *Ethics Manual* provides examples of instances where work with non-constituents may help a Member better serve his or her district. *Id.* However, as a general matter, a Member “should not devote official resources to casework for individuals who live outside the district. When a Member is unable to assist such a person, the Member may refer the person to his or her own Representative or Senator.” *Id.*

<sup>25</sup> 52 U.S.C. § 30114(b)(1). As the *Ethics Manual* explains, “[w]hile 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)... [i]n 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.” *Ethics Manual* at 122.

## IV. BACKGROUND

Representative Garrett has served as Representative for the Fifth District of Virginia since January 2017. He married Mrs. Garrett in May 2016.

On May 25, 2018, *POLITICO* published a report alleging that Representative Garrett and Mrs. Garrett “often demanded that staff run personal errands outside their typical congressional duties.”<sup>26</sup> The article was based on accounts from four former members of Representative Garrett’s staff that the Garretts “turned [his] staff into personal servants... assigning them tasks from grocery shopping to fetching the congressman’s clothes to caring for their pet dog, all during work hours.”<sup>27</sup> The article also included allegations that some staffers “served as drivers for [Representative Garrett’s] older daughters.”<sup>28</sup>

According to the report, staffers “feared if they refused [Representative] Garrett’s or his wife’s orders ... they would struggle to advance in their careers” or would be fired.<sup>29</sup> The article also quoted staff who claimed they left their employment with Representative Garrett’s office, which had one of the highest levels of turnover in the House, because they grew tired of being asked to do “mundane tasks” by Representative Garrett and his wife that “had nothing to do with the job.”<sup>30</sup> According to the report, Representative Garrett’s Chief of Staff (“Chief of Staff B”), “who objected to the congressman’s use of office resources,” was among the staffers who departed their employment out of frustration.<sup>31</sup>

### *A. Mrs. Garrett’s Involvement in Representative Garrett’s Congressional Office*

Mrs. Garrett frequently visited Representative Garrett’s office and often assigned tasks to his congressional staff.<sup>32</sup> There was general agreement among the witnesses interviewed by the Committee that Mrs. Garrett had a significant role in the office. According to former and current members of Representative Garrett’s congressional staff, Mrs. Garrett regularly participated in office staffing decisions, including hiring, firing, and the awarding of employee bonuses.<sup>33</sup> Mrs. Garrett also attended interviews for staff positions, sometimes at Representative Garrett’s

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<sup>26</sup> *POLITICO Article*.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> 18(a) Interview of Chief of Staff B; 18(a) Interview of Former Employee B; 18(a) Interview of Former Employee A; 18(a) Interview of Representative Garrett (noting that Mrs. Garrett visited his congressional office one to three times a week, and less so after the allegations in the instant matter were publicized in May 2018). *See also* OCE Interview Transcript of Former Employee C at 13-14 (staffer testified that Mrs. Garrett was in the D.C. office once every one to two weeks in 2017, and less so in 2018).

<sup>33</sup> 18(a) Interview of Former Employee A; 18(a) Interview of Current Employee C; 18(a) Interview of Chief of Staff B; 18(a) Interview of Former Employee B (staffer recalled conversation in which Chief of Staff B told him he would not receive a promotion because Mrs. Garrett “[was] not having it”).

invitation.<sup>34</sup> Testimony from former and current members of Representative Garrett’s staff also revealed that Mrs. Garrett openly advocated for certain employees to be fired or not receive a bonus.<sup>35</sup> Committee staff reviewed evidence indicating that Mrs. Garrett’s displeasure led at least two staffers to quit.<sup>36</sup> Representative Garrett acknowledged that he sought and took into account Mrs. Garrett’s opinion regarding personnel matters, but explained he made all the final decisions.<sup>37</sup> Representative Garrett also told Committee staff that he never placed any limits on Mrs. Garrett’s involvement in his congressional office.<sup>38</sup>

Mrs. Garrett often made requests of staff, which generally fell into three main categories: (1) official matters, such as scheduling tours and responding to constituent matters;<sup>39</sup> (2) personal errands or services;<sup>40</sup> and (3) campaign-related matters.<sup>41</sup>

When making certain requests, Mrs. Garrett sometimes stated that the request came from Representative Garrett by using the phrase, “Tom asked me to tell you.” Mrs. Garrett’s use of this phrase was so frequent that, when sending text messages to staff, she used an acronym of that phrase (TAMTTY), which autocorrected in her phone to “TAMMY.”<sup>42</sup>

Although one witness said that it was “well understood” that Representative Garrett asked Mrs. Garrett to send requests on his behalf because he was driving or busy,<sup>43</sup> other members of Representative Garrett’s official staff expressed doubt as to whether Representative Garrett made or knew of the requests Mrs. Garrett made of staff.<sup>44</sup> For example, Chief of Staff B testified that staff “never really knew” whether it was Representative Garrett or Mrs. Garrett who was sending requests and that it was “very blurred sometimes where direction was coming from.”<sup>45</sup> During an April 26, 2018, all-staff meeting attended by Committee counsel, however, Representative Garrett

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<sup>34</sup> 18(a) Interview of Current Employee B; 18(a) Interview of Current Employee C; OCE Interview Transcript of Former Employee E at 29; 18(a) Interview of Chief of Staff B; 18(a) Interview of Representative Garrett.

<sup>35</sup> 18(a) Interview of Chief of Staff B (recalling instances in which Mrs. Garrett demanded that certain employees be fired); 18(a) Interview of Current Employee G (staffer recalled witnessing a conversation between Mrs. Garrett and Representative Garrett in which Mrs. Garrett recommended against giving a bonus to a specific staffer).

<sup>36</sup> 18(a) Interview of Former Employee A (staffer told the Committee he decided to quit after he learned from Chief of Staff B that Mrs. Garrett was upset with him for not doing the things she asked of him). Chief of Staff B testified that Mrs. Garrett wanted him to fire Former Employee A because she “didn’t like [him] personally,” and that Mrs. Garrett “scream[ed]” at him in front of Representative Garrett for not firing Former Employee B. 18(a) Interview of Chief of Staff B.

<sup>37</sup> 18(a) Interview of Representative Garrett.

<sup>38</sup> *Id.*

<sup>39</sup> 18(a) Interview of Current Employee A; OCE Interview Transcript of Current Employee A at 15; 18(a) Interview of Current Employee B; 18(a) Interview of Current Employee C; 18(a) Interview of Former Employee C.

<sup>40</sup> 18(a) Interview of Current Employee B; 18(a) Interview of Current Employee C; 18(a) Interview of Former Employee B; 18(a) Interview of Former Employee A.

<sup>41</sup> 18(a) Interview of Current Employee B; 18(a) Interview of Former Employee A.

<sup>42</sup> 18(a) Interview of Representative Garrett; 18(a) Interview of Current Employee A; 18(a) Interview of Current Employee D; OCE Interview Transcript of Former Employee C at 13; OCE Interview Transcript of Former Employee D at 18; 18(a) Interview of Chief of Staff B; *see also* Exhibit 1 (example of a “TAMMY” text message from Mrs. Garrett to staff).

<sup>43</sup> 18(a) Interview of Current Employee D.

<sup>44</sup> 18(a) Interview of Former Employee A; 18(a) Interview of Current Employee C; 18(a) Interview of Chief of Staff B.

<sup>45</sup> 18(a) Interview of Chief of Staff B.

told his staff: “if you’re ever asked to do anything by my wife and you think it’s inappropriate, talk to [Chief of Staff B] or me . . . but generally speaking those requests are coming from me.”<sup>46</sup> Representative Garrett further explained that he viewed Mrs. Garrett as his “surrogate communicator,” and that he relied on her to communicate with staff when he was unable.<sup>47</sup>

Staffers also recalled receiving emails from what they believed was a joint email account shared by the Garretts, which was understood to be used primarily by Mrs. Garrett, but which Representative Garrett also could access.<sup>48</sup> Representative Garrett maintained that he “does not and has not had access to that account” and that it is “strictly used” by Mrs. Garrett.<sup>49</sup> Nevertheless, Former Employee B recalled one notable occasion in which he received a “particularly vitriolic email” from the joint email account about scheduling tours, which was signed, “Tom.” Former Employee B said that, the following day, Representative Garrett specifically asked him whether he had seen the email.<sup>50</sup> When asked about this email during his interview with the Committee, Representative Garrett had no recollection of sending it and did not recall discussing it with Former Employee B.<sup>51</sup>

Mrs. Garrett’s heavy involvement in Representative Garrett’s office, including her role in making personnel decisions, led several current and former employees to feel as though they had to comply with her requests.<sup>52</sup> According to Chief of Staff B, the Garretts considered firing at least one employee for failing to follow Mrs. Garrett’s instruction to take Representative Garrett’s personal car in for an oil change when the car was well past the service date.<sup>53</sup> Representative Garrett denied that he considered firing this employee over this incident, but recalled that Mrs. Garrett was upset with the employee for not performing this task.<sup>54</sup>

Chief of Staff B also acknowledged that Representative Garrett sometimes gave him room to “push back” on Mrs. Garrett’s requests, but added that there were times where Representative

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<sup>46</sup> Audio Recording of April 26, 2018, All-Staff Meeting.

<sup>47</sup> 18(a) Interview of Representative Garrett (noting, for instance, that Mrs. Garrett would send text messages to his staff if he was driving).

<sup>48</sup> 18(a) Interview of Current Employee A; 18(a) Interview of Former Employee C.

<sup>49</sup> August 22, 2018 Email from Counsel for Representative Garrett Elliot Berke to Committee Staff, available at Appendix B.

<sup>50</sup> See Exhibit 2; 18(a) Interview of Former Employee B.

<sup>51</sup> 18(a) Interview of Representative Garrett.

<sup>52</sup> 18(a) Interview of Former Employee A (testifying that he was “afraid” to refuse Mrs. Garrett’s instructions and that she was “pretty much [his] boss.”); 18(a) Interview of Current Employee B (testifying that she did not want to say “no” to Mrs. Garrett); 18(a) Interview of Current Employee C (testifying that she did not want to “test it out” whether she could decline Mrs. Garrett’s requests); 18(a) Interview of Chief of Staff B (testifying that “most” of the staff took Mrs. Garrett’s requests as commands or orders);

<sup>53</sup> 18(a) Interview of Chief of Staff B; *see also infra* Section IV.B. Chief of Staff B told Committee staff that, after Mrs. Garrett requested Current Employee E take Representative Garrett’s car in for an oil change, he told Current Employee E that he could not perform that task during work hours. Chief of Staff B said that Mrs. Garrett called him after Current Employee E did not perform the task and told him that if she told staff to do something they needed to do it. Current Employee B recalled that Current Employee E told her that Mrs. Garrett gave him a “hard time” for not taking the car in for an oil change and that others in the office also told her about this incident. *See also* Exhibit 3.

<sup>54</sup> 18(a) Interview of Representative Garrett.

Garrett would call him and tell him that he needed to do something that Mrs. Garrett had requested.<sup>55</sup>

Nevertheless, staff noted that Mrs. Garrett would sometimes scream at staff or use a harsh tone when texting with them. Chief of Staff B provided the Committee with text messages which he described as “textbook” examples of how Mrs. Garrett interacted with staff in which Mrs. Garrett used expletives when discussing the fact that Representative Garrett’s staff did not do what she had asked.<sup>56</sup> In one of those exchanges, Mrs. Garrett sent the following text message to Chief of Staff B:

“NONE of what I asked to be done with the phone was done. Not a f\*\*\*\*\* thing. I am going to sit down with some of your staff and tell them how f\*\*\*\*\* disrespectful and STUPIDLY shortsighted they are for completely disregarding every thing [sic] I asked them to do.”<sup>57</sup>

According to Chief of Staff B, he discussed Mrs. Garrett’s language with Representative Garrett, who responded, “she’s going to talk to people how she wants to talk to people.”<sup>58</sup> Representative Garrett testified that he never personally observed Mrs. Garrett berate, scold, or reprimand any of his staff, but acknowledged one occasion in which he learned that she was “short” with Current Employee E.<sup>59</sup>

At least three of Representative Garrett’s current and former staffers said that they performed personal tasks for the Garretts as willing volunteers.<sup>60</sup> Representative Garrett similarly testified that staff volunteered to perform certain tasks, emphasizing that he had a collegial relationship with his staff, and never made requests with a “dictatorial” tone.<sup>61</sup> He considered several of his staffers to be friends, and referred to his staff as “coworkers.”<sup>62</sup> Two of the employees who told the Committee they willingly volunteered to assist the Garretts with personal tasks received promotions during their time in Representative Garrett’s office; the third left Representative Garrett’s office at the end of 2017 but was rehired in June 2018, after the allegations of misuse of staff were made public.

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<sup>55</sup> 18(a) Interview of Chief of Staff B; 18(a) Interview of Current Employee A (staffer recalled Chief of Staff B told her that Mrs. Garrett “would request something and didn’t have a lot of patience for it or wouldn’t take no for an answer or would be accusatory.”).

<sup>56</sup> 18(a) Interview of Chief of Staff B.

<sup>57</sup> Exhibit 4.

<sup>58</sup> 18(a) Interview of Chief of Staff B.

<sup>59</sup> 18(a) Interview of Representative Garrett.

<sup>60</sup> 18(a) Interview of Current Employee A; 18(a) Interview of Former Employee C; Written Declaration of Current Employee D at 1.

<sup>61</sup> 18(a) Interview of Representative Garrett.

