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IN THE MATTER OF ALLEGATIONS RELATING TO DELEGATE MICHAEL F.Q. SAN NICOLAS

June 24, 2022.—Referred to the House Calendar and ordered to be printed

U.S. Government Publishing Office

Washington, D.C. 2022
ADOPTED BY THE COMMITTEE ON ETHICS ON JUNE 23, 2022

117TH CONGRESS, 2ND SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS

IN THE MATTER OF ALLEGATIONS RELATING TO
DELEGATE MICHAEL F.Q. SAN NICOLAS

JUNE 24, 2022

Mr. DEUTCH, from the Committee on Ethics, submitted the following

REPORT
COMMITTEE ON ETHICS

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LETTER OF TRANSMITTAL

June 24, 2022

The Honorable Cheryl L. Johnson
Clerk, House of Representatives
H-154, The Capitol
Washington, DC 20515

Dear Ms. Johnson:

Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached report, “In the Matter of Allegations Relating to Delegate Michael F.Q. San Nicolas.”

Sincerely,

Theodore E. Deutch
Chairman

Jackie Walorski
Ranking Member
IN THE MATTER OF ALLEGATIONS RELATING TO
DELEGATE MICHAEL F.Q. SAN NICOLAS

June 24, 2022

Mr. DEUTCH, from the Committee on Ethics, submitted the following

REPORT

In accordance with House Rule XI, clauses 3(a)(2) and 3(b), the Committee on Ethics (Committee) hereby submits the following Report to the House of Representatives:

I. INTRODUCTION

On October 24, 2019, the Committee announced an investigation, pursuant to Committee Rule 18(a), into allegations that Delegate San Nicolas may have converted campaign funds to personal use, accepted improper or excessive campaign contributions, and/or engaged in a sexual relationship with a congressional employee who works under his supervision. On February 10, 2020, OCE sent a Referral to the Committee recommending further review of similar campaign finance allegations involving Delegate San Nicolas. On June 12, 2020, the Committee announced that it had impaneled an investigative subcommittee (ISC) with jurisdiction to investigate allegations that Delegate San Nicolas violated campaign finance and campaign reporting laws, made false statements to government investigators or agencies, engaged in witness interference, and had a sexual relationship with an individual on his congressional staff. On May 20, 2022, the Committee announced it had reauthorized the ISC. The ISC conducted a thorough investigation over the course of two years, in which it interviewed 11 witnesses and reviewed over 5,000 pages of documents.

During its investigation, the ISC was presented with substantial evidence that Delegate San Nicolas may have knowingly solicited and accepted excessive and improper campaign donations, orchestrated a conspiracy to mask those unlawful donations by attributing them to unrelated fundraisers, and engaged in witness interference by directing congressional staffers to contact a key witness in a blatant attempt to dissuade them from providing testimony that would incriminate Delegate San Nicolas in connection with ongoing congressional investigations.1 Delegate San Nicolas did not meaningfully address the allegations against him, and chose to ignore a duly authorized subpoena rather than account for his conduct.2 The ISC referred Delegate San

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1 See generally ISC Report.
2 ISC Report at 14 – 16.
Nicolas to the full Committee for consideration of contempt due to his failure to appear for his subpoenaed deposition. Over a month later, on the eve of the Committee’s consideration of this matter, the Delegate’s counsel reiterated numerous technical challenges to the ISC’s subpoena and stated the Delegate would “welcome” the opportunity to provide testimony “subject to any objections he may assert.” The Committee recognizes this as yet another delay tactic and notes that this matter has been pending for over two years, during which time Delegate San Nicolas has never substantively responded to most of the allegations raised against him. The Committee concurred with the ISC’s determination that the Delegate’s behavior was contemptuous. Moreover, despite his counsel’s assurance of the Delegate’s “steadfast commitment to the Committee’s crucial constitutional function,” the Delegate has treated the ethics process with disdain. The Delegate’s counsel, without citation, disputes the ISC’s assertion that his refusal to provide voluntary testimony is uncommon, stating that “there are numerous examples of Members who assert their legal right not to provide voluntary testimony.” That statement demonstrates that the Delegate does not appreciate the unique role of this Committee. The Committee is not aware of a single other Member in recent history who refused to provide voluntary testimony to the Ethics Committee. When a Member is the subject of an investigation by the Ethics Committee, they have a duty of candor and diligence; the Delegate did not meet that duty.

The ISC considered recommending the Committee seek a House-level sanction of Delegate San Nicolas for violations of federal laws and regulations, as well as the Code of Official Conduct. The ISC determined, however, that would not be the most effective action in light of the Delegate’s impending retirement from the House, as well as the potential expiration of applicable statutes of limitations as soon as next year for some of the conduct at issue. Given those time constraints, as well as the extraordinary nature of the allegations, the ISC unanimously voted to recommend that this matter be referred to the Department of Justice. The Committee agrees with the ISC’s findings and recommendations.

Accordingly, on June 23, 2022, the Committee unanimously voted to adopt this Report, refer the matter to the Department of Justice, and release the ISC’s Report, which is transmitted as an appendix to this Report.

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3 Delegate San Nicolas was informed that the ISC referred him to the Committee for consideration of contempt, pursuant to Committee Rule 19(b)(3), and was provided an opportunity to submit a written statement following that notice but did not do so.

4 Although the Committee has previously issued a subpoena for a Member’s testimony in a 2004 matter, the Committee did not ask that Member to testify voluntarily. See Comm. on Standards of Official Conduct, Investigation of Certain Allegations Related to Voting on the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, H. Rept. 108-722, 108th Cong. 2d Sess. 13 (2004) (“No Member of the House that was asked to provide voluntary testimony declined to do so; indeed, no Member who testified voluntarily offered any resistance to testifying or any objection to questions posed to them.”).

5 ISC Report at 2, 16.

6 Id. at 16.

7 The Committee thanks the Members of the ISC for their attention and dedication to this matter.

8 See Appendix A.
II. FINDINGS

The Committee received substantial evidence that Delegate San Nicolas may have accepted improper and/or excessive campaign contributions in connection with his solicitation and acceptance of cash contributions totaling at least $9,000 from a single donor during the 2018 election cycle.\(^9\) The ISC collected substantial evidence that Delegate San Nicolas knew that acceptance of the cash contributions violated applicable campaign finance laws but nevertheless solicited and accepted the contributions to advantage his campaign as the general election approached.\(^10\)

The Committee also received substantial evidence that Delegate San Nicolas may have engaged in a conspiracy to hide the proceeds of those illicit campaign contributions and knowingly caused his campaign committee to file false or incomplete reports with the Federal Election Commission. Specifically, the Committee received substantial evidence that Delegate San Nicolas sought the improper donation in cash so that his campaign could avoid disclosing the specific contributions, including by falsely reporting a portion of the illicit donation as proceeds of a small dollar fundraiser held on or around September 28, 2018.\(^11\) Delegate San Nicolas’ campaign failed to properly report the contributions for approximately two years.\(^12\)

The Committee also received substantial evidence that Delegate San Nicolas improperly interfered, or attempted to interfere, with the Committee’s investigation. As discussed in the ISC’s Report, there is substantial evidence that Delegate San Nicolas dispatched one of his congressional staffers to “deliver a message” to the donor of the $9,000 cash campaign donation that the contribution “never happened.”\(^13\) The Committee also received substantial evidence that Delegate San Nicolas, through his campaign committee, asked the donor to sign a prepared letter containing false statements about the campaign donation and the Delegate’s knowledge thereof.\(^14\) Both attempts to contact the campaign donor about his donation occurred after the Committee had initiated its review and after OCE initiated a second-phase review, thus requiring a Referral to the Committee.\(^15\)

Delegate San Nicolas’ conduct may have violated several campaign finance laws, federal conspiracy law, and laws against witness tampering and obstruction of Congress.