<sup>62</sup> *Id.*

## *B. Specific Tasks Requested by Representative Garrett and/or Mrs. Garrett*

In his submissions to the Committee, Representative Garrett generally denied that he or Mrs. Garrett ever used his congressional staff for unofficial purposes during official time. In his interview with the Committee, Representative Garrett acknowledged that “stuff happened that probably shouldn’t have happened,” and admitted that staff performed some unofficial tasks, but explained that he believed their work on such tasks to be allowable, provided that the staff member was also being compensated by his campaign.<sup>63</sup>

As explained in further detail below, however, former and current members of Representative Garrett’s congressional staff described having to perform a litany of what they characterized as unofficial tasks for Representative Garrett and his family, both outside of and during official time. Although some of those tasks appear to have been solely for the personal benefit of Representative Garrett or his family, some were merely mundane tasks sufficiently related to Representative Garrett’s official duties to be permissible uses of official staff time. However, because the lines of what was permissible were so often blurred in Representative Garrett’s office, staff were often confused about what was official and what was personal, and about what was voluntary and what was required. Committee staff reviewed evidence related to the following tasks staff performed or were asked to perform:

### Carrying Groceries

Several staffers recalled helping the Garretts unload groceries or seeing other staffers do so.<sup>64</sup> Some of those instances involved moving groceries from the Garretts’ car into the congressional office itself, possibly for use by the office.<sup>65</sup> On at least one occasion, however, staffers were asked to, and did, assist with groceries for the Garretts’ home.<sup>66</sup> In May 2017, Mrs. Garrett sent a text message to Former Employee A, Former Employee G, and Representative Garrett, asking if one of them could help her with a large grocery haul; Former Employee A offered

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<sup>63</sup> *Id.*

<sup>64</sup> E.g. 18(a) Interview of Former Employee A; 18(a) Interview of Current Employee C (recalling that she helped the Garretts unload either groceries or luggage at their home).

<sup>65</sup> In his submission to the Committee, Representative Garrett estimated that on approximately ten occasions former staffers were asked to assist him with unloading groceries from his car that he or his wife had purchased for the office. Representative Garrett July 6, 2018, Declaration at 3 (hereinafter *Garrett Declaration*, available at Appendix B). Although some of the staffers that Representative Garrett identified did not recall or denied assisting with groceries intended for the office, others told the Committee that they may have assisted Mrs. Garrett with carrying groceries into the office. 18(a) Interview of Former Employee B (denying ever helping with groceries); 18(a) Interview of Former Employee C (recalling that he assisted Mrs. Garrett during a shopping trip to Costco and helped bring supplies purchased during the trip into the office); 18(a) Interview of Current Employee B (recalling that she may have volunteered to carry groceries when Mrs. Garrett was pregnant); OCE Interview Transcript of Former Employee D at 10, 13 (“only thing [related to staff assisting with groceries] I ever saw was when people were bringing groceries into the office,” for the office, which he did not view as a “personal favor.”).

<sup>66</sup> Representative Garrett informed the Committee that his wife had described a July 2017 instance in which an employee, who he believed to be Former Employee B, offered to help Mrs. Garrett with her groceries. *Garrett Declaration* at 2-3. Former Employee B told the Committee he never assisted the Garretts with groceries, but that he recalled that Former Employee A would sometimes leave work during business hours, to ride with Mrs. Garrett to the grocery store and back to their apartment to help unload the items, because she was pregnant. 18(a) Interview of Former Employee B.

his assistance and helped Mrs. Garrett unload her groceries at her apartment.<sup>67</sup> According to Former Employee A, he was not compensated for his assistance.<sup>68</sup> He said that he had to leave what he was working on in the office and spent approximately one hour assisting Mrs. Garrett that evening, beginning around 6:00 p.m.<sup>69</sup> Representative Garrett stated that Former Employee A voluntarily performed this task.<sup>70</sup> However, Former Employee A told Committee Staff that he felt that he had to comply with Mrs. Garrett's request, even though it made him "uncomfortable," after Former Employee G told him that it was part of his duties as scheduler to go help Mrs. Garrett when she made such a request.<sup>71</sup> Former Employer A had been hired as scheduler that same month, replacing Former Employee G in the position. According to Former Employee A, he was also told by Chief of Staff A when he interviewed for the position that he would be expected to perform certain tasks for Mrs. Garrett.<sup>72</sup>

### Dog Sitting

Representative Garrett acknowledged that his staff helped care for his dog, Sophie, both inside and outside the office.<sup>73</sup> Multiple staff members testified that Mrs. Garrett brought the Garretts' dog into Representative Garrett's congressional office on numerous occasions,<sup>74</sup> and staff were sometimes asked or volunteered to take the dog on walks for five to fifteen minutes out of the work day.<sup>75</sup> Chief of Staff B said that there were also "over a dozen times" that the Garretts forgot the dog in the office and asked staff to bring the dog to their apartment.<sup>76</sup> Representative Garrett, however, only recalled this occurring on one occasion and noted that an employee who was still in the office volunteered to bring the dog to him.<sup>77</sup> Two other staffers recalled occasions in which the Garretts left the dog at the office after it closed.<sup>78</sup>

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<sup>67</sup>Exhibit 5; *Garrett Declaration* at 2; According to Former Employee A, Former Employee G drove him from the congressional office to the Garretts' apartment. 18(a) Interview of Former Employee A.

<sup>68</sup> 18(a) Interview of Former Employee A (Former Employee noted that "[a] tip would have been nice.").

<sup>69</sup> *Id.*

<sup>70</sup> 18(a) Interview of Representative Garrett; *Garrett Declaration* at 2.

<sup>71</sup> 18(a) Interview of Former Employee A.

<sup>72</sup> *Id.*

<sup>73</sup> *Garrett Declaration* at 4; 18(a) Interview of Representative Garrett.

<sup>74</sup> See e.g. 18(a) Interview of Current Employee D; 18(a) Interview of Former Employee A; 18(a) Interview of Former Employee C; OCE Transcript of Former Employee D at 12; Written Declaration of Current Employee D at 2. The Committee also received evidence that Mrs. Garrett may have brought their dog to one of Representative Garrett's district offices on at least occasion as well. In an email to a district employee, Mrs. Garrett wrote: "we are going to have [the dog] with us tomorrow and hope to leave her at the office when Tom has his meetings." Exhibit 6.

<sup>75</sup> 18(a) Interview of Former Employee B; 18(a) Interview of Former Employee C; 18(a) Interview of Current Employee B; 18(a) Interview of Current Employee C. However, Current Employee A denied ever taking the dog out during the day and explained that the dog had a "pad" in the office that it would use the restroom on. 18(a) Interview of Current Employee A.

<sup>76</sup> 18(a) Interview of Chief of Staff B.

<sup>77</sup> 18(a) Interview of Representative Garrett.

<sup>78</sup> 18(a) Interview of Former Employee A (recalling that a staffer decided to walk the dog to the Garretts' apartment after staff realized the Garretts had left her); 18(a) Interview of Current Employee B (recalling that the dog was left overnight in the office on one occasion).

At least two staffers, Current Employee A and Current Employee C, were asked to dog-sit for Sophie outside of the office. Representative Garrett stated that both employees volunteered their time and were compensated.<sup>79</sup> Current Employee A volunteered to watch Sophie on at least three occasions.<sup>80</sup> On one occasion, when she watched the dog over the span of 12 days while Mrs. Garrett was out of town, Current Employee A was compensated with a spa gift certificate.<sup>81</sup> Current Employee A was not compensated on the other two occasions she watched the Garretts' dog.<sup>82</sup> Current Employee C dog-sat for the Garretts twice. On one occasion, in January 2018, she was compensated with a \$50 spa gift certificate for a weekend when she stayed at the Garrets' apartment to watch their dog.<sup>83</sup> According to Current Employee C, Representative Garrett told her that he would pay her, "but not much," for dog-sitting on the second occasion, a weekend in February 2018.<sup>84</sup> When she did not receive any compensation after her second time dog-sitting, Current Employee C raised the issue with Chief of Staff B, who told her that he would "handle it."<sup>85</sup> Current Employee C never was directly compensated by the Garretts for dog-sitting in February.<sup>86</sup> As discussed further below, Current Employee C was offered a paid position with Representative Garrett's campaign committee several weeks later.

### Scheduling Medical Appointments

On several occasions, Representative Garrett and Mrs. Garrett asked congressional staff, during office hours, to schedule medical appointments on their behalf.<sup>87</sup> Chief of Staff B testified that Representative Garrett "expected" employees to schedule his medical appointments, and that he relied on his scheduler to set up medical appointments for him, his wife, and his newborn daughter.<sup>88</sup> According to Chief of Staff B, he tried to "push back" as much as he could on these requests, but they were all "direct orders" from Representative Garrett.<sup>89</sup> In testimony to Committee staff, his scheduler acknowledged scheduling those appointments for Representative Garrett, with his knowledge, stating that it was "easier" for her to do, since she had a better sense of what would work best for his calendar.<sup>90</sup> Her predecessor also testified that he was in charge of scheduling Representative Garrett's doctor's appointments when he was scheduler.<sup>91</sup> The

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<sup>79</sup> Garrett Declaration at 4; *see also* 18(a) Interview of Representative Garrett.

<sup>80</sup> 18(a) Interview of Current Employee A.

<sup>81</sup> *Id.* (Current Employee A could not recall the value of the gift certificate, but said she used it to get a facial).

<sup>82</sup> *Id.* On one of those two uncompensated occasions, Mrs. Garrett texted Current Employee A asking her to "remind me to reimburse you," but Current Employee did not do so, explaining to the Committee that it was "something nice" she wanted to do for the Garretts while Mrs. Garrett was visiting a sick family member. *Id.* On the other occasion, Current Employee A cleaned the Garretts' apartment, on her own accord and without permission. She was not compensated, nor did she ask to be, and Mrs. Garrett wrote her a note stating, "Thank you so much for taking care of our cuddle bug on short notice and making our apartment a cleaner happier place to live!" *See id.*; Exhibit 7.

<sup>83</sup> 18(a) Interview of Current Employee C.

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *See e.g.*, Exhibit 8; Exhibit 9; Exhibit 10; Exhibit 11.

<sup>88</sup> 18(a) Interview of Chief of Staff B.

<sup>89</sup> *Id.*

<sup>90</sup> 18(a) Interview of Current Employee B (Current Employee B estimated that she spent approximately 15 minute during the work day, and another five minutes prior to the work day, scheduling doctor's appointments for Representative Garrett.).

<sup>91</sup> 18(a) Interview of Former Employee A.

Committee also heard testimony and received documents indicating that Representative Garrett's staff assisted in getting his glasses repaired<sup>92</sup> and helped him and Mrs. Garrett with matters relating to their health insurance.<sup>93</sup>

Representative Garrett acknowledged that his scheduler worked on scheduling his medical appointments, and explained that he believed that this was allowable because schedulers had "latitude" to perform such tasks.<sup>94</sup> Representative Garrett could not recall whether his congressional staff made appointments for Mrs. Garrett or his children, but also acknowledged that he expected his staff to have Mrs. Garrett's and his children's insurance information.<sup>95</sup>

### Apartment Move

Former Employee C told Committee staff that he helped the Garretts move apartments, during a workday some time in November 2017.<sup>96</sup> Former Employee C testified that he, Chief of Staff B, and Former Employee D worked from 9:00 a.m. until 3:00 p.m. to load boxes or pieces of furniture into a truck and then unloaded them at another location.<sup>97</sup> On Tuesday, November 21, 2017, Former Employee C texted Former Employee D as follows: "[Chief of Staff B] has requested we meet at 9:30 at Tom's apartment."<sup>98</sup> An entry in Former Employee C's calendar from the same day notes: "wear jeans and sweatshirt."<sup>99</sup> According to Former Employee C, the Garretts bought lunch for him and the other staff who assisted with the move, which he approximated as costing between \$15 and \$20.<sup>100</sup>

Chief of Staff B also acknowledged helping the Garretts move apartments "in September or December 2017," along with Former Employee C and Former Employee D. Chief of Staff B said that he asked Former Employee C for help with this task, but that it was not required. Chief of Staff B thought that staff assisted with this move after 5:00 p.m., and stated that they were not compensated.<sup>101</sup> Chief of Staff B said that Former Employee C and Former Employee D "helped for like 2 or 3 hours. I legitimately helped them move out of that house for 2 weeks."

Current Employee C and Former Employee C may have provided additional assistance with respect to the Garretts' apartment move. Current Employee C texted Former Employee C on November 15, 2017, stating: "Tom and Flanna are moving apartments and just needed some extra

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<sup>92</sup>Exhibit 12.

<sup>93</sup> Exhibit 13 (email correspondence in which Current Employee B notes that she "just spoke with DC Health Link" about adding Representative Garrett's daughter to their healthcare plan).

<sup>94</sup> 18(a) Interview of Representative Garrett.

<sup>95</sup> *Id.* ("I presume the chief had my wife's and my kids' insurance information . . . I mean, maybe I just have a really messed-up view of what's appropriate, but yeah, I'm sure [staff] had my kids' health insurance information . . . when you make an appointment, oftentimes they'll tell you, like 'Please provide X,Y and Z,' which is why I absolutely expected that somebody would have had my kids' health insurance information.").

<sup>96</sup> Mrs. Garrett also asked Current Employee C to print an email about the Garrett's dispute with their former landlord, which appears to have precipitated their apartment move. Exhibit 14.

<sup>97</sup> 18(a) Interview of Former Employee C.

<sup>98</sup>Exhibit 15.

<sup>99</sup>Exhibit 16.

<sup>100</sup> 18(a) Interview of Former Employee C.

<sup>101</sup> 18(a) Interview of Chief of Staff B.

boxes so I'm gunna [sic] bring some to her around 12PM.”<sup>102</sup> In addition, Chief of Staff B texted Former Employee C at 9:07 a.m. on December 1, 2017, “Do you mind helping Flanna for a couple hours today?” and explained that “She’s [sic] needs help moving some stuff. I would do it but I’m in meetings all day.”<sup>103</sup>

Representative Garrett acknowledged that Chief of Staff B helped him move apartments and stated that it was “absolutely conceivable” that other members of his staff assisted as well.<sup>104</sup> However, Representative Garrett noted that Chief of Staff B was also moving into Representative Garrett’s old apartment at the same time Representative Garrett was moving out.<sup>105</sup> Representative Garrett could not recall if he compensated Chief of Staff B for this assistance.<sup>106</sup>

### Couch Delivery

According to Former Employee B, in early 2017, when he was working as an unpaid intern in Representative Garrett’s office, he was tasked with accompanying Mrs. Garrett during the work day while she waited for a couch delivery outside the Garretts’ apartment.<sup>107</sup> According to Former Employee B, he had to do this because the Garretts did not want Mrs. Garrett to wait alone for the couch delivery.<sup>108</sup> He estimated that he spent one and a half hours waiting for the delivery.<sup>109</sup>

### Driving Mrs. Garrett

The Committee received evidence that staff members drove Mrs. Garrett to the airport at least two times.<sup>110</sup> Three staff members specifically recalled one of those instances, and testified that Chief of Staff B originally planned to drive Mrs. Garrett to Dulles International Airport (Dulles), but that Current Employee E drove her in his stead.<sup>111</sup> Current Employee E testified that he volunteered to drive Mrs. Garrett to the airport after seeing that the office was “in a panic” after it appeared that Mrs. Garrett’s original ride to the airport had failed.<sup>112</sup> Current Employee E claimed that the roundtrip trip to Dulles took an hour, occurred during his lunch break, and did not interfere with his official work in any way.<sup>113</sup> He further explained that he was motivated, in part,

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<sup>102</sup> Exhibit 17.

<sup>103</sup> Exhibit 18.

<sup>104</sup> 18(a) Interview of Representative Garrett. Representative Garrett could not recall how much time Chief of Staff B spent assisting with this move, but believed his assistance mostly occurred at night.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> 18(a) Interview of Former Employee B.

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> 18(a) Interview of Chief of Staff B; *see also* 18(a) Interview of Current Employee B (recalling one occasion in which she declined to drive the Garretts to the airport after being asked to do so by Chief of Staff B).

<sup>111</sup> 18(a) Interview of Chief of Staff B; 18(a) Interview of Current Employee A; 18(a) Interview of Current Employee E; *see also* Exhibit 19 (February 7, 2018 text exchange between Chief of Staff B and Current Employee A regarding this incident, in which Chief of Staff B states: “Flanna and I are going back and forth because it’s suppose [sic] to be an ice storm tomorrow and they want me to drive toms car”).

<sup>112</sup> 18(a) Interview of Current Employee E.

<sup>113</sup> *Id.* Dulles International Airport is located in Dulles, Virginia, approximately 30 miles by car from Representative Garrett’s congressional office in Washington, D.C.

to drive Mrs. Garrett to the airport because he was new on the job and “wanted to get granny [brownie] points.”<sup>114</sup>

Representative Garrett testified that, on one occasion, he asked Chief of Staff B to drive Mrs. Garrett to the airport. Representative Garrett acknowledged that this was not an official task, but stated that he believed this was allowable because Chief of Staff B was on his campaign payroll.<sup>115</sup> Representative Garrett further explained that “unbeknownst” to him, Chief of Staff B asked Current Employee E to drive Mrs. Garrett instead, and then had the “temerity” to tell him that staff was not permitted to perform this type of task.<sup>116</sup> Representative Garrett could not recall if he compensated Current Employee E for performing this task.<sup>117</sup>

One former staffer, Former Employee E, told OCE that, after Current Employee E drove Mrs. Garrett to Dulles, she went through airport security while in possession of bullets from Representative Garrett’s firearm.<sup>118</sup> According to the OCE testimony of Former Employee E, who was not present during the incident, Mrs. Garrett was stopped and “it almost turned into a crisis.”<sup>119</sup> Representative Garrett disagreed with this categorization. He denied that any official resources were used to resolve this incident, and explained that the ammunition was likely his, Mrs. Garrett did not know the ammunition was in the bag, the ammunition was confiscated, and Mrs. Garrett was permitted through security.<sup>120</sup>

### Driving Representative Garrett’s Children

Although Representative Garrett initially denied that his official staff were ever required or requested to chauffeur his daughters,<sup>121</sup> he later clarified that he recalled a single occasion on which Former Employee H volunteered to drive his two oldest daughters from Washington D.C., to Fredericksburg, Virginia.<sup>122</sup> Representative Garrett said that Former Employee H told Representative Garrett he was “driving that way anyway.”<sup>123</sup> Some witnesses corroborated Representative Garrett’s account that Former Employee H volunteered to do this task.<sup>124</sup> However, Former Employee B said that Former Employee H told him that on one occasion he was *instructed* to drive Representative Garrett’s children from Scottsville, Virginia, to Washington,

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<sup>114</sup> *Id.* Based on House disbursement records, Current Employee E’s start date in Representative Garrett’s office was January 25, 2018. Current Employee E was not required to make up any missed work for the time spent on this task.

<sup>115</sup> 18(a) Interview of Representative Garrett.

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> OCE Interview Transcript of Former Employee E at 19.

<sup>119</sup> *Id.*

<sup>120</sup> 18(a) Interview of Representative Garrett. Representative Garrett has questioned the “credibility and veracity” of Former Employee E’s OCE testimony, and noted that Former Employee E was terminated for cause.

<sup>121</sup> *Garrett Declaration* at 2.

<sup>122</sup> 18(a) Interview of Representative Garrett (explaining Former Employee H volunteered to drive his daughters 70 miles to Fredericksburg, Virginia so that they could meet their mother); Exhibit 20. According to Representative Garrett, Former Employee H was already planning a trip in the direction Representative Garrett’s daughters were heading when he volunteered to drive them. The Garretts reimbursed Former Employee H \$80.00 for gas and supplies. *Id.*; Exhibit 21.

<sup>123</sup> 18(a) Interview of Representative Garrett.

<sup>124</sup> 18(a) Interview of Former Employee C; Current Employee A.

D.C.<sup>125</sup> Several witnesses recalled that Former Employee H drove the Representative Garrett's children on more than one occasion.<sup>126</sup> Former Employee H did not respond to a request by the Committee for an interview.

### Oil Change and Car Detailing

Mrs. Garrett asked Representative Garrett's staff to take the Garretts' car in for an oil change and detailing, but this task was completed months from the initial request, after Representative Garrett eventually asked a member of his district staff to do it.<sup>127</sup> In a January 28, 2018 text message obtained by the Committee, Mrs. Garrett wrote to Chief of Staff B: "Please have [Former Employee C] take Tom's car to have the oil changed and detailed on Tuesday."<sup>128</sup> (Mrs. Garrett did not produce this message to the Committee.) Chief of Staff B responded: "I do not feel comfortable having [Former Employee C] do that on government time or at all. I will take care of this personally, as a volunteer."<sup>129</sup> Chief of Staff B did not, in fact, get the oil changed in their car, and testified that he only offered to do this in order to get the Garretts "off the staff's back."<sup>130</sup> In or around early February 2018, Mrs. Garrett asked Current Employee E to get an oil change on Representative Garrett's personal car, while Current Employee E drove her to the airport.<sup>131</sup> Current Employee E told Chief of Staff B of this request, who replied that he was not permitted to perform that task.<sup>132</sup>

A short time later, on February 15, 2018, Representative Garrett sent the following text message to Chief of Staff B:

[Chief of Staff B], my car was 4,000 miles overdue for an oil change. I lost a transmission last campaign. If I lose an engine during the campaign, I cannot begin to afford to fix it. We asked and asked and asked if you could get it serviced. It was NEVER important to you.  
But I'm not terribly sure when you thought I was gonna do it.  
And so finally I (as in NOT you) asked [Current Employee F] to do it while I was at Monticello.  
And Flanna is right to be pissed that NOT ONLY did you ignore her, but you also didn't see fit to tell her OR ME that you told [Current Employee E] not to do what had been asked.<sup>133</sup>

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<sup>125</sup> 18(a) Interview of Former Employee B. Scottsville, Virginia, is approximately 140 miles from Washington, D.C.

<sup>126</sup> 18(a) Interview of Chief of Staff B; OCE Interview Transcript of Former Employee E at 18; OCE Interview Transcript of Former Employee B at 14-15.

<sup>127</sup> 18(a) Interview of Chief of Staff B.

<sup>128</sup> Exhibit 22.

<sup>129</sup> *Id.*

<sup>130</sup> 18(a) Interview of Chief of Staff B.

<sup>131</sup> 18(a) Interview of Chief of Staff B; *see also* 18(a) Interview of Current Employee E (staffer acknowledged that Mrs. Garrett asked him about taking the car in for an oil change, but recalled that Mrs. Garrett asked him to ask Chief of Staff B if a staff member could get the oil changed).

<sup>132</sup> 18(a) Interview of Chief of Staff B; 18(a) Interview of Current Employee E.

<sup>133</sup> Exhibit 3.

According to Chief of Staff B, this incident “fractured” his relationship with the Garretts: they wanted him to fire Current Employee E, which he refused to do, and Mrs. Garrett continued to resent the fact that he had not done what was asked.<sup>134</sup> For example, in a May 9, 2018 text message, Mrs. Garrett told Chief of Staff B: “[y]ou should have let your family friend that you hired change my husband’s oil and I would never have known you told office staff to disregard my requests.”<sup>135</sup>

Representative Garrett testified that Current Employee F changed the oil in his car on one occasion, while Representative Garrett was at a meeting with foreign dignitaries at Monticello. Representative Garrett testified that he knew Current Employee F would have time to perform the task because staff were not invited to the meeting with the foreign dignitaries.<sup>136</sup> Later, Representative Garrett clarified that Current Employee F told him that there were *two* occasions upon which he had changed the oil in his car.<sup>137</sup> Representative Garrett said that Mrs. Garrett was very concerned that, not only did Former Employee C not change the oil as requested, but no one told Mrs. Garrett that the task had not been completed.<sup>138</sup> Current Employee F did not agree to a voluntary interview with Committee staff.

### IKEA Trip

On December 12, 2017, Former Employee C accompanied Mrs. Garrett on a late-afternoon trip to IKEA at the request of Chief of Staff B.<sup>139</sup> According to Representative Garrett, items for use and consumption inside the office (specifically, picture frames) were purchased during the trip. Former Employee C, however, testified that no office items were purchased during the trip, and that the purpose of the trip was for Mrs. Garrett to purchase a piece of new furniture for the Garretts’ new apartment.<sup>140</sup> Former Employee C testified that he and Mrs. Garrett dropped off the furniture at the Garretts’ apartment, after which Mrs. Garrett drove him back to Representative Garrett’s office where he continued working.<sup>141</sup> Former Employee C testified that he spent “three, possibly more, hours” assisting with this task during the work day.<sup>142</sup> At the store, Mrs. Garrett bought Former Employee C a meal, which he valued at approximately \$6-\$7, as well as wall fasteners, whose value he could not estimate.<sup>143</sup> He was not provided with any other compensation for his assistance.

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<sup>134</sup> 18(a) Interview of Chief of Staff B.

<sup>135</sup> Exhibit 23.

<sup>136</sup> 18(a) Interview of Representative Garrett.

<sup>137</sup> *Id.*; Exhibit 24 (Dec. 14, 2018 email from E. Berke to Committee staff).

<sup>138</sup> 18(a) Interview of Representative Garret.

<sup>139</sup> 18(a) Interview of Former Employee C; Exhibit 25 (Dec. 12, 2017 text messages between Former Employee C and Current Employee C regarding the IKEA trip). Though Representative Garrett acknowledged that Former Employee C assisted Mrs. Garrett on a trip to IKEA, he maintained that Former Employee C was not “official staff” at the time he accompanied Mrs. Garrett to IKEA. However, Representative Garrett’s MRA disbursement records indicate that Former Employee C was a paid employee who held the position “staff assistant” on the date of this trip. See Statement of Disbursements of the House, October 1, 2017, through December 31, 2017, at 804.

<sup>140</sup> 18(a) Interview of Former Employee C.

<sup>141</sup> *Id.*; *see also* Exhibit 25.

<sup>142</sup> 18(a) Interview of Former Employee C. The IKEA was located in College Park, Maryland, approximately 16 miles by car from Representative Garrett’s congressional office.

<sup>143</sup> *Id.*

## Costco Trip(s)

Former Employee B testified that office interns went to Costco “pretty frequently” with Mrs. Garrett.<sup>144</sup> On at least one occasion, in October 2017, Former Employee C (then a paid intern in Representative Garrett’s office) accompanied Mrs. Garrett to Costco to purchase supplies for the office, and another staffer was asked to help carry the supplies from the car to the office.<sup>145</sup> As thanks for Former Employee C’s assistance on the trip, which took two to three hours during the work day, Mrs. Garrett purchased him lunch at Costco.<sup>146</sup> Former Employee C recalled that Mrs. Garrett used the campaign credit card to pay for his meal.<sup>147</sup>

## Passport Assistance for Representative Garrett’s Children

Representative Garrett’s staff were tasked with helping Representative Garrett’s daughters obtain passports, including ensuring they got their photos taken and completing the necessary paperwork.<sup>148</sup> Although Representative Garrett’s district office staff sometimes assisted constituents with passports, it was several members of his Washington, D.C., staff, including his Chief of Staff, who took on this task.

Representative Garrett acknowledged that members of his staff assisted his children in obtaining passports by making phone calls to determine what paperwork was needed, though he could not recall the names of any individual staffers who may have done such work.<sup>149</sup> He said that staff’s assistance was limited to calling the passport office and giving guidance to his family on what to do, and possibly accepting delivery of the passport on his behalf.<sup>150</sup>

## Internships and Applications for Representative Garrett’s Children

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<sup>144</sup> OCE Interview Transcript of Former Employee B at 11 (testified that interns in Representative Garrett’s office accompanied Mrs. Garrett to Costco “pretty frequently.”).

<sup>145</sup> 18(a) Interview of Former Employee C.

<sup>146</sup> *Id.*; *see also* Exhibit 1; Exhibit 26. The Costco store was located in Northeast Washington, D.C., approximately 7 miles by car from Representative Garrett’s congressional office.

<sup>147</sup> Federal Election Commission (FEC) disbursement records for Representative Garrett’s campaign committee reflect three disbursements on October 26, 2017 to “Costco #0233” for “event supplies” valued at \$8.23, \$254.40, and \$219.10.

<sup>148</sup> Exhibit 27 (undated text message from Representative Garrett to Chief of Staff B, Mrs. Garrett, and Current Employee B asking that they “get the passport that [he had] already paid for” and inquiring about the status of the passport); 18(a) Interview of Former Employee A (testifying that Representative Garrett or Mrs. Garrett had asked him to assist in getting passports for the Garretts’ children); 18(a) Interview of Chief of Staff B (estimating that he spent approximately two hours on passport-related work for Representative Garrett’s daughter); 18(a) Interview of Current Employee B (estimating that she spent approximately 30 minutes during the work day researching what information was needed for Representative Garrett’s daughter to obtain a passport). *See also* Exhibit 28.