The ISC also investigated several additional allegations, including whether Delegate San Nicolas had a sexual relationship with a staffer in his congressional office, whether Delegate San Nicolas misappropriated campaign funds for personal use, and whether Delegate San Nicolas used a campaign vendor to inflate campaign invoices and receive kickbacks for the purchase of campaign materials.\(^16\) The Committee agrees with the ISC that the evidence it has collected

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\(^9\) ISC Report at 6-9.
\(^10\) See id.
\(^11\) Id.
\(^12\) Id.
\(^13\) Id. at 10 – 11.
\(^14\) Id.
\(^15\) See id.
\(^16\) Id. at 13 – 14.
regarding some of these additional allegations is concerning and Delegate San Nicolas’ decision not to meaningfully address the allegations is alarming. The Committee also agrees, however, that “the interests of justice would best be served by prioritizing the substantial evidence” the Committee has received relating to the Delegate’s acceptance of illicit campaign contributions, his conspiracy to hide those proceeds, and witness interference.

III. CONCLUSIONS

House Rule XI, clause 3(a)(3) states that “[t]he Committee may report to appropriate Federal or State authorities … by an affirmative vote of two-thirds of the members of the committee, any substantial evidence of a violation by a Member, Delegate, Resident Commissioner, officer, or employee of the House, of a law applicable to the performance of the duties or the discharge of the responsibilities of such individual that may have been disclosed in a committee investigation.”17 The evidence collected by the ISC supports a criminal referral in the instant matter.

The Committee has previously uncovered evidence during its investigations of potential federal criminal violations by non-House individuals and referred such conduct to the Department of Justice.18 The Committee has also regularly deferred its investigations in order to permit the Department of Justice to complete its prosecution of criminal matters. Nonetheless, the Committee recognizes it is an extraordinary step to refer a sitting Delegate of the House to another federal authority. However, Delegate San Nicolas has engaged in extraordinary conduct, not only with respect to the excessive cash campaign contribution and his efforts to influence witness testimony, but also with respect to his failure to meaningfully address the allegations before the Committee and by contemptuously ignoring a duly authorized subpoena.

In 2019, during OCE’s investigation, Delegate San Nicolas advised, on the eve of his OCE interview, that he would not appear. In explaining his decision not to appear before OCE, Delegate San Nicolas asserted that he would “happily engage and cooperate fully with an official Investigative Subcommittee of the Ethics Committee that is capable of initiating my desired closure in this matter.”19 Delegate San Nicolas did not cooperate fully with the ISC or the Committee, and the ISC took the rare step of issuing a subpoena for Delegate San Nicolas’ testimony, with which the Delegate did not comply.20 The Delegate raised a number of objections to his subpoenaed testimony that were overruled by the ISC. The ISC informed the Delegate of that decision and noted that it would not allow its investigation to continue to be hindered by delay

17 House Rule XI, clause 3(a)(3); see also Committee Rule 28.
18 See Comm. on Ethics, In the Matter of Officially-Connected Travel by House Members to Azerbaijan in 2013, H. Rept. 114-239, 114th Cong. 1st Sess. 26 (2015) (referring “evidence of concerted, possibly criminal efforts by various non-House individuals and entities to mislead the House travelers and the Committee about the Trips’ true sponsors and the funding sources used to pay for Member and House employee travel to Azerbaijan.”); See House Comm. on Standards of Official Conduct, 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, 111th Cong. 2d Sess. 5 (2010) (referring the conduct of “officers and employees” of private trip sponsors after finding they “submitted false or misleading information to the Committee during its pre-travel review . . . and again when providing sworn testimony to the Investigative Subcommittee.”).
19 ISC Report at 15.
20 See id. at 14 – 15.
tactics, and it was prepared to conclude its inquiry without the Delegate’s testimony. As noted above, on the eve of the Committee’s deliberation on this matter, the Delegate’s counsel stated that he would “welcome the opportunity” to schedule a deposition “subject to any objections he may assert at the time.” The ISC also advised the Delegate of the option to provide a written statement in response to the allegations, under oath or affirmation. The Delegate never submitted a statement responding to the allegations. In short, Delegate San Nicolas appears to have treated the House ethics process with the same indifference that he treated federal campaign finance laws.

The Committee has previously explained:

Public office is a public trust, and as part of that public trust, public officials should take seriously allegations that threaten the integrity of the institution and seek to be forthright and cooperative with the body designed to review such allegations. . . . It is the nature of a self-regulatory body to strive to collegially review allegations of misconduct and, accordingly, the Committee’s longstanding practice is to seek voluntary cooperation from respondents. When that cooperation is less than fulsome, that threatens to undermine the foundations of that self-regulation.21

The House has a mandate pursuant to Article I, Section 5, clause 2 of the Constitution to police the behavior of its own Members. The House has charged the Committee on Ethics with the duty of investigating Member conduct in service of that constitutional mission. As the only standing committee of the House with membership divided evenly by party, the Committee on Ethics is unique, and operates under rules and processes that are intended to provide a fair procedural framework for the conduct of the Committee’s activities. All Members have a duty to respect the rules of the Committee on Ethics and the House’s self-disciplinary process by demonstrating candor and diligence in an investigation of their conduct by the Committee on Ethics. A Member’s failure to meet their duty of candor and diligence in an investigation of the Committee on Ethics can, in itself, be a violation of House Rules and lead to sanctions.22 When a Respondent acts in a manner that obstructs or undermines the work of the Committee on Ethics, they bring discredit to the House. The Committee takes this opportunity to note to the House community that it will use appropriate disciplinary tools at its disposal to address such conduct.

Delegate San Nicolas failed to fulfill his duty of candor; rather than fully cooperate with the ISC’s investigation, he has repeatedly sought to evade and obstruct review of his conduct. While the Delegate engages in delay tactics, the statute of limitations for the potential criminal conduct at issue continues to tick away and may expire next year for some of the allegations and in 2024 for others. The Committee joins the ISC in noting that “it would not be in the interests of justice to allow [Delegate San Nicolas] to continue to evade accountability for his actions by delaying this review while the statute of limitations continues to run.”23


22 Schweikert at 5.
The Committee, accordingly, voted unanimously to refer this matter to the Department of Justice. The Committee also agrees that the Delegate’s conduct merits public condemnation, and will publicly release this Report attaching the ISC’s Report.

Following the publication of this Report, the Committee will consider this matter closed.

IV. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(C)

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.
Mr. SOTO, from the Investigative Subcommittee, submitted the following
REPORT

To the Committee on Ethics
INVESTIGATIVE SUBCOMMITTEE

Darren Soto, Florida  
Chairman

Jackie Walorski, Indiana  
Ranking Member

Dina Titus, Nevada  

Vicky Hartzler, Missouri

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APPENDIX A: Report and Findings of the Office of Congressional Ethics
APPENDIX B: Exhibits to the Report of the Investigative Subcommittee
I. INTRODUCTION

On March 11, 2020, following the receipt of a referral from the Office of Congressional Ethics (OCE), the Committee on Ethics (Committee) impaneled this Investigative Subcommittee (ISC) to investigate whether Delegate Michael F.Q. San Nicolas may have: engaged in a sexual relationship with an individual on his congressional staff; converted campaign funds to personal use; accepted improper and/or excessive campaign contributions; reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes; omitted required information from or disclosed false information in reports filed with the Federal Election Commission (FEC); made false statements to government investigators or agencies; and/or improperly interfered or attempted to interfere in a government investigation of related allegations in violation of House Rules, law, regulations, or other standards of conduct. Prior to the ISC’s impanelment and its receipt of OCE’s referral, the Committee initiated an investigation, pursuant to Committee Rule 18(a), into similar allegations.

The ISC conducted a detailed investigation into the allegations. Despite Delegate San Nicolas’ efforts to evade the ISC’s questioning, the ISC found substantial evidence that Delegate San Nicolas: accepted improper and/or excessive campaign contributions; engaged in a conspiracy to hide the proceeds of an illicit campaign contribution; knowingly caused his campaign committee to file false or incomplete reports with the FEC; and attempted to interfere with this Committee’s investigation (including OCE’s referral to the Committee) by causing his congressional staff to contact a likely witness in the Committee’s investigation in an attempt to persuade the witness to lie.

While the ISC also investigated and found significant relevant evidence relating to the other allegations within its jurisdiction, these findings alone were a cause of grave concern for the ISC. The ISC repeatedly provided Delegate San Nicolas with opportunities to address these allegations, but he refused to do so. Of particular concern, the ISC was forced to take the extraordinary step of issuing a subpoena to compel Delegate San Nicolas’ testimony, and Delegate San Nicolas failed to comply with the duly authorized subpoena. The manner in which the Delegate and his counsel handled the ISC’s request for testimony suggested a deliberate effort to delay the ISC’s consideration of the matter. Following his failure to appear at his deposition, the ISC determined
that Delegate San Nicolas had behaved in a contemptuous manner and voted to refer that issue to the full Committee, pursuant to Committee Rule 19(c)(3).

After considering Delegate San Nicolas’ efforts to delay the ISC’s investigation, lack of respect for the ISC’s jurisdiction and processes, and attempts to interfere with the ongoing investigation, the ISC determined that the interests of justice would be best served by resolving this matter on the basis of the current record rather than allowing Delegate San Nicolas to perpetrate further delays. The ISC carefully considered whether to schedule a vote to adopt a Statement of Alleged Violations, which would allow the Committee to pursue a House-level sanction of the Delegate. However, given concerns about the statutes of limitations that may apply for several of the allegations that potentially implicate serious criminal violations, and Delegate San Nicolas’ upcoming departure from the House, the ISC determined that adoption of a Statement of Alleged Violations would not be the most effective action to take. The ISC, by this Report, thus unanimously recommends that the full Committee refer substantial evidence of potential violations of federal criminal law to the Department of Justice for further review and publicly condemn Delegate San Nicolas’ conduct and release the ISC’s Report.

II. PROCEDURAL HISTORY

In early September 2019, Delegate San Nicolas’ former campaign manager (Campaign Manager) made several allegations in social media posts and press interviews regarding Delegate San Nicolas’ conduct during his 2018 congressional campaign. These allegations include that Delegate San Nicolas: (1) used funds from his campaign committee to reimburse himself for personal travel; (2) received an excessive $10,000 cash contribution; and (3) hired an individual to work in his congressional office with whom he was engaged in a sexual relationship. On September 6, 2019, the Campaign Manager filed a complaint against Delegate San Nicolas with the Guam Election Commission regarding the campaign finance allegations.1

On September 16, 2019, OCE informed the Committee that it had initiated a preliminary review into allegations that Delegate San Nicolas’ campaign committee reported campaign disbursements that may not be legitimate and verifiable campaign expenditures and that he may have omitted required information from or disclosed false information in his FEC candidate committee reports. On October 15, 2019, OCE informed the Committee it had commenced a second-phase review of the allegations.

On October 24, 2019, the Chairman and then-Ranking Member publicly announced that the Committee was investigating allegations pursuant to Committee Rule 18(a) that Delegate San Nicolas may have converted campaign funds to personal use, accepted improper or excessive campaign contributions, and/or engaged in a sexual relationship with a congressional employee who works under his supervision.

On February 10, 2020, OCE transmitted its Referral to the Committee. OCE’s Referral recommended the Committee further review allegations that Delegate San Nicolas may have: (1) accepted cash contributions that were in excess of the FEC’s limits for individual donors and in excess of the limits for cash contributions; (2) omitted required information from or disclosed false information in his FEC reports; (3) reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes; and

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1 Exhibit 1.
(4) converted campaign funds to personal use. OCE’s Report and Findings also raised questions as to whether Delegate San Nicolas, or persons acting on his behalf, engaged in witness tampering and/or attempted to obstruct its investigation.

On June 12, 2020, the Committee announced it had unanimously voted to impanel an ISC with jurisdiction to determine whether Delegate San Nicolas may have: (1) engaged in a sexual relationship with an individual on his congressional staff; (2) converted campaign funds to personal use; (3) accepted improper and/or excessive campaign contributions; (4) reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes; (5) omitted required information from or disclosed false information in reports filed with the FEC; (6) made false statements to government investigators or agencies; and/or (7) improperly interfered or attempted to interfere in a government investigation of related allegations in violation of House Rules, law, regulations, or other standards of conduct. The Committee’s decision to impanel an ISC was based, in part, on the serious, and possibly criminal, nature of the violations.

The ISC did not complete its investigation of the allegations involving Delegate San Nicolas by the conclusion of the 116th Congress. On May 20, 2021, the Committee announced it had unanimously voted to re-impanel an ISC to investigate allegations involving Delegate San Nicolas for the 117th Congress.

The ISC met three times in the 116th Congress and six times in the 117th Congress. The ISC sent eight requests for information and issued one subpoena. Committee staff received and reviewed additional documents responsive to the ISC’s requests. The ISC also reviewed materials provided by OCE and obtained during the Committee’s 18(a) investigation. In total, the ISC reviewed over 5,000 pages of materials. The ISC also conducted 11 witness interviews.

In October 2019, after the Committee opened an investigation pursuant to Committee Rule 18(a), the Chairman and then-Ranking Member sent Delegate San Nicolas a letter advising him of the Committee’s investigation and requesting that he inform the Committee whether, since becoming a Member, he has engaged in any sexual relationship with any individual on his congressional staff. Delegate San Nicolas submitted a one-word response to the Committee’s letter that simply said, “No.” Following the impanelment of an ISC to further investigate this and other allegations, Delegate San Nicolas’ counsel challenged the Committee’s authority to address the Delegate’s conduct before he was sworn into Congress, despite the Committee’s established precedent for asserting jurisdiction over conduct in connection with a successful election to the House. After substantial delays, some of which were attributable to a COVID lockdown in Guam, Delegate San Nicolas did generally cooperate with the ISC’s requests for documents, but his counsel noted that this cooperation was “without waiving, and expressly reserving, any right to object to the ISC’s jurisdiction over the matters giving rise to the investigation.” In response to this, and other correspondence counsel sent questioning the ISC’s jurisdiction, Committee staff sent Delegate San Nicolas’ counsel a letter explaining the Committee’s jurisdiction to investigate his pre-Congress conduct.

While he eventually produced documents in response to the ISC’s requests, Delegate San Nicolas did not meaningfully respond to the allegations under review. Delegate San Nicolas did not meaningfully respond to the allegations under review.

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2 See Letter from Delegate Michael F.Q. San Nicolas to Chairman Theodore E. Deutch and then-Ranking Member Kenny Marchant, Committee on Ethics (Nov. 6, 2019).
not agree to testify voluntarily, leading the ISC to take the rare step of issuing him a subpoena for his testimony. The evening before the scheduled deposition pursuant to that subpoena, counsel for Delegate San Nicolas raised several objections to the compulsion of the Delegate’s testimony, including his prior objection to the Committee’s jurisdiction, which he cast as a pertinency challenge.

The ISC convened on April 29, 2022, for Delegate San Nicolas’ compulsory deposition; however, Delegate San Nicolas did not appear. After the Delegate failed to appear, the ISC duly considered each of the objections raised in his counsel’s letter and unanimously voted to overrule each of them, pursuant to Committee Rule 19(c)(2). In light of Delegate San Nicolas’ conduct, the ISC felt it necessary to refer the matter of his failure to appear to the full Committee for consideration of referral to the House for contempt, pursuant to Committee Rule 19(c)(3). The ISC also sent a letter to Delegate San Nicolas advising him of its rulings and determination that he had behaved in a contemptuous manner.3

On June 9, 2022, the ISC unanimously voted to adopt and transmit this Report to the Committee.

III. FINDINGS

Delegate San Nicolas has been a Delegate of the United States House of Representatives since 2019, representing Guam. Prior to becoming a Delegate, Delegate San Nicolas served as a senator in the Guam legislature for three terms.