<sup>149</sup> 18(a) Interview of Representative Garrett.

<sup>150</sup> *Id.* (“Assistance is: Call down there; tell us what we need to do. Like, nobody can go get my child’s picture taken for them.”).

The Committee received evidence that Representative Garrett asked a congressional staffer to prepare a list of foreign affairs internships for one of Representative Garrett's daughters,<sup>151</sup> and that official staff may have assisted Mrs. Garrett with one of Representative Garrett's children's school applications.<sup>152</sup> In July 2017, Representative Garrett's Legislative Director appears to have emailed application materials on behalf of one of Representative Garrett's daughters to the Director of Admission for a private boarding and day school in Virginia, using his official House email address and during official hours.<sup>153</sup> According to Representative Garrett, he asked his Legislative Director, whom he considers a friend, to speak with the Director of Admissions at the school because the Legislative Director had also attended and was still active with the school.<sup>154</sup>

### Babysitting

Representative Garrett testified that Mrs. Garrett informed him of one occasion in which Current Employee C babysat their youngest child at their apartment so that Mrs. Garrett could take a shower.<sup>155</sup> Representative Garrett said that this occurred shortly after the birth of the child, and Current Employee C was at the Garrett's house to deliver something.<sup>156</sup> Representative Garrett said Current Employee C offered to sit with the baby without being asked to do so.<sup>157</sup> Current Employee C told the Committee she was never asked or required to perform tasks for the Garretts' children, but did not address whether she ever volunteered to babysit.<sup>158</sup> Chief of Staff B told the Committee that Current Employee C did babysit the Garretts' newborn.<sup>159</sup>

### Purchasing Gifts

Representative Garrett informed the Committee that he asked Mrs. Garrett to purchase gifts from the House Gift Shop for constituents and noted that he believed that Mrs. Garrett may have also asked his staff to do so as well.<sup>160</sup> Members of Representative Garrett's staff acknowledged making these purchases, but also described being directed by Mrs. Garrett and Representative

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<sup>151</sup> 18(a) Interview of Representative Garrett (noting that he believed it was appropriate to request staff to perform this task because they were paid by his campaign and the request was not made in a dictatorial way); 18(a) Interview of Current Employee A; Exhibit 29 (text message from Representative Garrett to Current Employee A: "Any chance to work with [Former Employee G] on an email [] with internships and links describing each?"). Committee staff scheduled an interview with Former Employee G but he did not appear on the scheduled date and did not reply to further inquiries from staff.

<sup>152</sup> Exhibit 30 (July 2017 incomplete email chain from Mrs. Garrett to Former Employee D, sent during official hours, about a school application for Representative Garrett's daughter, requesting information about potential financial aid). *But see* OCE Interview Transcript of Former Employee D at 16-17 (Former Employee D denied to OCE that Mrs. Garrett ever asked him to do any personal tasks).

<sup>153</sup> Exhibit 30 (only a partial excerpt of the email chain was produced to the Committee).

<sup>154</sup> 18(a) Interview of Representative Garrett. Representative Garrett explained that his daughter did not end up attending this school.

<sup>155</sup> 18(a) Interview of Representative Garrett. Representative Garrett stated that he was not there when this occurred, but estimated that Current Employee C spent approximately ten minutes performing this task.

<sup>156</sup> 18(a) Interview of Representative Garrett.

<sup>157</sup> *Id.*

<sup>158</sup> 18(a) Interview of Current Employee C.

<sup>159</sup> 18(a) Interview of Chief of Staff B.

<sup>160</sup> *Garrett Declaration* at 4.

Garrett to purchase gifts for non-constituents,<sup>161</sup> including Mrs. Garrett’s father,<sup>162</sup> and campaign donors or volunteers.<sup>163</sup> Representative Garrett clarified, during his testimony, that he was also aware of one instance in which staff purchased and sent a flag to the medical facility treating Mrs. Garrett’s father.<sup>164</sup> Current Employee C recalled that she used the office supply card to purchase the gift for Mrs. Garrett’s father,<sup>165</sup> and other staff members testified that they used the campaign credit card to purchase campaign-related gifts while on official time.<sup>166</sup> Representative Garrett also acknowledged that it was part of the “protocol” for sending ornaments to “people who in some way, shape, or form, helped with the campaign, constituents or not,” to have individuals on his congressional staff who were also compensated by his campaign buy the ornaments.<sup>167</sup>

### Parking Lot Passes

The Committee received evidence that Mrs. Garrett may have requested that staff obtain House parking lot passes for non-constituents or friends who were staying at the Garretts’ apartment, but did not want to pay for parking.<sup>168</sup> Representative Garrett said that members of his congressional staff have “absolutely” assisted in obtaining parking lot passes for friends staying at his residence as well as his family members.<sup>169</sup> Representative Garrett told the Committee, “it doesn’t matter if you’re in my district or not. If you’re a thought leader and you are served at this Capitol, in this building, and you happen to know me . . . and you say, I want to come to Washington, D.C., can you help me out, I’m going to get you a parking lot pass.”<sup>170</sup>

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<sup>161</sup> Current Employee B testified that in the winter of 2017 to 2018, Mrs. Garrett instructed her to send ornaments as return gifts to individuals who had sent the Garretts holiday cards, some of whom she did not believe were constituents based on the addresses listed on the envelopes Mrs. Garrett gave her. 18(a) Interview of Current Employee B.

<sup>162</sup> 18(a) Interview of Current Employee C; 18(a) Interview of Chief of Staff B.

<sup>163</sup> 18(a) Interview of Former Employee A (noting that Representative Garrett instructed him to make a purchase for a “big campaign donor”); 18(a) Interview of Chief of Staff B (recalling that Mrs. Garrett asked him to buy gifts for constituents, donors, and campaign volunteers over 30 times, such that staff did it on a “regular basis”).

<sup>164</sup> 18(a) Interview of Representative Garrett.

<sup>165</sup> According to Current Employee C, at Mrs. Garrett’s request, she purchased a picture frame from the House Gift shop, and printed a photograph of the Garretts at a gala using the office’s purchase card. Current Employee C spent “maybe less than an hour” during the work day framing the photograph, which she believed was for Mrs. Garrett’s father. 18(a) Interview of Current Employee C.

<sup>166</sup> 18(a) Interview of Current Employee B (noting that she used her House computer and the campaign credit card when purchasing the first set of ornaments, but that she then used her personal phone for the second set of ornaments after realizing it might be inappropriate to use an official device to purchase items with a potential campaign nexus); *see also* 18(a) Interview of Chief of Staff B (noting that Representative Garrett and Mrs. Garrett instructed staff to use the campaign credit card when making such purchases). The Committee also received evidence that, on at least one occasion, Mrs. Garrett requested, during working hours, that official staff contact Representative Garrett’s campaign counsel to determine if an expense was billable to the campaign card. Exhibit 31.

<sup>167</sup> 18(a) Interview of Representative Garrett (explaining that he felt it was appropriate for his congressional staff to do this if they were also receiving compensation from his campaign).

<sup>168</sup> *See* 18(a) Interview of Chief of Staff B (staffer estimated that such requests were made approximately once a week, and that staff spent about 20 minutes fulfilling the request); 18(a) Interview of Current Employee C (staffer acknowledged that she “probably” helped retrieve parking passes and agreed to review her text messages for relevant messages related to this topic; however, she did not respond to follow-up requests from the Committee for such documents); *see also* Exhibit 22; Exhibit 32.

<sup>169</sup> 18(a) Interview of Representative Garrett.

<sup>170</sup> *Id.*

### Bringing Clothing to Representative Garrett

At least four current and former members of Representative Garrett's staff recalled bringing Representative Garrett different items of clothing from his apartment throughout his time in Congress, including during the official work day.<sup>171</sup> One staffer recalled having to work "longer hours" to make up for the time he spent picking up clothes for Representative Garrett.<sup>172</sup> Chief of Staff B estimated that Representative Garrett had a suit jacket brought to him about once a month,<sup>173</sup> and told the Committee that he began keeping spare shirts for Representative Garrett in his office closet after learning how often staff previously had to go to Representative Garrett's apartment to retrieve shirts.<sup>174</sup>

Representative Garrett acknowledged that staff picked-up clothes from his residence, however, he maintained that such assistance occurred on three discrete occasions, when he: forgot a belt; stained his shirt; and needed tuxedo shoes to wear to the White House Christmas party. Representative Garrett maintained that staff's assistance was officially-related and appropriate under each of those circumstances given that it allowed him to present a professional appearance.<sup>175</sup>

### Cigarettes

Five witnesses interviewed by Committee staff recounted instances in which they were asked to purchase or bring Representative Garrett cigarettes.<sup>176</sup> Chief of Staff B testified that staff bought cigarettes and liquor for Representative Garrett. He estimated that staff were asked to bring

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<sup>171</sup> 18(a) Interview of Former Employee A (testifying that he was required to pick up clothes from the congressman's apartment two or three times after he stained his shirt, spending 20 minutes or more for each instance); 18(a) Interview of Former Employee B (testifying that he and another employee were instructed to pick up a jacket from Representative Garrett's apartment, which he spent 15 minutes doing); 18(a) Interview of Former Employee C (testifying that he spent approximately one hour of official time searching for Representative Garrett's tuxedo at his apartment before a White House event); 18(a) Interview of Current Employee B (testifying that, in the winter or fall 2017, she picked up a suit from Representative Garrett's apartment and brought it to the Capitol). As a general matter, Former Employee B told Committee Staff that Former Employee G did "most of the stuff" related to picking up clothes for Representative Garrett. OCE Transcript of Former Employee at 16. As previously discussed, the Committee scheduled an interview with Former Employee G, however, he did not show up for the interview and did not respond to further inquiries by the Committee.

<sup>172</sup> 18(a) Interview of Former Employee A.

<sup>173</sup> 18(a) Interview of Chief of Staff B.

<sup>174</sup> *Id.* The Committee also obtained payment transactions records indicating that, prior to Chief of Staff A's tenure, Mrs. Garrett paid Former Employee G and Former Employee H "for shirt" and "for emergency shirts." See Exhibit 33.

<sup>175</sup> *Garrett Declaration* at 4-5; 18(a) Interview of Representative Garrett.

<sup>176</sup> 18(a) Interview of Former Employee A (testifying that he purchased cigarettes for Representative Garrett two or three times, spent a total of 40 minutes to an hour making trips to buy cigarettes for the congressman, and was unable to recall if he was reimbursed); 18(a) Interview of Former Employee C (testifying that he brought Representative Garrett cigarettes outside of the House office building not less than six or seven times, spending a few minutes during the work day to do so); 18(a) Interview of Current Employee A (testifying that she brought Representative Garrett cigarettes on one occasion); 18(a) Interview of Current Employee C; 18(a) Interview of Chief of Staff B. *See also* Exhibit 34; Exhibit 35 (additional instances in which staff brought or were requested to bring Representative Garrett cigarettes).

Representative Garrett cigarettes a total of 50 to 60 times.<sup>177</sup> Chief of Staff B said that he eventually bought several cartons of cigarettes and kept them in his desk to avoid the need for staff to acquire cigarettes for Representative Garrett, but estimated that there were approximately 12 times where official staff bought Representative Garrett cigarettes.<sup>178</sup> Chief of Staff B said that neither he nor staff were reimbursed for purchasing cigarettes.<sup>179</sup>

On at least one occasion, staff may have been asked to bring Representative Garrett cigarettes while he was at his apartment: in a February 6, 2018, text message from Mrs. Garrett to Chief of Staff B, she wrote: “can you send an intern that [sic] the apartment? Tom wants cigarettes. I can bring them if you don’t have anyone.”<sup>180</sup> (Mrs. Garrett did not produce this message to the Committee.) Representative Garrett acknowledged asking staff to bring him cigarettes while he was on the House campus, but denied that his staff ever brought him cigarettes while he was at his apartment. For each of those occasions, he maintained that he paid or reimbursed staff the price of the cigarettes.<sup>181</sup>

### Scheduling and Conducting Tours

The Committee received evidence that Mrs. Garrett directed staff to schedule or conduct tours for individuals, some of whom were not Representative Garrett’s constituents, which she or Representative Garrett wanted to prioritize. While one employee considered conducting these tours as part of his official duties,<sup>182</sup> others expressed frustration with performing these tasks. The reasons staff gave for their frustration included that the tours were time-consuming,<sup>183</sup> occurred on days when the office was closed,<sup>184</sup> or were for the benefit of Mrs. Garrett’s personal friends.<sup>185</sup>

Representative Garrett acknowledged that his staff has assisted with or given tours for non-constituents, including tours for his mother-in-law and personnel who worked at the facility that treated Mrs. Garrett’s father.<sup>186</sup>

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<sup>177</sup> 18(a) Interview of Chief of Staff B.

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> Exhibit 36.

<sup>181</sup> 18(a) Interview of Representative Garrett. According to Representative Garrett, very little time was spent by staff on this; they typically brought him cigarettes when they were already on their way to him and purchased cigarettes while they were out for lunch.

<sup>182</sup> 18(a) Interview of Former Employee C.

<sup>183</sup> OCE Interview Transcript of Former Employee D at 19.

<sup>184</sup> 18(a) Interview of Former Employee B.

<sup>185</sup> 18(a) Interview of Current Employee C (recalling that she may have given a Capitol Tour to Mrs. Garrett’s friends in late August 2017); 18(a) Interview of Chief of Staff B (noting that on one occasion, Mrs. Garrett wanted staff to plan a zoo tour for her non-constituent personal friend); *see also* Exhibit 23 (text message from Mrs. Garrett to Chief of Staff B: “I can’t get a confirmation on the trip to the zoo. What a joke”).