On February 1, 2018, Delegate San Nicolas’ principal campaign committee Michael San Nicolas for Congress (Campaign) filed a Statement of Organization with the FEC regarding Delegate San Nicolas’ campaign to run for Delegate of Guam for the 2018 election.4 Delegate San Nicolas’ 2018 congressional campaign was managed by a former senior staffer from his legislative office (Campaign Manager). Treasurer 1 served as treasurer of the Campaign from February 2018 through February 2019. In March 2019, Delegate San Nicolas replaced her as treasurer with his sister (Treasurer 2), to serve during the 2020 election cycle, and Treasurer 2 currently holds that role.

During the 2018 election cycle, Treasurer 1 had limited access to the Campaign’s books and records.5 Campaign Manager, with the assistance of Delegate San Nicolas, filled out the Campaign’s required FEC reports under Treasurer 1’s name and without her participation.6 Treasurer 1 did not play any role in filling out or filing the FEC forms and reports, despite those documents being filed in the treasurer’s name, because “[t]hat’s the way [Delegate San Nicolas]...
wanted it."7 No one on Delegate San Nicolas’ 2018 campaign monitored incoming campaign contributions to ensure that they did not exceed the aggregate cash contribution limits.8

On November 6, 2018, Delegate San Nicolas won the general election to serve as Delegate to Guam. Several weeks later, Delegate San Nicolas and Campaign Manager traveled to Washington, D.C. to attend New Member Orientation.9 The ISC received evidence that, during that time, Campaign Manager raised concerns with Delegate San Nicolas about the House rule prohibiting Representatives from having a sexual relationship with individuals employed on their congressional staff.10 Campaign Manager informed the ISC he raised these concerns in light of his knowledge of the Delegate’s relationship with another member of his campaign staff, Staffer A, whom the Delegate had announced would serve on his congressional staff.11 According to the Campaign Manager, in response to those concerns, Delegate San Nicolas “did a slashing motion on his neck.”12

During orientation, Delegate San Nicolas informed Campaign Manager that he would not serve in his congressional office.13 According to Campaign Manager, he was not hired because Delegate San Nicolas believed that he had leaked to other people that he was having an affair with Staffer A.14 Eight months after Delegate San Nicolas was sworn-in to Congress, Campaign Manager made several allegations in social media posts and press interviews regarding Delegate San Nicolas’ conduct during his 2018 congressional campaign.15

As detailed below, the ISC determined that there is substantial evidence of potential violations of federal laws within the jurisdiction of the Department of Justice. While the ISC received evidence of other violations, the ISC was not able to fully investigate all of the allegations without Delegate San Nicolas’ testimony. Rather than further delay the matter and present the Delegate with more opportunities to attempt to evade a meaningful review of his actions, the ISC recommends that the Committee refer this matter to the Department of Justice for further review.

7 ISC Interview of Campaign Manager. Delegate San Nicolas also had Treasurer 1 sign blank campaign checks that he could later use for campaign expenses, including reimbursements to himself. ISC Interview of Treasurer 1. The treasurer for Delegate San Nicolas’ 2020 congressional campaign, Treasurer 2, likewise, had limited access to the campaign’s books and records and also was asked to, and indeed did, sign blank campaign checks. ISC Interview of Treasurer 2.
8 ISC Interview of Campaign Manager; see also ISC Interview of Treasurer 1.
9 ISC Interview of Campaign Manager.
10 Id.
11 Id.
12 Id.
13 Id.
14 But see ISC Interview of Staffer C (testifying that Delegate San Nicolas told him that he decided not to hire Campaign Manager because he was “frustrated” that he was picking up more information than Campaign Manager during the briefings and felt like Campaign Manager “dropped the ball.”).
15 Gaynor D. Daleno, Delegate’s former aide details allegations, The Guam Daily Post (Sep. 2, 2019), https://www.postguam.com/news/local/delegates-former-aide-details-allegations/article_16372fa8-cc0f-11e9-ac86-4b9a07e39dfb.html; San Nicolas-Salas Matanane: Mike and Bri for Guam (@MichaelFqSanNicolasForCongress), FACEBOOK (Aug. 30, 2019), https://www.facebook.com/MichaelFqSanNicolasForCongress/ (the messages from Campaign Manager, and those responding to Campaign Manager, have been deleted from this post). The ISC received evidence that Campaign Manager may have been motivated to make the allegations because Delegate San Nicolas did not offer him or a member of Campaign Manager’s family a position in his congressional office. ISC Interview of Staffer E.
A. Substantial Evidence of Federal Law Violations

1. Delegate San Nicolas’ Campaign May Have Accepted an Improper or Excessive Campaign Contribution and Omitted Required Information on FEC Reports

i. Background

On June 29, 2018, Campaign Donor donated $1,000 to Delegate San Nicolas’ campaign, via check, in connection with a fundraiser.16 The campaign reported receiving this donation in its original July 2018 Quarterly Report.17

On August 24, 2018, Delegate San Nicolas won the Democratic primary election for Guam Delegate to the House of Representatives. On or around August 30, 2018, Delegate San Nicolas, Campaign Donor, Individual A, and Campaign Manager met for dinner at the Nikko Hotel and then for drinks at a bar named Sidelines.18 Individual A left the bar earlier than the others but Delegate San Nicolas, Campaign Donor, and Campaign Manager remained, and towards the end of the night, they began discussing campaign finances.19 During this discussion, Delegate San Nicolas and Campaign Manager explained to Campaign Donor that the Delegate’s campaign spent around $40,000 to defeat the incumbent, Delegate Madeleine Bordallo, that the Campaign had no more money, and that the Campaign would need to raise an additional $40,000 for the general election.20 Prior to the conversation with Campaign Donor, Delegate San Nicolas “was very worried that [the campaign] had sort of front-loaded everything, spent all the money, put in all this effort at the beginning.”21 The Campaign’s bank records indicate that the Campaign had only about $4,000 available in its account going into the general election.22

During the same campaign finance discussion on or around August 30, 2018, Delegate San Nicolas, Campaign Donor, and Campaign Manager discussed Campaign Manager making a $10,000 donation to Delegate San Nicolas’ campaign to help with the 2018 general election.23 Delegate San Nicolas wanted the contribution from Campaign Donor to purchase radio, tv and print advertisements and the campaign would not have been able to make those expenditures without the contribution.24 Campaign Donor agreed to make the $10,000 campaign contribution but raised questions regarding whether the contribution was permissible in light of what he understood to be a $1,000 limit on campaign contributions.25 Campaign Donor was assured that

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16 See Exhibit 2; ISC Interview of Campaign Donor.
17 See Michael San Nicolas for Congress, July Quarterly Report 2018 (Jul. 13, 2018). Campaign Donor previously provided a separate $1,000 check to the Delegate’s campaign in connection with a separate fundraiser, but the check does not appear to have ever been deposited by the Campaign, nor was it disclosed as a contribution to the FEC. See Exhibit 3; Exhibit 4; ISC Interview of Campaign Donor.
18 See Exhibit 5; ISC Interview of Campaign Donor.
19 ISC Interview of Campaign Donor (Campaign Donor acknowledged that he and Delegate San Nicolas were drinking “a substantial amount of alcohol” that night, but he did not believe the Delegate was impaired).
20 See ISC Interview of Campaign Donor.
21 ISC Interview of Campaign Manager; ISC Interview of Staffer D (recalling that, after the 2018 primary, the Delegate expressed the need to “fundraise aggressively”).
22 See ISC Interview of Campaign Donor; ISC Interview of Campaign Manager.
23 See ISC Interview of Campaign Donor; ISC Interview of Campaign Manager.
24 See ISC Interview of Campaign Donor.
25 See ISC Interview of Campaign Donor.
the $1,000 limit on campaign contributions applied to local Guam elections and did not apply to a congressional campaign.  

During the same campaign finance discussion, Campaign Donor offered to prepare a check for the $10,000 campaign contribution and Delegate San Nicholas requested that the campaign contribution be made in cash. Campaign Donor agreed to make the $10,000 campaign contribution in that manner but said it would take him some time to get the cash together. Campaign Donor believed that, given their roles as a congressional candidate and campaign manager, Delegate San Nicholas and Campaign Manager knew the legality of the requested campaign contribution. Indeed, prior to this evening, Delegate San Nicholas and Campaign Manager sat together and went through the FEC handbook for candidates, before Delegate San Nicholas ran in the 2018 election, and both Delegate San Nicholas and Campaign Manager were aware of the applicable FEC limits on campaign contributions, including the separate limits on cash contributions.