<sup>186</sup> 18(a) Interview of Representative Garrett. Representative Garrett explained that he did not put much thought into where somebody lived as it related to who could be given a tour. *Id.*

## Wireless Router

In early May 2018, Former Employee C spent his lunch break trying to repair the wireless internet router at the Garretts' personal residence after Chief of Staff B asked him to assist.<sup>187</sup> Although he was unable to fix the router, Mrs. Garrett compensated Former Employee C \$40.00 for the time he spent on this task, which he estimated lasted one hour.<sup>188</sup>

### *C. Interference with Official Duties*

Employees described Representative Garrett's congressional office hours as 9:00 a.m. to 6:00 p.m. on session days, and 9:00 a.m. to 5:00 p.m. during out-of-session days, with all employees receiving an hour for lunch.<sup>189</sup> According to Chief of Staff B, the lunch policy in Representative Garrett's congressional office was "flexible," in that employees could use more than an hour for lunch if they were completing their work.<sup>190</sup> Many witnesses described performing tasks, which they considered unofficial tasks for the Garretts, during their one-hour lunch breaks. Many staff also testified that, although though they sometimes performed these tasks during official hours, they would often stay late to finish their official work.<sup>191</sup>

Chief of Staff B testified that his general practice was for staff to perform unofficial tasks for the Garretts during their lunch break, but that Representative Garrett could be "very adamant" that personal tasks "happened when it did happen."<sup>192</sup> He also stated that Mrs. Garrett told him that the tasks would be done whenever she wanted them to be done.<sup>193</sup> As a result, Chief of Staff B said he felt he "didn't have a choice" regarding when or what tasks were performed.<sup>194</sup>

For the most part, Committee staff was unable to determine which of the above-listed tasks occurred during an employee's lunch break, or whether an employee worked extra hours to make up for time spent performing such tasks. Nonetheless, Committee staff found substantial evidence that the requests made of staff to perform these tasks interfered with the day-to-day operation of Representative Garrett's congressional office. Several staffers told Committee staff that Mrs. Garrett would berate staff, often using profanity and other harsh language, for failing to prioritize her needs over their regular official duties.<sup>195</sup> For example, one staffer testified that time she

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<sup>187</sup> 18(a) Interview of Former Employee C.

<sup>188</sup> *Id.*; *see also* Exhibit 37.

<sup>189</sup> 18(a) Interview of Chief of Staff B; 18(a) Interview of Current Employee A.

<sup>190</sup> 18(a) Interview of Chief of Staff B.

<sup>191</sup> 18(a) Interview of Chief of Staff B; Former Employee B (noting that performing various tasks "all kind of ran together because [he] was working a lot of extra hours trying to catch up anyway"); 18(a) Interview of Former Employee A; 18(a) Interview of Current Employee C.

<sup>192</sup> 18(a) Interview of Chief of Staff B.

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> 18(a) Interview of Chief of Staff B (describing one occasion where Mrs. Garrett "cussed" at and "blasted" Chief of Staff B and Current Employee C for not prioritizing a zoo tour for one of her friends while they were preparing the congressman for a hearing and floor speech); 18(a) Interview of Current Employee C (explaining that the tone of Mrs. Garrett's text messages communicated her "trying to prioritize her needs over our overall mission of helping Virginia's Fifth District at times"); 18(a) Interview of Former Employee A (recounting that he spoke with another employee about how some of the requests made by Mrs. Garrett were very disruptive to their ability to function as a

otherwise would have spent on official, substantive work for Representative Garrett was wasted on communicating with Mrs. Garrett about things she wanted done.<sup>196</sup> Some witnesses told Committee staff that their performance of unofficial tasks for Representative Garrett and Mrs. Garrett did not significantly interfere with their official duties, as a general matter. For example, Former Employee C told Committee staff that assisting the Garretts with personal services was “infrequent to the extent where [he] didn’t feel like it was making a big difference in the quality of work or the time [he] was putting into [his] work . . .”<sup>197</sup> Current Employee A said that her work on personal tasks did not impede her ability to get her job done or do her official work.<sup>198</sup> However, Current Employee A also testified that she would have handled requests from the Garretts differently than Chief of Staff B, because she felt that Chief of Staff B was doing “personal things” for them that should not have been done on official time.<sup>199</sup>

#### *D. Current Employee C’s Paid Campaign Position*

As noted above in Section IV.B., Current Employee C was offered, and accepted, a paid position with Representative Garrett’s campaign committee in March 2018, approximately three weeks after complaining to Chief of Staff B that she had not been compensated for a weekend spent dog sitting for Representative Garrett.<sup>200</sup> Some witnesses suggested to the Committee that Current Employee C’s selection for that position may have been connected to providing additional help to Mrs. Garrett on personal tasks and, potentially, to assuage Current Employee C’s complaints over not being compensated for the performance of unofficial tasks for the Garretts.<sup>201</sup>

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team); 18(a) Interview of Former Employee B (stating that the office was “toxic,” and he “worried a lot” and was “losing sleep” over whether would be fired because of his poor relationship with Mrs. Garrett, which had deteriorated over her dissatisfaction with his performance of unofficial tasks).

<sup>196</sup> 18(a) Interview of Current Employee C.

<sup>197</sup> 18(a) Interview of Former Employee C.

<sup>198</sup> 18(a) Interview of Current Employee A.

<sup>199</sup> *Id.*

<sup>200</sup> Current Employee C entered into a contract to perform campaign duties with Representative Garrett’s campaign committee, effective March 1, 2018. From March 15, 2018, to May 15, 2018, Current Employee C received four payments from the campaign committee, totaling \$1,650.

<sup>201</sup> Chief of Staff B testified that, after the February 2018 oil change request, at the direction of Representative Garrett, Current Employee C was put on a paid campaign role to help with “some of the stuff off-sight [sic] as to kind of help a little bit with some of the Flanna stuff as well too.” Chief of Staff B said that he did not put Current Employee C in this paid role to compensate her for things she did personally for the Garretts, but he also testified that he thought that her campaign job “probably entailed her doing some personal stuff.” 18(a) Interview of Chief of Staff B. In addition, Current Employee A recalled participating in conversations about a paid campaign role and that dog-walking was discussed as something the Garretts needed as part of the conversation. OCE Interview Transcript of Current Employee A at 39. Former Employee C testified that he had a conversation with Current Employee A and Chief of Staff B about taking a paid position on Representative Garrett’s campaign in which he was told that the position would “probably take up a lunch break, maybe 3 to 5 hours a week, and you’ll get compensated to assist with campaign-related activities, priorities of Mrs. Garrett.” 18(a) Interview of Former Employee C. Former Employee C could not recall if Current Employee A specifically mentioned what were the “priorities of Mrs. Garrett,” but he did recall having a conversation sometime between February and April of 2018 with Chief of Staff B, in which he mentioned that one Mrs. Garrett’s priorities included getting an oil change for Representative Garrett’s car. *Id.* Former Employee C testified that “[t]he more [he] heard about the position, the more uncomfortable [he] felt with it” and it led him seek guidance from the Committee regarding this position. OCE Interview Transcript of Former Employee C at 18; 18(a) Interview of Former Employee C. While Former

Prior to accepting the position, Current Employee C expressed concern that she would be required to perform personal tasks for the Garretts in this role. In a March 2, 2018 text exchange with another staffer, Current Employee C sent the following message: “Thanks for chatting, apparently laundry isn’t going to be allowed so I’m feeling better haha” and, “[s]o I told my chief that I would think about it over the weekend but I’m strongly considering saying no completely. It would just allow them to exploit me . . .”<sup>202</sup>

Current Employee C told Committee staff that all of the payments she received from the campaign were for campaign work she performed<sup>203</sup>. According to Current Employee C and Representative Garrett, none of those payments were for personal or unofficial tasks she performed for the Garretts.<sup>204</sup>

#### *E. Meetings with the Ethics Committee*

In early 2018, several members of Representative Garrett’s congressional staff expressed concerns among themselves regarding Mrs. Garrett’s involvement in the office and the tasks she was assigning.<sup>205</sup> Current Employee A and Current Employee B testified that they sought guidance from the Ethics Committee to get a clear answer as to whether they could do tasks Mrs. Garrett assigned.<sup>206</sup>

On February 16, 2018, Representative Garrett told Chief of Staff B he would speak to Committee counsel regarding the appropriateness of the request that staff take his car for an oil change.<sup>207</sup> According to Chief of Staff B, Representative Garrett had spoken with representatives from the Committee on multiple other occasions,<sup>208</sup> including during Chief of Staff A’s tenure,<sup>209</sup> and during another occasion dating back to September 2017.<sup>210</sup> Current Employee G said she

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Employee C sought the Committee’s guidance from the Committee, Current Employee C was selected for the paid campaign position. 18(a) Interview of Former Employee C.

<sup>202</sup>Exhibit 38.

<sup>203</sup> 18(a) Interview of Current Employee C (explaining that the campaign work she performed included scheduling a campaign trip in New Orleans, depositing checks for the campaign, staffing campaign events, helping with VIP gifts, and assisting with a White House garden tour).

<sup>204</sup> 18(a) Interview of Current Employee C; 18(a) Interview of Representative Garrett.

<sup>205</sup> 18(a) Interview of Former Employee C; 18(a) Interview of Current Employee A; 18(a) Interview of Current Employee B.

<sup>206</sup>18(a) Interview of Current Employee A; 18(a) Interview of Current Employee B.

<sup>207</sup> Exhibit 39 (Representative Garrett texted Chief of Staff B and said: “Also, I need to talk to ethics today to see whether it is unethical for me or my wife to ask to have someone get the oil changed. If that isn’t unethical, please don’t ignore us in the future.”).

<sup>208</sup> 18(a) Interview of Chief of Staff B.

<sup>209</sup> *Id.*

<sup>210</sup> *Id.* Around that time, Mrs. Garrett clashed with Current Employee G, who explained to her that the MRA could not be used to reimburse the congressman for his purchase of a bulletproof vest during his campaign. 18(a) Interview of Current Employee G. According to Chief of Staff B, Mrs. Garrett began “making fun” of Current Employee G in group text messages, which included Representative Garrett, by calling her “congresswoman” due to the frequency with which she said “no” in response to Mrs. Garrett’s reimbursement requests. 18(a) Interview of Chief of Staff B. *See also* Exhibit 40 (text message from Mrs. Garrett to Chief of Staff B, with Representative Garrett and Current Employee B also copied, in which she refers to Current Employee G as “Congresswoman”).

recommended that Chief of Staff B arrange a meeting with the Garretts and Committee staff to discuss some of these issues.<sup>211</sup>

According to two staffers, Representative Garrett convened an all-staff meeting with Committee counsel present after he learned his staff had consulted the Committee for guidance.<sup>212</sup> In one of his written submissions, Representative Garrett asserted that he scheduled this session after it became clear to him Chief of Staff B had instructed staff not to express their thoughts or concerns directly to Representative Garrett, but rather only through Chief of Staff B.<sup>213</sup> In his testimony, Representative Garrett further explained that he scheduled the meeting after he received “back-channel” information that staff was unclear about the chain of command in the office and were afraid to speak directly with him about their concerns.<sup>214</sup>

Several witnesses told Committee staff that they did not raise concerns with Representative Garrett, not because they had been instructed to by Chief of Staff B, but because they feared retaliation, did not want to cause a hassle, or did not understand at the time that some of the requests being made of them were improper.<sup>215</sup>

On April 26, 2018, Representative Garrett, along with staff from both his main and district offices, held a meeting that included a presentation by two of the Committee’s Advice and Education attorneys. During this presentation, which Representative Garrett audio recorded, he and his staff were informed of rules regarding the proper use of official resources relating to campaign and personal tasks.<sup>216</sup> In the meeting, Committee counsel stated:

We want to make sure that you are not doing anything that’s not on congressional time for the promotion of the 5th congressional district, meaning that you are not doing personal . . . [] work. You are allowed to have *de minimis* personal use on official time, meaning if you need to make a doctor’s appointment, you are allowed to use official phone. If you need to make a quick call, you can go out, use your cell phone, even if you are in the office you can use your cell phone.<sup>217</sup>

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<sup>211</sup> 18(a) Interview of Current Employee G.

<sup>212</sup> 18(a) Interview of Current Employee A; 18(a) Interview of Current Employee B.

<sup>213</sup> *Garrett Declaration* at 7. The Committee received testimony from one staff member that Chief of Staff B prevented her from voicing concerns to Representative Garrett about a pay raise and her interactions with another employee. 18(a) Interview of Current Employee A. No other staff member interviewed by Committee staff stated that Chief of Staff B had ever prevented them from raising concerns with Representative Garrett.

<sup>214</sup> 18(a) Interview of Representative Garrett (According to Representative Garrett, a staffer for the Committee informed him, without naming specific staffers, that members of his staff were inquiring about the chain of command).

<sup>215</sup> 18(a) Interview of Former Employee A; 18(a) Interview of Former Employee B; 18(a) Interview of Former Employee C.

<sup>216</sup> According to Representative Garrett, he recorded this meeting because he “wanted everybody to know that it was being done so that we could then establish that anyone could speak to Ethics anytime they wanted. And if anybody had any questions about anything at a later date, we could refresh their recollection.” 18(a) Interview of Representative Garrett.

<sup>217</sup> Audio Recording of April 2018 Meeting.

Committee counsel specifically explained, among other things, that staff could not assist a Member with an apartment move during official time, and that staff would need to be compensated by the Member if they assisted with such a move outside of working hours.<sup>218</sup> Chief of Staff B said that, while it seemed like Representative Garrett understood the Committee’s advice during this meeting, “two days later he would be requesting the same crap again.”<sup>219</sup>

When asked by Committee staff whether he learned anything during this meeting that made him believe that staff improperly performed any tasks, Representative Garrett replied, “maybe.”<sup>220</sup> During his interview with the Committee eight months after the April 2018 staff meeting, Representative Garrett still did not appear to understand the rules that Committee counsel had discussed in front of his entire staff, operating under the incorrect belief that it was appropriate for members of his staff who were also compensated by his campaign to perform unofficial tasks during their work day.<sup>221</sup> Representative Garrett also believed it was appropriate to make certain requests of staff, provided they were also his friends and requests were not “dictatorial.”<sup>222</sup>

#### *F. Chief of Staff B’s Departure*

On May 22, 2018, several weeks after the all-staff meeting described above, Representative Garrett fired Chief of Staff B.<sup>223</sup> Representative Garrett told the Committee that he terminated Chief of Staff B “for cause,” for “insubordination, disrespect, refusal to implement an ‘open-door’ policy” and “for creating a hostile workplace environment wherein staffers were prohibited from reporting grievances directly” to Representative Garrett.<sup>224</sup> In addition, Representative Garrett questioned Chief of Staff B’s overall motives and credibility, and insinuated that, “despite never lodging any complaint or reservation” regarding inappropriate use of official staff, Chief of Staff B was a source for the articles detailing alleged personal services staff performed for the Garretts.<sup>225</sup> (The first press story that raised allegations about Representative Garrett’s treatment

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<sup>218</sup> *Id.* As an example of what was not permitted, Committee counsel also noted that, while it was permissible for Members to bring their dogs or children to the House, it was not permissible to ask staff to babysit without providing compensation.