Following his discussion with Delegate San Nicholas and Campaign Manager, and after considering the request, Campaign Donor regretted committing to such a large donation and decided to donate $9,000 in cash instead of $10,000. On or around September 5, 2018, Campaign Manager went to Campaign Donor’s office and collected an envelope with a portion of the cash contribution from Campaign Donor. Prior to going to Campaign Donor’s office, Campaign Manager exchanged WhatsApp messages with Campaign Donor to coordinate logistics of picking up the cash contribution. Campaign Manager immediately went to Delegate San Nicholas’ Senate office and handed him the sealed envelope containing the first portion of Campaign Donor’s cash contribution.

On October 5, 2018, Campaign Manager went to Campaign Donor’s office and collected a sealed envelope with the remaining portion of the cash contribution from Campaign Donor. Prior to going to Campaign Donor’s office, Campaign Manager again exchanged WhatsApp messages with Campaign Donor to coordinate logistics of picking up this second cash donation.

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26 ISC Interview of Campaign Donor; ISC Interview of Campaign Manager (Campaign Manager did not recall Campaign Donor raising any questions about whether the donation was permitted).
27 ISC Interview of Campaign Donor (Campaign Donor did not recall whether it was Campaign Manager or Delegate San Nicholas who requested the donation be made with cash); ISC Interview of Campaign Manager (Campaign Manager recalled that Delegate San Nicholas told Campaign Donor the donation needed to be made with cash).
28 See ISC Interview of Campaign Donor.
29 Id.
30 ISC Interview of Campaign Manager.
31 ISC Interview of Campaign Donor.
32 See Exhibit 7; ISC Interview of Campaign Manager. Compare ISC Interview of Campaign Donor Interview (recalling only one exchange of the campaign donation in October of 2018). While Campaign Donor only recalls one exchange, the ISC received documentary evidence that the contribution was provided in two installments, the first on September 5, 2018.
33 Exhibit 7 (stating “[Campaign Manager] I have the money. I will give tmr at lunch at 12 noon.”); ISC Interview of Campaign Manager (testifying that he picked up the first portion of the contribution from Campaign Donor’s office and that Campaign Donor’s message just meant picking up the money at lunch time).
34 ISC Interview of Campaign Manager.
35 Exhibit 8; ISC Interview of Campaign Donor; ISC Interview of Campaign Manager.
contribution. Campaign Donor was initially planning to give the remaining portions of the cash contribution directly to Delegate San Nicolas during a lunch on October 5, 2018, but messaged Campaign Manager and explained that he forgot to bring the money to his lunch and requested that Campaign Manager come to his office to pick up the money. After retrieving the money on October 5, 2018, Campaign Manager went back to Delegate San Nicolas’ office, gave the cash contribution directly to Delegate San Nicolas, and informed him that Campaign Donor said he would only be donating $9,000 not $10,000. Upon receiving the envelope containing the second part of Campaign Donor’s cash donation, Delegate San Nicolas opened the envelope in front of Campaign Manager and counted the cash.

Campaign Manager informed the ISC that, during his Guam senatorial campaigns, Delegate San Nicolas accepted campaign contributions that exceeded the legal limit and would falsely list the excess contributions as small dollar donations received during specific fundraisers to mask the true source of the contribution. The ISC received evidence indicating that Delegate San Nicolas engaged in a similar scheme to mask a portion of Campaign Donor’s cash contribution by attributing it to donations from a September 28, 2018 fundraiser at O’Beer Time Lounge. The fundraiser at O’Beer Time Lounge took place a few weeks after Campaign Manager collected the first portion of Campaign Donor’s cash donation and gave the donation to Delegate San Nicolas.

O’Beer Time Lounge was a bar in Guam that could hold around a hundred people or less for an event. Despite the size of the venue, the September 28, 2018 O’Beer Time fundraiser reportedly raised $13,543 and tickets to the fundraiser were sold at $25 each. The funds were entirely in cash. San Nicolas for Congress would have to sell approximately 542 tickets at $25 each to bring in that amount of money. In fact, at $13,543, the O’Beer Time fundraiser was Delegate San Nicolas’ most successful fundraiser in 2018, raising over $4,500 more than any other fundraiser during the 2018 election cycle.

The names of the individuals who donated or purchased tickets for the O’Beer Time fundraiser were not kept because it was a $25 fundraiser; however, Campaign Manager did not believe that 500 people or more attended the fundraiser because the venue is too small and could barely hold 100 people. After the O’Beer Time fundraiser, Delegate San Nicolas took the cash home himself and counted the proceeds out of the view of the campaign staff.

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36 Exhibit 7 (“Oi. I just had lunch with Mike but I forgot to Bring out the money. Can you stop by office around 330? Or pick up on Monday?” Campaign Manager replied: “Lol ok. I can come by the office at 330.”).
37 Exhibit 8; ISC Interview of Campaign Manager. Campaign Donor testified that he did not discuss the cash donation with Delegate San Nicolas during the lunch.
38 ISC Interview of Campaign Manager.
39 Id.
40 Id. (explaining that Delegate San Nicolas would not record the names of the small dollar donors to help mask the true source of the contribution).
41 ISC Interview of Campaign Manager (“[O Beer Time] holds…less than a hundred people.”); see also ISC Interview of Treasurer 1 (O’Beer Time “could probably fit 100 [people],” “[m]aybe 75 to 80 people.”).
42 Exhibit 9; see also Michael San Nicolas for Congress, October Quarterly 2018 (Oct. 15, 2018).
43 Exhibit 10.
44 See Exhibit 9.
45 ISC Interview of Campaign Manager; ISC Interview of Treasurer 1 (testifying, “no, you can’t” fit several hundred people in O’Beer Time but noting, it is “possible people 500 came in that night in and out.”).
46 ISC Interview of Campaign Manager.
The $13,543 proceeds purportedly received from the O’Beer Time fundraiser were deposited into the campaign bank account on October 1, 2018.\textsuperscript{47} Delegate San Nicolas’ campaign made another deposit of $7,476 in cash into the campaign bank account on October 29, 2018.\textsuperscript{48} The October 29, 2018 deposit occurred a few weeks after Campaign Manager gave Delegate San Nicolas the remaining portion of Campaign Donor’s cash donation; however, there were no reported fundraisers in October to account for the cash.\textsuperscript{49}

Delegate San Nicolas’ campaign did not report Campaign Donor’s $9,000 cash contribution to the FEC when it was received in October of 2018.\textsuperscript{49}

In 2019, Campaign Manager began making public allegations that Delegate San Nicolas accepted an improper cash campaign contribution. Shortly after Campaign Manager publicly alleged that Delegate San Nicolas accepted an improper cash contribution, Delegate San Nicolas spoke with Campaign Donor over the phone and discouraged him from speaking with the press, acknowledged that his donation was over the contribution limit, and “seem[ed] like he understood there was a cash donation that [Campaign Donor] had given.”\textsuperscript{50} Several months later in November or December 2019, Delegate San Nicolas spoke with Campaign Donor at an event about the allegations and informed him that the cash contribution was improper, and that his campaign would be reimbursing Campaign Donor’s contribution.\textsuperscript{51}

Delegate San Nicolas’ campaign waited approximately two years to report the $9,000 cash contribution to the FEC, ultimately disclosing it in two separate filings; one on September 24, 2020 where it reported receiving $5,000 on September 5, 2018 and a second filing on October 26, 2020 where it reported receiving an additional $4,000 on October 5, 2018.\textsuperscript{52}