<sup>219</sup> 18(a) Interview of Chief of Staff B.

<sup>220</sup> 18(a) Interview of Representative Garrett.

<sup>221</sup> *Id.* (Q: “Sitting here today, is it your understanding that staff can assist you with personal tasks voluntarily without being compensated?” A: “Sitting here today, I don’t know what my understanding is . . . I think if they’re receiving separate compensation, based on my understanding, and it’s not something where it’s directed that at 2 p.m. you’ll do this, but during the course of your day if you walk by and you can do this . . . I think the answer was, as I recall, something like it’s kind of a gray area, but if they’re in the area anyway, that’s ok.”).

<sup>222</sup> *Id.* (when recounting the circumstances that led him to ask his staff to locate internship opportunities for one of his children, Representative Garrett explained “tone is important,” and stated, “[n]one of this is like dictatorial, like hey will you do this. It was, hey, man, like I got this child, and this is what she loves, and I love her, and if you see or can find anything that’s down this alley, that would be cool, I’d be grateful.”). According to Representative Garrett he made “egregious errors” by being friends with his staff. *Id.*

<sup>223</sup> 18(a) Interview of Chief of Staff B.

<sup>224</sup> September 24, 2018, Letter from Representative Garrett to the Committee at 3-4.

<sup>225</sup> Representative Garrett also asserted that Chief of Staff B stood to benefit professionally and financially from negative public allegations against Representative Garrett, because Chief of Staff B was retained to run his successor’s congressional campaign following Representative Garrett’s announcement that he would not seek reelection.

of his official staff was published on May 25, 2018 – after Chief of Staff B was terminated.<sup>226</sup> In public comments that week Representative Garrett denied that Chief of Staff B was fired.<sup>227</sup>

However, testimony from various witnesses, along with contemporaneous text messages, suggests that Chief of Staff B’s termination may have been related to disputes with Mrs. Garrett.<sup>228</sup> In the weeks preceding Chief of Staff B’s firing, Mrs. Garrett confronted him about directing official staff not to perform the oil change she had requested three months prior,<sup>229</sup> and asked: “[i]s it your office policy to completely disregard the spouse?” and “[i]s this too unethical for you?”<sup>230</sup> Numerous witnesses, including Chief of Staff B, testified that Chief of Staff B was ultimately fired because Mrs. Garrett thought that he had intentionally scheduled an event on her birthday.<sup>231</sup> Representative Garrett acknowledged that Mrs. Garrett was upset that such an event had been scheduled, but denied that this was a basis for Chief of Staff B’s termination.<sup>232</sup>

Representative Garrett rescinded Chief of Staff B’s notice of termination shortly after it was made. According to Chief of Staff B, Representative Garrett told him that, if he wanted his job back, he would need to call Mrs. Garrett because she was going to do all of the hiring.<sup>233</sup> Chief of Staff B said he refused, and said he decided not to rejoin the office because he felt like there was nothing more he could do to change the direction of the office and the way staff were being treated.<sup>234</sup> Representative Garrett testified that he offered Chief of Staff B the job back because he was concerned about the political consequences that could result from terminating his chief of staff just prior to an election.<sup>235</sup>

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<sup>226</sup> See *supra* Section IV.

<sup>227</sup> Simone Pathé, “After All That, Virginia’s Tom Garrett Seeking Re-Election,” Roll Call, May 24, 2018, available at <https://www.rollcall.com/news/politics/tom-garrett-seeking-re-election> (last accessed Dec. 31, 2018).

<sup>228</sup> 18(a) Interview of Chief of Staff B. In a February 28, 2018, text message to Current Employee A, sent shortly after Chief of Staff B told Current Employee E not to take the Garretts’ car in for an oil change, Chief of Staff B stated: “My days are slowly getting numbered unless I can somehow fix that situation” and “I should have just let them do whatever, this s\*\*t has been brutal.” Exhibit 41. Current Employee A explained that Chief of Staff B was referring to pushback he got with Representative Garrett and Mrs. Garrett regarding whether staff could do certain tasks, such as the oil change, that were not official. OCE Interview Transcript of Current Employee A at 43, 54.

<sup>229</sup> Exhibit 23 (May 9, 2018, text message from Mrs. Garrett to Chief of Staff B: “Happy now? You should have let your family friend that you hired change my husband’s oil and I would never have known you told office staff to disregard my requests.”). Chief of Staff B explained to the Committee that Mrs. Garrett referred to Current Employee E as his “family friend” because he had used someone Chief of Staff B went to college with as a reference in applying for a position in the office. 18(a) Interview of Chief of Staff B.

<sup>230</sup> Exhibit 42 (May 9, 2018, text message from Mrs. Garrett to Chief of Staff B).

<sup>231</sup> 18(a) Interview of Chief of Staff B; 18(a) Interview of Former Employee E; 18(a) Interview of Current Employee A; OCE Interview Transcript of Former Employee D at 7-8; 18(a) Interview of Current Employee C. Current Employee B testified that she was the one who had scheduled an event on Mrs. Garrett’s birthday. She explained that she tried to provide clarification to Mrs. Garrett and Representative Garrett about the fact that she had scheduled the event, but she later learned from Chief of Staff B that Mrs. Garrett still thought it was his fault since Chief of Staff B was Current Employee B’s supervisor. 18(a) Interview of Current Employee B.

<sup>232</sup> 18(a) Interview of Representative Garrett.

<sup>233</sup> 18(a) Interview of Chief of Staff B.

<sup>234</sup> *Id.*

<sup>235</sup> 18(a) Interview of Representative Garrett.

### *G. Representative Garrett’s Use of Alcohol*

On May 28, 2018, Representative Garrett announced that he would not seek re-election to instead focus on seeking treatment for his alcoholism. Members of Representative Garrett’s former and current staff testified that they observed Representative Garrett drink alcohol during telephone town halls;<sup>236</sup> Representative Garrett was late to, or missed, meetings as a result of being hungover from drinking the night before;<sup>237</sup> and Representative Garrett’s drinking affected his overall productivity.<sup>238</sup>

The Committee received conflicting evidence regarding whether Representative Garrett drank alcohol during office hours. One witness testified that he observed Representative Garrett “drinking and heading back out to go vote on the House floor” and said that Representative Garrett sometimes would “swig Fireball in the middle of the day.”<sup>239</sup> Yet, other witnesses maintained that Representative Garrett never consumed alcohol on the job.<sup>240</sup> In addition, none of the witnesses interviewed by Committee staff said that they observed Representative Garrett impaired by alcohol during office hours.

Representative Garrett testified that he “regularly” drank alcohol during his radio town halls and stated that he could not specifically recall whether he drank alcohol before attending a House vote.<sup>241</sup> However, he explained that he did not think that his consumption of alcohol impaired him in any way during those occasions.<sup>242</sup> Moreover, according to Representative Garrett, he had “plenty of discipline,” notwithstanding his use of alcohol, such that he always “got where [he] was supposed to be on time.”<sup>243</sup>

Two witnesses also told Committee staff that they learned directly or from other staff that Representative Garrett was interested in purchasing marijuana and had used marijuana with

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<sup>236</sup> 18(a) Interview of Current Employee C; 18(a) Interview of Chief of Staff B (noting that he ended a couple of telephone town halls earlier than he should have because of Representative Garrett’s drinking); *see also* Exhibit 43 (text message from Former Employee E to Representative Garrett noting, “Honestly: when we’re on the road and I’m following you, you often stop at fast food place. Fries and a drink through the drive through. Please tell me you don’t fill the drink up with liquor midday like you do during your town halls.”).

<sup>237</sup> 18(a) Interview of Former Employee A; 18(a) Interview of Chief of Staff B; 18(a) Interview of Former Employee B (detailing an instance in which he had to go to Representative Garrett’s apartment to wake him up for a vote after Representative Garrett overslept due to drinking the night before); 18(a) Interview of Current Employee B (noting that Representative Garrett’s announcement regarding his alcoholism helped explain his defensiveness about staff concerns about his whereabouts and timeliness for morning meetings).

<sup>238</sup> 18(a) Interview of Chief of Staff B (explaining that “there was a productivity level there that just wasn’t happening” when Representative Garrett was drinking); 18(a) Interview of Current Employee A (noting that there was an “uptick” in Representative Garrett’s productivity when he was not drinking).

<sup>239</sup> 18(a) Interview of Former Employee A.

<sup>240</sup> 18(a) Interview of Current Employee D; 18(a) Interview of Former Employee C.

<sup>241</sup> 18(a) Interview of Representative Garrett. Representative Garrett denied ever being “drunk” on the House floor, but recalled an instance in which he drank alcohol with a couple of other Members during the State of the Union in the antechamber. Another staffer testified that Representative Garrett asked him to bring a bottle of alcohol during the 2017 State of the Union. 18(a) interview of Former Employee E.

<sup>242</sup> 18(a) Interview of Representative Garrett.

<sup>243</sup> *Id.*

members of his staff.<sup>244</sup> Representative Garrett denied that he ever asked where to buy marijuana, and explained, “I prosecuted for the better part of a decade. If I wanted to buy marijuana, I could have it for you right quick like.”<sup>245</sup> When asked whether he used marijuana with any member of his staff, he replied, “no, not to my recollection.”<sup>246</sup>

## V. FINDINGS

### A. Misuse of Official Resources

Federal appropriations law states that “[a]ppropriations shall be applied only to the objects for which the appropriations were made.”<sup>247</sup> Accordingly, use of the MRA is restricted only to those purposes and reimbursements authorized by federal law or CHA regulations governing the reimbursement of expenses from a Member’s MRA. The *Members’ Handbook*, which details those regulations, states that the MRA “may not pay for personal expenses,” nor may the MRA “be used to pay for any expenses related to activities or events that are primarily social in nature (including but not limited to … personal events, etc.).”<sup>248</sup>

At issue in this matter are numerous instances in which Representative Garrett, or individuals acting on his behalf, requested that members of his congressional staff perform tasks on their personal time or during the work day for the personal benefit of Representative Garrett and/or members of his family. The Committee has previously reviewed matters involving Members who may have improperly required or requested that members of their staff perform tasks for their personal benefit, both within and outside of official working hours. Those matters have typically been resolved by private letters to Members, as they have involved discrete and occasional instances in which staff time has been misused. In such instances, the Committee has explained that staff performance of nonofficial tasks while on official time, such as helping a Member move residences and having a Members’ personal vehicle serviced, are an inappropriate use of the staffers’ official time in violation of 31 U.S.C. § 1301(a).

The allegations in this case, however, encompass a broad range of requests made of various employees, across various time periods.<sup>249</sup> As discussed further below, Committee staff believes that some tasks that staff complained of were merely mundane matters that were nonetheless sufficiently connected to Representative Garrett’s official duties to be permissible uses of staff time. Other tasks, while personal, were small, one-off matters that arose unpredictably and may be considered permissible under the exception for *de minimis* use of official resources. Nonetheless, Committee staff found substantial evidence of numerous requests to staff to perform errands and other tasks that were personal in nature and more than *de minimis*, including: spending hours assisting Mrs. Garrett during shopping trips and with groceries for the Garretts’ home;

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<sup>244</sup> 18(a) Interview of Chief of Staff B; 18(a) Interview of Former Employee E.

<sup>245</sup> 18(a) Interview of Representative Garrett.

<sup>246</sup> *Id.*

<sup>247</sup> 31 U.S.C. § 1301(a).

<sup>248</sup> *Members’ Handbook* at 2.

<sup>249</sup> See Comm. on Standards of Official Conduct, In the Matter of Representative Barbara-Rose Collins, H. Rept. 104-876, 104th Cong., 2d Sess. (1997) (publicly reporting on investigative subcommittee’s finding of a violation where staff *routinely* performed personal services for Member at times when they should have been performing official duties.).

assisting the Garretts with an apartment move; taking the Garretts' personal car in for an oil change; driving Mrs. Garrett to the airport for strictly personal reasons; regularly making medical appointments for Representative Garrett's children and Mrs. Garrett; routinely bringing cigarettes to Representative Garrett; purchasing gifts using the campaign credit card; frequently taking care of the Garretts' dog particularly outside the office; and performing tasks related to Representative Garrett's daughters, such as assisting with school applications. Moreover, this pattern continued even after Representative Garrett was specifically advised of relevant rules and regulations by the Committee's advice and education staff.

*1. Representative Garrett's staff performed unofficial tasks on official time.*

Representative Garrett acknowledges that a small subset of these tasks could be construed as personal services or errands for him or his family, but maintains that at least some of these tasks were "officially-connected under the circumstances."<sup>250</sup>

Indeed, the evidence shows that some of those services and tasks Representative Garrett's staff performed have a clear nexus to official work. For example, Committee staff reviewed several instances where staff members were requested to bring Representative Garrett items of clothing from his office to a meeting. Those instances were part of the daily tasks that can arise as part of a Member's official duties.<sup>251</sup> Similarly, to the extent staff unloaded groceries from the car for use in the congressional office, such a task was also sufficiently connected to Representative Garrett's official work to be permissible uses of staff time.

Several of the tasks reviewed by Committee staff were done at the direction of Mrs. Garrett. Spouses are permitted to volunteer in the congressional office,<sup>252</sup> and to the extent Mrs. Garrett assigned tasks to staff that were connected to Representative Garrett's official duties, her actions were consistent with ethics requirements. The Committee's guidance notes that volunteers, including spouses, "should be made aware of the implications their activities have for the Member in whose offices they work."<sup>253</sup> While permissible, it is Committee staff's belief that Mrs. Garrett's role in the office, including her input on personnel decisions, contributed to staff's belief they were required to perform tasks assigned by Mrs. Garrett even when the tasks were not related to official work.