\textit{ii. Relevant Laws, Rules, and Other Applicable Standards of Conduct}

The Federal Election Campaign Act (FECA) prohibits any person from making, and a candidate and his or her authorized campaign committee from accepting, contributions exceeding the contribution limits.\textsuperscript{53} A contribution is any “gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.”\textsuperscript{54} The individual contribution limit during the 2017-2018 election cycle was $2,700 per election.\textsuperscript{55} Individuals are also prohibited from making contributions of currency, which, in the aggregate, exceeds $100, with respect to any campaign of a candidate seeking election to federal office.\textsuperscript{56} FECA further requires campaign treasurers to “file reports of receipts

\textsuperscript{47} See Exhibits 9 and 10.
\textsuperscript{48} See Exhibit 11.
\textsuperscript{49} See Exhibit 9; see also ISC Interview of Campaign Manager; ISC Interview of Treasurer 1 (testifying that she did not know where the cash from for the October 29, 2018 deposit originated).
\textsuperscript{50} See ISC Interview of Campaign Donor.
\textsuperscript{51} ISC Interview of Campaign Donor. At that time, Delegate San Nicolas indicated to Campaign Donor that Campaign Manager had mishandled the Campaign’s finances.
\textsuperscript{52} See Exhibits 12 and 13.
\textsuperscript{54} 52 U.S.C. § 30101(8)(A); 11 CFR § 100.52(a).
\textsuperscript{56} 52 U.S.C. § 30123; 11 C.F.R. § 110.4(c).
and disbursements,”57 which disclose “the identification of each person . . . who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year . . . together with the date and amount of any such contribution.”58 FECA provides for criminal penalties for knowing and willful violations of the Act aggregating more than $2,000 during a calendar year.59

iii. Findings and Recommendation

The ISC received substantial evidence that Delegate San Nicolas was aware of the applicable FEC limits on campaign contributions, including the separate limits on cash contributions, at the time he solicited and accepted at least $9,000 in cash campaign contributions from a single donor.60 Indeed, understanding the illicit nature of the campaign contribution, Delegate San Nicolas responded to an offer to provide a $10,000 check for the campaign contribution, by requesting that the campaign contribution be made in cash.61

The ISC also received substantial evidence that Delegate San Nicolas engaged in a conspiracy to mask the illicit contribution and avoid reporting the contribution to the FEC. Delegate San Nicolas waited two years to report the contribution, including more than seven months after acknowledging the $9,000 contribution and returning the funds to the Campaign Donor.

Delegate San Nicolas has repeatedly refused to meaningfully address these allegations, and has evaded questioning by this ISC. In light of the serious and potentially criminal nature of the allegations, the ISC recommends that the matter be referred to the Department of Justice for further review.

2. Allegations that Delegate San Nicolas Interfered with a Government Investigation

i. Background

In November of 2019, Delegate San Nicolas dispatched Staffer B from Washington D.C. to Campaign Donor’s office in Guam to deliver a message from Delegate San Nicolas that the $9,000 cash campaign donation never happened.62 Staffer B has a criminal record, used to fight professionally, and was also alleged to have previously engaged in threatening behavior directed at Campaign Manager, including attempting to hire an individual to assault Campaign Manager in connection with the allegations before the ISC.63

Staffer B went to Campaign Donor’s office, waited near the stairs at Campaign Donor’s office and followed Campaign Donor from the stairs to his car in his attempt to deliver Delegate

60 ISC Interview of Campaign Manager.
61 ISC Interview of Campaign Donor; ISC Interview of Campaign Manager.
62 See ISC Interview of Staffer B; ISC Interview of Campaign Donor.
63 See Congressman’s staffers implicated in beat-down-for-hire plot, Guam Corruption (May 2, 2022),
https://corruptionguam.wixsite.com/guamcorruption/post/congressman-s-staffers-implicated-in-beat-down-for-hire-plot; ISC Interview of Staffer B (noting his professional fighting days were “a long time ago.”).

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San Nicolas’ message regarding the cash donation.64 Staffer B ultimately approached Campaign Donor, introduced himself, and said “I’m here to remind you that there was no cash transactions between you and the Congressman.”65 Campaign Donor “thought it was very weird that [Staffer B] just showed up without any invitation or anything.”66 Staffer B later informed Delegate San Nicolas that the message to Campaign Donor, regarding the cash contribution, had been delivered.67

Staffer B delivered the Delegate’s “message” to the Campaign Donor shortly after OCE entered its second phase review (thus ensuring that a Referral would ultimately be made to the Ethics Committee). The Delegate was aware that OCE was investigating allegations raised by Campaign Manager and would have known that Campaign Donor was a key witness to certain of those allegations. A few weeks after Staffer B’s visit, Campaign Donor did in fact testify before OCE, regarding, among other things, the cash donation to Delegate San Nicolas.68 Delegate San Nicolas has not addressed this incident.

Delegate San Nicolas, through his campaign, made a second attempt to persuade Campaign Donor to provide false information in December of 2019. On December 4, 2019, after Campaign Donor’s cash contribution became public, Staffer A sent a letter to Campaign Donor alleging that Campaign Donor’s cash contribution was inadvertent, that Delegate San Nicolas never received the cash contribution, and requesting that Campaign Donor sign a statement avowing that Campaign Donor did not receive the contribution and that no guidance was provided by Campaign Manager regarding the contribution.69 Staffer A claimed that she wrote the letter without consultation with Delegate San Nicolas but acknowledged that she had no first-hand knowledge regarding the details contained in the letter and failed to adequately explain how she drafted a letter for which she had no underlying information.70

Campaign Donor did not sign the letter that was drafted and sent to him on December 4, 2019, but instead had his attorneys draft a response noting that, prior to making the cash contribution, he was informed by Delegate San Nicolas’ campaign that the contribution was lawful and requested a refund of his $9,000 cash contribution upon now learning that the contribution was improper.71 In its Referral, OCE explicitly noted that Staffer A’s letter may have been “an attempt to conceal the impermissible contribution by using misleading conduct to persuade the donor to sign a document falsely absolving Delegate San Nicolas of wrongdoing with respect to the contribution,” and “may constitute obstruction and witness tampering.”72 While Staffer A denied that was her intention, as noted above, she had no personal familiarity with the circumstances surrounding the contribution. Despite the serious allegations raised in OCE’s Referral, Delegate San Nicolas has never directly addressed the December 4, 2019 letter to Campaign Donor.

64 ISC Interview of Campaign Donor; see also ISC Interview of Staffer B.
65 ISC Interview of Staffer B Interview. Campaign Donor did not recall the details of the conversation with Staffer B.
66 ISC Interview of Campaign Donor.
67 ISC Interview of Staffer B.
68 See OCE Interview of Campaign Donor.
69 See Exhibit 14; ISC Interview of Campaign Donor.
70 See ISC Interview of Staffer A.
71 Exhibit 15; ISC Interview of Campaign Donor.
72 Appendix A at 20.
ii. Relevant Laws, Rules, and Other Applicable Standards of Conduct

18 U.S.C. section 1512, states that an individual violates the federal witness tampering statute if that individual “knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so . . . with intent to influence, delay, or prevent the testimony of any person in an official proceeding,” or “intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from attending or testifying in an official proceeding[.]”

18 U.S.C. section 1505, states that an individual violates the obstruction of Congress statute if the individual:

corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.

Courts have generally interpreted “corrupt persuasion” under section 1512 to cover any attempt to convince a witness to engage in a course of behavior with respect to an official proceeding that is “motivated by an inappropriate or improper purpose.”73 Similarly, “corruptly” for purposes of section 1505, is defined by statute as “acting with an improper purpose.”74

The various categories of conduct covered by sections 1512 and 1505 can cover an overlapping set of behavior. For a communication to be considered a threat or “corrupt persuasion,” it need not be explicit and overt, if it can be reasonably inferred the witness would be threatened or persuaded to testify untruthfully by the words.75 Nor is it necessary that the conduct actually influence the testimony; “[t]he success of an attempt or possibility thereof is irrelevant; the statute makes the endeavor a crime.”76

iii. Findings and Recommendation

The ISC received substantial evidence that Delegate San Nicolas attempted to corruptly persuade or influence Campaign Donor to provide false information to government investigators. Delegate San Nicolas dispatched Staffer B from Washington D.C. to Campaign Donor’s office in Guam in November 2019, during an ongoing congressional investigation into, among other things, the cash donation to Delegate San Nicolas.77 Likewise, the December 4, 2019 letter from Delegate San Nicolas’ campaign requesting that Campaign Donor sign a prepared statement avowing that Delegate San Nicolas did not receive the contribution and that no guidance was provided by the

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73 See United States v. Khatami, 280 F.3d 907, 912 (9th Cir. 2002); United States v. Thompson, 76 F.3d 442, 452 (2d Cir. 1996). Compare United States v. Farrell, 126 F.3d 484, 489 (3d Cir. 1997) (construing the word “corruptly” to mean “more culpability is required for a statutory violation than that involved in the act of attempting to discourage disclosure in order to hinder an investigation.”).
74 18 U.S.C § 1515(b).
75 See United States v. Freeman, 208 F.3d 332, 338 (1st Cir. 2000); United States v. Edlind, 887 F.3d 166, 174 (4th Cir. 2018), (citing United States v. Edwards, 869 F.3d 490, 503 (7th Cir. 2017)).
76 United States v. Wilson, 796 F.2d 55, 57 (4th Cir. 1986).
77 See OCE Interview of Campaign Donor.
Campaign Manager regarding the contribution, occurred while Delegate San Nicolas was aware of an ongoing congressional investigation, to “remind” Campaign Donor that his cash donation never happened. The ISC’s record thus includes substantial evidence of conduct by Delegate San Nicolas implicating the federal witness tampering and obstruction of Congress statutes.

In light of the serious and potentially criminal nature of the allegations, the ISC recommends that the matter be referred to the Department of Justice for further review.

**B. Other Allegations Reviewed by the Investigative Subcommittee**

The ISC reviewed a number of other allegations implicating a range of House rules, campaign finance laws and regulations, and other standards of conduct. In many instances, the ISC found concerning evidence indicating that Delegate San Nicolas had, at best, a loose relationship with campaign compliance requirements.

The ISC reviewed evidence that Delegate San Nicolas may have had a sexual relationship with Staffer A while she was employed on his congressional staff. Delegate San Nicolas and Staffer A denied that a sexual relationship occurred while she was employed on his staff.

The ISC also considered allegations referred by OCE that Delegate San Nicolas misused campaign funds for personal expenditures and reported disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. Many of these allegations were raised by Campaign Manager. Specifically, the ISC considered whether Delegate San Nicolas was reimbursed with campaign funds for travel to the Philippines that was of a primarily personal nature. The ISC received evidence that the Delegate’s travel to the Philippines had both campaign and personal purposes.

The ISC also considered whether Delegate San Nicolas received other improper reimbursements from his campaign. Treasurer 2 advised OCE that the thousands of dollars in reimbursements the Campaign paid to Delegate San Nicolas were “not dollar for dollar reimbursements,” but that the “amounts owed to the Delegate actually exceed the amounts reimbursed.” Treasurer 1 (who served at the time the specific reimbursements reviewed by OCE were issued to Delegate San Nicolas) told the ISC she sometimes signed blank campaign checks for Delegate San Nicolas during her tenure. She explained that, as a general matter, she never received or asked for underlying documentation in support of the disbursements to Delegate San Nicolas. Campaign Manager was not aware of any instances in which Delegate San Nicolas prepared a campaign reimbursement check for which there were no corresponding receipts. Campaign Manager also could not recall any specific instances during the 2018 election cycle in

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78 See Exhibit 14; ISC Interview of Campaign Donor.
79 OCE Exhibit 7. While OCE’s investigation was underway, and following OCE’s Referral recommending further review for this and other allegations, the Campaign filed numerous amended FEC reports to note that the payments to Delegate San Nicolas were for reimbursements and specifically itemize those reimbursements. See e.g. Michael San Nicolas for Congress, April Quarterly Report 2018 at 18 (Jul. 24, 2020) (itemizing disbursements). Since the 2020 election cycle, Staffer A has managed the Campaign’s reimbursements processes and worked with the FEC to correct its prior FEC reports from the 2018 election. ISC Interview of Staffer A.
80 ISC Interview of Treasurer 1.
81 Id.
82 ISC Interview of Campaign Manager.
which Delegate San Nicolas paid for personal expenses with his credit cards and then reimbursed himself with campaign funds.\textsuperscript{83}

Finally, the ISC obtained some evidence that a campaign vendor may have inflated her campaign invoices at the Delegate’s request. Campaign Manager testified that Delegate San Nicolas asked the campaign vendor to “add to the cost of goods a certain amount of the receipt, so that [Delegate San Nicolas] could reimburse himself that, the extra amount of money in the receipt.”\textsuperscript{84} Delegate San Nicolas asked the vendor not to itemize her invoices and told her specific amounts to charge the campaign.\textsuperscript{85} In its Referral, OCE noted that the Delegate’s “failure to interview or to provide any information refuting these allegations supports the conclusion that unaccounted for and diverted cash campaign funds were used” for personal purposes, including to facilitate personal travel with Staffer A in the Philippines. Delegate San Nicolas has not addressed the specific allegations that he sought fraudulent reimbursements from his campaign through inflated vendor invoices and the campaign vendor did not cooperate with the ISC’s investigation.

While these allegations may implicate several additional violations, the ISC determined that the interests of justice would best be served by prioritizing the substantial evidence relating to the excessive contribution and attempts to influence related witness testimony. Accordingly, the ISC recommends no further action on these additional allegations at this time.

C. Delegate San Nicolas’ Conduct During the Investigation

In the nearly two and a half years that the Committee and ISC spent investigating Delegate San Nicolas’ conduct, he was afforded numerous opportunities to respond to the allegations under review. Although his counsel stated that he “welcome[d] the opportunity” to do so, he repeatedly failed to meaningfully address the issues before the ISC, and his actions suggest this failure was deliberate. Despite the ISC’s repeated attempts at collegiality, Delegate San Nicolas showed disrespect for his peers and the House ethics process, causing the ISC to determine that the interests of justice would not be served if it allowed its investigation to continue to be hindered by Delegate San Nicolas’ delay tactics and disingenuous pledges to cooperate.

\textit{i. Background}

Following the ISC’s repeated attempts to schedule an interview of Delegate San Nicolas, the Delegate’s counsel informed the ISC on March 18, 2022, that Delegate San Nicolas would not voluntarily sit for a witness interview.

On April 13, 2022, a subpoena was executed compelling Delegate San Nicolas’ testimony at a remote deposition. On April 19, 2022, the ISC agreed to reschedule the subpoenaed deposition to accommodate Delegate San Nicolas’ request that the deposition occur in person. On the eve of his rescheduled deposition, Delegate San Nicolas’ counsel sent a letter to the ISC raising objections

\textsuperscript{83} Id.

\textsuperscript{84} OCE Interview of Campaign Manager; ISC Interview of Campaign Manager (Campaign Manager testified that he did not see records reflecting this scheme, but he knew this was happening because Delegate San Nicolas told him that was his practice and he heard Delegate San Nicolas ask her to keep the invoices vague).

\textsuperscript{85} See e.g., Exhibit 16 (Delegate San Nicolas’ WhatsApp message to the campaign vendor, stating “I am going to need an invoice and receipt for the two orders [w]e got so far. Just put the items and services but don’t itemize them. First invoice and receipt (eight banners) make it for $750.00. For second make it for $5,000.”). The campaign vendor did not cooperate with OCE’s or the ISC’s investigation and was outside of the ISC’s subpoena authority.
and noting that Delegate San Nicolas would not appear for his subpoenaed deposition. On April 29, 2022, the ISC convened for Delegate San Nicolas’ deposition, and he did not appear. At that proceeding, the ISC overruled Delegate San Nicolas’ objections and referred Delegate San Nicolas to the full Committee for contempt.