Some of the tasks Representative Garrett's staff performed may have involved mixed (*e.g.*, combined personal and official) purposes. Where the primary purpose of those tasks was related to Representative Garrett's official and representational duties, the task was a permissible use of official staff time and other House resources.<sup>254</sup> One notable example is Former Employee C's

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<sup>250</sup> See 18(a) Interview of Representative Garrett (acknowledging that there was no official nexus to tasks such driving Mrs. Garrett to the airport and assisting the Garretts in moving apartments); *see also Garrett Declaration* at 2.

<sup>251</sup> Similarly, OCE noted in its Referral that some staff members reported delivering keys or cell phones to Representative Garrett that may have been to assist him in an official capacity. OCE Referral ¶ 41.

<sup>252</sup> *Ethics Manual* at 288.

<sup>253</sup> *Id.* at 289.

<sup>254</sup> *See Members' Handbook* at 1-2 ("When an expense is incurred, the Member must determine the primary purpose for the expenditure . . . Only expenses the primary purpose of which are official and representational and which are incurred in accordance with the Handbook are reimbursable" under the MRA.).

shopping trip with Mrs. Garrett at Costco, which may have involved purchases of some personal items. Former Employee C’s testimony and contemporaneous text messages suggest that the primary purpose of that trip was to purchase supplies for the office. Former Employee C’s trip to IKEA, however, appears to have been primarily for the purpose of purchasing furniture and other personal items, even though pictures frames for the office were also purchased.

Similarly, some of Representative Garrett’s family and friends may also be his constituents, and some of the services the staff provided – such as assisting in obtaining passports or setting up tours – are services that the office provides to all constituents. An important aspect of a House Member’s representational function is to act as a “go-between” or conduit between the Member’s constituents and administrative agencies of the federal government.<sup>255</sup> In taking such action, a Member must observe certain ethical principles. Those principles include that (1) a Member’s obligations are to all constituents equally, and considerations such as political support, party affiliation, or one’s status as a campaign contributor should not affect either the decision of a member to provide assistance or the quality of help that is given,<sup>256</sup> and (2) in assisting a private party, a Member should be mindful that congressional allowances, including those for staff, are available only for conducting official business.<sup>257</sup> Assistance should not extend so far that the congressional office is actually doing the work of the private party, including completing paperwork for the constituent.<sup>258</sup> To the extent that Representative Garrett’s staff went above and beyond what they would do for other constituents when helping Representative Garrett’s family, they acted contrary to these ethical precepts. Furthermore, to the extent that Representative Garrett’s staff was tasked with performing official tasks for non-constituents, such assistance was contrary to guidance that Members generally refer such persons to their respective Representative or Senators.<sup>259</sup>

While not every task that Committee staff reviewed involved a clear misuse of official resources for personal purposes, Committee staff gathered substantial evidence of services or tasks performed by or requested of official staff that were clearly non-official in nature, for the personal benefit to Representative Garrett or his family. Such instances of unambiguously unofficial tasks include:

- Unloading groceries at the Garretts’ apartment,
- Dog-sitting for the Garretts’ dog outside of work hours,
- Regularly scheduling medical appointments for Representative Garrett’s children and Mrs. Garrett,
- Helping the Garretts move apartments,
- Purchasing personal gifts for the Garretts to send to family (even if reimbursed),
- Waiting at the Garretts’ home for a furniture delivery,
- Driving Mrs. Garrett to the airport to visit her father,
- Driving Representative Garrett’s children,

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<sup>255</sup> *Ethics Manual* at 299.

<sup>256</sup> *Id.* at 300.

<sup>257</sup> *Id.* at 310 (discussing government contracts but noting that such “matters are subject to the same guidelines as other casework”).

<sup>258</sup> *Id.* at 311.

<sup>259</sup> *Id.* at 309-10.

- Assisting Mrs. Garrett with retail store trips, the primary purpose of which was personal,
- Babysitting the Garretts' child,
- Helping Representative Garret's children apply to schools,
- Purchasing gifts for campaign donors and volunteers,
- Obtaining parking lot passes for the Garretts' friends and family with no official House business,
- Frequently purchasing and bringing Representative Garrett cigarettes, and
- Getting routine maintenance performed on Representative Garrett's personal vehicle.

For these tasks, the evidence showed no connection to legitimate, official activity for which official staff time could be appropriately used.<sup>260</sup>

House rules permit the incidental personal use of government resources when such use is negligible in nature, frequency, time consumed, and expense.<sup>261</sup> Some of the non-official services Representative Garrett's staff performed, were incidental and therefore allowable, but only to the extent they occurred infrequently or on isolated occasions.<sup>262</sup> Many of the personal tasks discussed above were not incidental, given the regularity and frequency with which these tasks were performed and the cumulative amount of time spent on these tasks. There is also no *de minimis* exception for campaign-related use of official resources.<sup>263</sup>

The impropriety was compounded by the office environment tolerated by Representative Garrett, in which staff felt like they had to comply with all requests. Representative Garrett told the Committee that he believes the tone with which requests of staff were conveyed impacts the impropriety of the request. While “tone” is insufficient to turn an improper request into a proper one, Committee staff agrees that tone can be important. It is clear to Committee staff, however, that Mrs. Garrett regularly took an insulting and profane tone with staff that exacerbated the situation. Many of Representative Garrett's former and current congressional employees testified that they felt obligated to comply with Mrs. Garrett's requests, and felt concerned by Mrs. Garrett's apparent tendency to prioritize her and Representative Garrett's personal needs over service to Representative Garrett's congressional district.<sup>264</sup> As a result, official staff time was diverted from official work for the Garretts' personal benefit.

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<sup>260</sup> For some of these tasks, official resources other than staff time may have also been misused. For example, to the extent the MRA was used to purchase personal gifts for Mrs. Garrett's father, the MRA funds improperly spent. *See supra* Section IV.B (One staff member recalled purchasing a picture frame for a photograph that would be sent to Mrs. Garrett's father using the office supply card).

<sup>261</sup> *See Ethics Manual* at 126.

<sup>262</sup> *See supra* Section IV.B (Four staff members described performing tasks related to the Garretts' dog on at least ten occasions, with one staff member unable to estimate the number of times she took the dog out but recalling that it was “frequent.”); Section IV.B (numerous witnesses recalled bringing Representative Garrett cigarettes, with Former Chief B estimating that staff brought him cigarettes a total of 50 to 60 times).

<sup>263</sup> *Ethics Manual* at 126.

<sup>264</sup> *See e.g.*, 18(a) Interview of Current Employee C; 18(a) Interview of Former Chief of Staff B; 18(a) Interview of Former Employee A.

Several former and current members of Representative Garrett’s staff testified that they sometimes worked later hours to make up for the time they spent performing non-official tasks. However, there were no policies or procedures in place that provided for such an arrangement. As the Committee has previously recognized, without such policies or procedures, such arrangements are often impractical and detrimental to the overall functioning congressional offices. For example, *In The Matter of Representative Laura Richardson*, the Committee adopted the Investigative Subcommittee’s finding that Representative Richardson’s allowance of staff to work on campaign matters during official hours, so long as they spent additional time after working hours performing official work was not only a “mischaracterization of the Rules” but was “entirely unworkable” given that such a concept “undermine[d] the entire concept of having an office open for business and fully staffed.”<sup>265</sup> Furthermore, for many of the personal tasks that staff performed while on official time, there was no effort to make up that time, whether by working longer hours, reducing pay, or taking annual leave.

## 2. *Members are personally liable for the misuse of official time.*

The *Members’ Handbook* states, “[e]ach Member is personally responsible for the payments of any official and representational expenses incurred that exceed the provided MRA or that are incurred but are not reimbursable under these regulations.”<sup>266</sup> Consistent with this guidance, where Members have used official funds for impermissible purposes, the Committee has regularly directed them to repay any misspent funds.<sup>267</sup> This is particularly true where, as here, official funds were used for a Member’s personal benefit or to benefit their campaign.<sup>268</sup>

In some cases, the Committee has found that Members made improper use of official funds, but has not made a finding that they are required to reimburse the Treasury, particularly where the misuse occurred without the Member’s knowledge or approval, or was *de minimis*.<sup>269</sup> In this case, the misuse of official resources was not *de minimis*, nor was Representative Garrett unaware that his congressional staff was asked to perform unofficial tasks that resulted in a personal benefit to his family. In several instances, it was Representative Garrett who asked that the work be done.<sup>270</sup>

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<sup>265</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rept. 112-642, 112th Cong., 2d Sess. 56 (2012) (hereinafter *Richardson*).

<sup>266</sup> *Members’ Handbook* at 2; see also *Ethics Manual* at 323 (“Members may be personally liable for misspent funds or expenditures exceeding the MRA.”).

<sup>267</sup> See, e.g., Comm. on Ethics, *In the Matter of Allegations Relating to Representative Luis V. Gutiérrez*, H. Rept. 115-617, 115th Cong., 2d Sess. 2 (2018) (hereinafter *Gutiérrez*); Comm. on Ethics, *In the Matter of Allegations Relating to Bobby Rush*, H. Rept. 115-618, 115th Cong., 2d Sess. 2 (2018) (hereinafter *Rush*).

<sup>268</sup> Comm. on Standards of Official Conduct, *In the Matter of Representative Charles C. Diggs*, H. Rept. 96-351, 96th Cong., 1st Sess. (1979) (Member was required to repay House \$40,031.66 for the “personal benefit he received from his misconduct” in giving his office staff raises and requiring them to pay certain of his personal expenses out of those raises); Comm. on Standards of Official Conduct, *In the Matter of Adam Clayton Powell*, H. Rept. 90-27, 90th Cong., 1st Sess. (1967) (Member was censured and fined \$40,000 for various acts, including misappropriating public funds for personal travel, and for paying his wife a salary though she performed no official duties; the Committee noted that the fine would “offset any civil liability of Mr. Powell to the United States of America with respect to” the allegations.).

<sup>269</sup> See, e.g., Comm. on Standards of Official Conduct, *In the Matter of Representative Austin J. Murphy*, H. Rept. 100-485, 100th Cong., 1st Sess. 4 (1987).

<sup>270</sup> See e.g., Exhibit 29 (requesting staff assistance in locating internship opportunity); Exhibit 9 (requesting that staff call his doctor); Exhibit 3 (discussing oil change request).

In other instances, Representative Garrett was included on communications in which requests were made, often by Mrs. Garrett.<sup>271</sup> On some occasions, Representative Garrett followed up with staff members to ensure that they completed tasks requested by Mrs. Garrett.<sup>272</sup> Finally, Representative Garrett knew since at least early 2018 that members of his staff questioned whether they could perform certain unofficial tasks at Mrs. Garrett’s request consistent with the ethics rules.<sup>273</sup>

Members must reimburse the U.S. Treasury for impermissible disbursements from the MRA, even where the exact amount of such disbursements cannot be determined.<sup>274</sup> In this matter, Committee staff is not able to precisely quantify the value of official resources misused for Representative Garrett’s and his family’s personal benefit. Representative Garrett produced no records demonstrating the time staff spent performing unofficial tasks, which is likely because, as one former staffer explained, staff were not expected to fill out any form or otherwise record the time they spent out of the office doing non-official tasks for the Garretts.<sup>275</sup> Representative Garrett has not proposed any method for calculating the value of staff time that may have been improperly spent during the performance of personal tasks.

It would be appropriate for Representative Garrett to reimburse the U.S. Treasury for the time his employees spent performing unofficial tasks or services that were unofficial. To determine the amount of reimbursement required, Representative Garrett could estimate the value of the official resources, including official staff time, used for the tasks Committee staff has identified as unambiguously unofficial, as well as any other official resources that he is aware were used for his personal benefit rather than official purposes.<sup>276</sup> Committee staff has included staff testimony, where available, estimating the official time they spent on non-official tasks; this could serve as a guide to Representative Garrett in determining the appropriate amount of reimbursement. To calculate the value of official staff time, Representative Garrett could use this information, his own recollection, and any relevant documents in his possession, to make a good faith determination of the percentage of official time his staff spent on personal tasks and reimburse the Treasury for that percentage of each relevant staffer’s salary.

#### *B. Gifts From Employees*

House Rule XXV, the Gift Rule, provides that a Member may not knowingly accept any gift except as provided in the rule. One of those exceptions is for gifts from another “Member . . . officer, or employee of the House or Senate.”<sup>277</sup> However, federal law generally bars government employees from giving gifts to their supervisors.<sup>278</sup> The Committee, as the supervising ethics office for the House, is authorized to issue regulations to implement this rule.<sup>279</sup> Accordingly, while the Committee has recognized common-sense exceptions for voluntary gifts on special

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<sup>271</sup> See e.g., Exhibit 5 (text message from Mrs. Garrett requesting that staff assist her with carrying groceries).

<sup>272</sup> See e.g., Exhibit 8.

<sup>273</sup> 18(a) Interview of Representative Garrett.

<sup>274</sup> Gutiérrez at 28; Rush at 14-23.

<sup>275</sup> 18(a) Interview of Former Employee C.

<sup>276</sup> See *supra* at 33-34 (listing the activities the Committee has identified as unambiguously personal).

<sup>277</sup> House Rule XXV, cl. 5(a)(3)(F).

<sup>278</sup> 5 U.S.C. § 7531.

<sup>279</sup> *Id.* at § 7531(c).

occasions (such as birthdays), it has stated that as a general rule, Members may not accept gifts from their staff members.<sup>280</sup> A “gift” is anything of monetary value, and can include the provision of services.

Representative Garrett accepted gifts of personal services from his staff, including during staff’s personal time. While some of those services had only nominal value, others were potentially of significant monetary value. In their personal time, Representative Garrett’s staff had occasion to dog-sit, help the Garretts move apartments, babysit, and clean the Garretts house, often providing their labor for free.

Representative Garrett has suggested that staff “volunteered” or “offered” to do many tasks due to his “familial” relationship with staff.<sup>281</sup> He said that he wants to “be friends to people with whom I work,” and that he would play board games with the staff, cook for the staff, and let them eat food out of his freezer. Due to this close relationship, Representative Garrett never considered the propriety of receiving gifts from his staff.<sup>282</sup> However, there is no exception for volunteered services to the bar on accepting gifts from subordinates.<sup>283</sup> Despite Representative Garrett’s insistence that he viewed his staff to be his friends or co-workers, the fact is that they were also his employees. House employees are just that, employees; Representative Garrett was their employing member; and the money used to fund their salaries were public funds. This is not to say that House Members cannot have close and collegial relationships with their employees. Many do. However, as discussed above, Committee staff determined that in at least some situations, the staff assistance for such tasks was not truly voluntary. This confusion is understandable given the overly-familiar and unprofessional nature of Representative Garrett’s relationship with his staff, which, of his own admission, crossed the line from close working relationship to overly-familiar.

For much of the period under review, Representative Garrett and his staff appear to have been unaware that the personal assistance staff provided on their own time was in violation of House regulations and federal law. For many of the witnesses Committee staff interviewed, working in Representative Garrett’s office was their first time working for a Member of Congress, if not also their first job out of college. It was Representative Garrett’s responsibility to take steps to ensure his staff’s compliance with applicable standards of conduct. Indeed, he appeared to do just that when he asked counsel for the Committee to attend his staff meeting in April 2018. Even if Representative Garrett and his staff did not comprehend the relevant rules prior to that time, they were instructed directly by Committee counsel in that meeting that Members cannot ask staff to do personal tasks without paying for those tasks, including helping a Member move. Even after that reminder, Representative Garrett did not take any steps to remedy the many past instances in which he had accepted assistance from his staff without compensation – including the very example that Committee counsel provided, helping with an apartment move. Nor did he inform the Committee of those instances and seek guidance about how to remedy them. In addition, the

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<sup>280</sup> *Ethics Manual* at 70.

<sup>281</sup> 18(a) Interview of Representative Garrett. Committee staff notes that Representative Garrett did compensate staff on some occasions, including instances when staff watched the Garretts’ dog or helped with home technology. Representative Garrett has offered no explanation for why he compensated staff for some tasks but not others.

<sup>282</sup> 18(a) Interview of Representative Garrett (“So a lot of like, hey, do you mind, or let me help you with that, was never, like well, what’s the propriety here.”).

<sup>283</sup> *Ethics Manual* at 70.

misuse of staff continued.<sup>284</sup> At the time of his interview with the Committee, Representative Garrett still did not appear to fully understand or appreciate whether his staff's assistance with his apartment move was permissible.<sup>285</sup>

The rule prohibiting gifts to superiors is intended to prevent any actions that could influence, or appear to influence, a supervisor's impartial conduct and treatment of staff. Committee staff notes that the employees who offered to help the Garretts with anything personal, whether because it made them happy<sup>286</sup> or because they wanted to take something off of Representative Garrett's plate,<sup>287</sup> received promotions and did not endure the type of mistreatment that other staff described experiencing. Committee staff did not find conclusive evidence that Representative Garrett gave those employees preferential treatment because of the services they performed. However, Members have a duty to avoid even the appearance of impropriety. When Members accept gifts from their employees, it can lead to an appearance that the Member lacks impartiality and create an environment in which staff attempt to win a Member's favor not based on their work product or effort, but by offering to perform unofficial favors for or providing gifts to the Member.<sup>288</sup>

In addition to Representative Garrett's belief that his staff could perform uncompensated personal services for him because of the familial nature of their relationship, Representative Garrett also presented the novel argument that House employees could be required to perform personal services for the Garretts, such as driving Mrs. Garrett to the airport to visit her family, if the House employees were also on Representative Garrett's campaign payroll. There is no exception to the bar on accepting gifts from subordinates if they are also employees of the campaign. Furthermore, House rules and federal election laws both bar the personal use of campaign resources.<sup>289</sup>

The Committee has long held that a Member must return or repay the value of any gift in excess of what the rules allow.<sup>290</sup> For any unambiguously personal services staff provided him that they performed on their personal time, it would be appropriate for Representative Garrett to personally compensate his staff at a rate consistent with the value of the services they performed. In determining that rate, Representative Garrett could consider the amount he would have paid for those services if he had been unable to rely on his staff's assistance.<sup>291</sup>

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<sup>284</sup> See e.g., 18(a) Interview of Chief of Staff B (noting that two days after the meeting Representative Garrett was "requesting the same crap again").

<sup>285</sup> 18(a) Interview of Representative Garrett.

<sup>286</sup> 18(a) Interview of Current Employee A.

<sup>287</sup> 18(a) Interview of Former Employee C.

<sup>288</sup> Notably, Current Employee E told Committee staff that he "offered" to drive Mrs. Garrett because he wanted to win "granny [brownie] points" in the office.

<sup>289</sup> House Rule XXIII, clause 6; 52 U.S. Code § 30114.

<sup>290</sup> Rush at 14-16 (citing Comm. on Ethics, *In the Matter of Allegations Relating to Representative Don Young*, H. Rep. 113-487, 113th Cong., 2d Sess. (2014)); Comm. on Ethics, *In the Matter of Allegations Relating to Representative Jean Schmidt*, H. Rept. 112-195, 112th Cong., 1st Sess. (2011); *In the Matter of the Investigation into Officially Connected Travel of House Members to Attend the Carib News Foundation Multi-National Business Conferences in 2007 and 2008*, H. Rept. 111-422, 111<sup>th</sup> Cong., 2d. Sess. 2-3 (2010)..

<sup>291</sup> See Rush at 18-19 (calculating repayment of gift of free office space based on the replacement value of the office space).

### *C. Paid Campaign Work by Current Employee C*

Committee staff also reviewed the allegation, referred with a recommendation for dismissal by OCE, that Current Employee C may have been offered a paid position on Representative Garrett's campaign based on an expectation that she would have to perform personal tasks for Mrs. Garrett. Such an arrangement would constitute an impermissible conversion of campaign funds to personal use. However, Committee staff found no evidence that the campaign disbursements paid to Current Employee C were in fact for personal work she performed for Mrs. Garrett. Nor did Committee staff find evidence indicating that Current Employee C performed personal services for Representative Garrett, Mrs. Garrett, or their children while employed by the campaign. Rather, Committee staff found evidence that Current Employee C performed bona-fide campaign work in connection with those disbursements.<sup>292</sup> As such, Committee staff found no evidence of a violation of House rules or federal campaign finance regulations in connection with Current Employee C's paid campaign position.

### *D. House Rule XXIII, clauses 1 and 2*

Clause 1 of the Code of Official Conduct requires that Members must at all times act in a manner that reflects creditably upon the House. The Code and other standards of conduct governing the ethical behavior of the House community are not criminal statutes to be construed strictly, but rather – under clause 2 of the Code – must be read to prohibit violations not only of the letter of the rules, but of the spirit of the rules.

Members are entrusted with significant discretion over a large amount of taxpayer funded resources, including their official staff, with the understanding that the use of those resources will be deployed for purposes relevant and beneficial to the taxpayer.<sup>293</sup> As the Committee has previously explained:

Members [must] delineate between the official, the political, and the personal in ways that are at times quite tidy and at others tangled. When a Member fails to respect these boundaries, she engages in a form of theft, both from her staff and from the American people.<sup>294</sup>

Representative Garrett failed to set appropriate boundaries between staff's performance of official versus personal work. One member of staff described wasting time communicating with Mrs. Garrett about personal requests, when she otherwise would have been doing official work,<sup>295</sup> and another estimated spending "half [his] time" assisting with mundane tasks unrelated to his official

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<sup>292</sup> Current Employee C took steps in advance of accepting the position to ensure that it would not entail personal work. 18(a) Interview of Current Employee C (explaining that Chief of Staff B reassured her that the campaign assistant role would not require her to help Mrs. Garrett with personal tasks); *see also* Exhibit 38 (noting that she felt better about the paid campaign position given that laundry would not be allowed); 18(a) Interview of Current Employee C. Representative Garrett also denied that Current Employee C received compensation from his campaign for personal tasks. 18(a) Interview of Representative Garrett.

<sup>293</sup> Richardson at 98.

<sup>294</sup> *Id.*

<sup>295</sup> 18(a) Interview of Current Employee C.

work.<sup>296</sup> At a minimum, Representative Garrett fostered an office environment in which staff were unsure how to prioritize requests to perform unofficial tasks of a personal nature for the Garretts, with little to no regard for how those requests disrupted office functions, detracted from the performance of official work, or affected staff morale. This environment persisted – and inappropriate requests were made of staff – even after Representative Garrett convened an all-staff meeting, with Ethics Committee present, in which he was reminded that staff could not assist with certain personal services while on official time.

This failure to set appropriate boundaries between official work and personal tasks was compounded by Mrs. Garrett’s interactions with staff, and Representative Garrett’s refusal to curtail her ability to request that staff perform unofficial tasks. Mrs. Garrett was offered the opportunity to provide her side of the story and address the allegations when the Chairwoman and Ranking Member requested that she appear for an interview with Committee staff; she declined to do so.

This is not to suggest that congressional spouses cannot be involved in office operations, and, indeed, they are free to do so as volunteers. As the Committee has previously acknowledged, Congressional spouses occupy a rarefied position in many personal offices, and with good reason: Members and staff work long and unpredictable hours in small and tight-knit groups, and balancing that workload with family commitments requires a significant amount of coordination and support.<sup>297</sup> However, a congressional spouse’s interactions with staff cannot be limitless, and Mrs. Garrett’s involvement and use of staff exceeded the limits of appropriateness, given the frequency with which Mrs. Garrett made requests of staff to perform unofficial tasks of a personal nature, and the negative treatment she paid staff who failed to honor requests or perform those tasks to her satisfaction. To the extent Representative Garrett was ignorant of Mrs. Garrett’s requests, rather than knowingly tolerant of them, such neglect is still problematic. As several staff indicated, at times Mrs. Garrett prioritized her needs over, or interfered with, the office’s overall mission.

#### E. Use of Alcohol

Shortly after the publication of news articles detailing his alleged misuse of official resources in his office, Representative Garrett publicly announced that he is an alcoholic and would not seek re-election in order to receive treatment. When asked whether his drinking affected his work in Congress in subsequent interviews, Representative Garrett, replied, “never or always,” and further explained: “if you drink too much it affects you even when you’re not drinking too much.”<sup>298</sup> According to Representative Garrett, while he may have drank prior to House votes and during telephone town halls, he never did so to the point of impairment.<sup>299</sup>

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<sup>296</sup> 18(a) Interview of Former Employee A.

<sup>297</sup> Comm. on Ethics, *In the Matter of Allegations Related to Representative Ed Whitfield*, H. Rept. 114-687, 114th Cong., 2d Sess. 44-45 (2016).

<sup>298</sup> Leland Schwartz, “Rep. Tom Garrett: ‘I’m not dying, I am starting over,’” FAUQUIER TIMES, July 16, 2018, available at: [https://www.fauquier.com/news/rep-tom-garrett-i-m-not-dying-i-am-starting/article\\_1741a008-8909-11e8-89a4-136acb523252.html](https://www.fauquier.com/news/rep-tom-garrett-i-m-not-dying-i-am-starting/article_1741a008-8909-11e8-89a4-136acb523252.html) (last accessed October 29, 2018).

<sup>299</sup> 18(a) Interview of Representative Garrett.

Several staffers testified that Representative Garrett’s use of alcohol may have impacted his overall productivity<sup>300</sup> and likely contributed to dysfunction in the office by causing him to oversleep and therefore miss or be late to meetings and votes.<sup>301</sup> However, Committee staff did not find direct evidence that Representative Garrett’s abused alcohol or any other substance in such a way that he was unable to perform his official duties at the time.

Representative Garrett’s decision to seek treatment for his alcoholism is to be commended. Members or House employees who suffer from substance abuse disorders may seek help from the Office of Employee Assistance, which offers confidential support at no cost for individuals that may be experiencing those or related issues.

## VI. CONCLUSION

Life as a congressional staffer often involves challenging workloads and demanding hours, as Members rely heavily on their staffs to implement their legislative priorities and attend to constituent matters. Similarly, legislating and serving constituents can be challenging work for Members, and requires constant balancing of personal needs with professional responsibilities. This is made all the more difficult by Members’ need to maintain two residences – one in the district, and one in Washington, D.C. However, the solution to this issue is not to convert official resources to personal use. Indeed, the Committee has long advised the House community that federal appropriations law and CHA regulations limit what Members can demand of staff, and has publicly sanctioned Members who compel their official staff to perform unofficial tasks.<sup>302</sup> Representative Garrett disregarded those limits when he made repeated personal demands of staff, made no attempt to curb the personal demands Mrs. Garrett made of his staff, and instead permitted her to berate staff who did not acquiesce to their demands.

Representative Garrett compounded this misconduct by failing to take responsibility for the office environment he cultivated, notwithstanding the significant record detailing his and Mrs. Garrett’s misuse of staff time for their personal benefit. Moreover, Representative Garrett hindered the Committee’s investigation by delaying his document production to the Committee and producing incomplete records without giving an explanation for the missing documents. Representative Garrett’s response to the Committee’s investigation demonstrates his failure to appreciate the extent and severity of his misuse of official resources or the Committee’s lawful jurisdiction over his conduct.

Allegations concerning misuse of government resources are very serious. Representative Garrett’s misuse of staff time to serve his personal whims violated the public trust and fell well short of the ethical standards members of Congress should strive to meet. Because Representative

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<sup>300</sup> 18(a) Interview of Current Employee A (noting that there was an “uptick in productivity” when Representative Garrett was not drinking); 18(a) Interview of Former Chief of Staff B (explaining that there was a “productivity level there that just wasn’t happening” because of Representative Garrett’s drinking).

<sup>301</sup> 18(a) Interview of Former Employee A; 18(a) Interview of Current Employee B.

<sup>302</sup> See e.g., *Richardson* at 98 (noting the Committee’s “well-publicized history” of sanctioning Members who misuse government resources to suit their campaign or personal needs, and citing Comm. on Standards of Official Conduct, *In the Matter of Representative Jim Bates*, H. Rept. 101-293, 101st Cong., 1st Sess. (1989); Comm. on Standards of Official Conduct, *In the Matter of Barbara-Rose Collins*, H. Rept. 104-876, 104th Cong., 2d Sess. (1997)).

Garrett is retiring, the Committee will lose jurisdiction over him on January 3, 2019. Nevertheless, this Staff Report is intended to remind the House community that government resources should be used judiciously and with primary regard toward serving the needs of constituents Members are elected to serve, not the personal needs of Members or their spouses.