This was not the first time Delegate San Nicolas failed to appear to give testimony regarding the allegations; during OCE’s investigation, he also advised, on the eve of his interview, that he would not appear. In explaining his decision not to appear before OCE, he asserted that he would “happily engage and cooperate fully with an official Investigative Subcommittee of the Ethics Committee that is capable of initiating my desired closure in this matter.”86 Like his pledges to cooperate with the ISC’s investigation, those assurances to OCE rang hollow.

\textit{ii. Relevant Laws, Rules, and Other Applicable Standards of Conduct}

Article I, Section 5 of the Constitution grants each chamber of Congress the power to “punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.” The Committee is designated by House rule as the body which conducts the investigative and adjudicatory functions which usually precede a vote by the full House regarding such punishment or expulsion.

As part of the House’s efforts in self-governance, the Committee expects Members, Delegates, and staff to honor their duty of candor and diligence in participating in the Committee’s investigative process. The Committee has previously explained \textit{In the Matter of Allegations Relating to Representative David Schweikert}:

\begin{quote}
Public office is a public trust, and as part of that public trust, public officials should take seriously allegations that threaten the integrity of the institution and seek to be forthright and cooperative with the body designed to review such allegations. . . . It is the nature of a self-regulatory body to strive to collegially review allegations of misconduct and, accordingly, the Committee’s longstanding practice is to seek voluntary cooperation from respondents. When that cooperation is less than fulsome, that threatens to undermine the foundations of that self-regulation.87
\end{quote}

Failure to meet the duty of candor and diligence can, in itself, be a violation,88 and the Committee has explained that efforts to avoid its questioning can be viewed as attempting to obstruct its investigations.

The Committee has previously found a Member in violation of the Code of Official Conduct, noting that Member engaged “in a pattern of behavior intended to obstruct [the ISC’s] investigation,” when the Member attempted to avoid questioning.89 In that matter, the

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86 \textit{See} Exhibit 17.
Committee noted:

This is among the most troubling aspects of the case, and the easiest to see the manner in which it would bring discredit to the House: if a Member has such little respect for the internal discipline of the House that she would attempt to evade its questioning, rather than submitting to the fact gathering process in good faith, it raises the question of why the American people should believe that the House does a sufficient job policing itself. For the House to have the trust of the people, it must vigorously protect its ability to investigate wrongdoing.

iii. Findings

Delegate San Nicolas’ conduct, and the conduct of those acting on his behalf, hindered the ISC’s investigation and showed disrespect for the ethics process. Delegate San Nicolas chose not to voluntarily sit for a witness interview and then chose not to show up for his subpoenaed deposition. The ISC determined that, in failing to appear for his subpoenaed deposition, Delegate San Nicolas engaged in contemptuous behavior. Likewise, Delegate San Nicolas’ overall lack of candor and diligence in cooperating with the ISC’s investigation reflected poorly on the institution of the House and, thereby, brought discredit upon the House.

IV. RECOMMENDATION

Based on the substantial evidence it obtained regarding potential violations of federal law, the ISC unanimously voted to recommend that the full Committee refer this matter to appropriate federal authorities. Pursuant to 18 U.S.C. § 3282, there is a five-year statute of limitations for the potential criminal conduct at issue, meaning that the statute of limitations may expire next year for some of the allegations and 2024 for others. While Delegate San Nicolas’ improper and contemptuous delay tactics have impeded the ISC’s investigation, it would not be in the interests of justice to allow him to continue to evade accountability for his actions by delaying this review while the statute of limitations continues to run. Accordingly, pursuant to Committee Rule 19(g), the Investigative Subcommittee makes the following recommendations:

1. The ISC recommends that the Committee refer to the U.S. Department of Justice for such action as the Department deems necessary the matter involving Delegate San Nicolas regarding his: acceptance of improper and/or excessive campaign contributions; engagement in a conspiracy to hide the proceeds of an illicit campaign contribution; knowingly causing his campaign committee to file false or incomplete reports with the Federal Election Commission; and improper interference or attempts to interfere in a government investigation of related allegations.

2. The Investigative Subcommittee recommends that the Committee authorize the release of materials in possession of the Committee and not available through any other source, to the U.S. Department of Justice, as necessary for any further action the Department of Justice pursues as a result of the referral of this matter.

3. The ISC recommends that the Committee publicly condemn Delegate San Nicolas’ conduct and publish the ISC’s Report.

APPENDIX A
The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on January 31, 2020, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Delegate Michael San Nicolas

NATURE OF THE ALLEGED VIOLATION: Del. San Nicolas may have omitted required information from or disclosed false information in his Federal Election Commission (“FEC”) candidate committee reports. If Del. San Nicolas failed to disclose required information or disclosed false information in his FEC filings, then he may have violated House rules, standards of conduct, and federal law.

Del. San Nicolas may have accepted cash contributions that were in excess of FEC limits for individual donors and in excess of the limits for cash contributions. If Del. San Nicolas accepted such contributions, then he may have violated House rules, standards of conduct, and federal law.

Del. San Nicolas’ campaign committee, Michael San Nicolas for Congress (the “campaign committee”), reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Del. San Nicolas converted campaign funds to personal use, or if Del. San Nicolas’ campaign committee expended funds that were not attributable to bona fide or verifiable campaign or political purposes, then Del. San Nicolas may have violated House rules, standards of conduct, and federal law.

RECOMMENDATION: The Board recommends that the Committee further review the above allegation concerning Del. San Nicolas because there is substantial reason to believe that Del. San Nicolas failed to disclose required information or disclosed false information in his FEC filings.

The Board recommends that the Committee further review the above allegation concerning Del. San Nicolas because there is substantial reason to believe that Del. San Nicolas accepted cash contributions that were in excess of FEC limits for individual donors and in excess of the limits for cash contributions.

The Board recommends that the Committee further review the above allegation concerning Del. San Nicolas because there is substantial reason to believe that Del. San Nicolas converted campaign funds to personal use.

VOTES IN THE AFFIRMATIVE: 6
VOTES IN THE NEGATIVE: 0
ABSTENTIONS: 0
MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE: Omar S. Ashmawy, Staff Director & Chief Counsel.
FINDINGS OF FACT AND CITATIONS TO LAW

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On January 31, 2020, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (in italics). The Board notes that these findings do not constitute a determination of whether a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. Del. San Nicolas may have omitted required information from or disclosed false information in his Federal Election Commission (“FEC”) candidate committee reports. If Del. San Nicolas failed to disclose required information or disclosed false information in his FEC filings, then he may have violated House rules, standards of conduct, and federal law.

2. The Board recommends that the Committee further review the above allegation concerning Del. San Nicolas because there is substantial reason to believe that Del. San Nicolas failed to disclose required information or disclosed false information in his FEC filings.

3. Del. San Nicolas may have accepted cash contributions that were in excess of FEC limits for individual donors and in excess of the limits for cash contributions. If Del. San Nicolas accepted such contributions, then he may have violated House rules, standards of conduct, and federal law.

4. The Board recommends that the Committee further review the above allegation concerning Del. San Nicolas because there is substantial reason to believe that Del. San Nicolas accepted cash contributions that were in excess of FEC limits for individual donors and in excess of the limits for cash contributions.

5. Del. San Nicolas’ campaign committee, Michael San Nicolas for Congress, may have reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Del. San Nicolas converted campaign funds to personal use, or if Del. San Nicolas’ campaign committee expended funds that were not attributable to bona fide campaign or political purposes, then Del. San Nicolas may have violated House rules, standards of conduct, and federal law.

6. The Board recommends that the Committee further review the above allegation concerning Del. San Nicolas because there is substantial reason to believe that Del. San Nicolas converted campaign funds to personal use, or that Del. San Nicolas’ campaign committee expended funds that were not attributable to bona fide or verifiable campaign or political purposes.
B. Jurisdiction Statement

7. The allegations that were the subject of this review concern Del. San Nicolas, a Delegate to the United States House of Representatives from Guam. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (“OCE”) directs that, “[n]o review shall be undertaken … by the [B]oard of any alleged violation that occurred before the date of adoption of this resolution.”\(^1\) The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

8. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on September 13, 2019. The preliminary review commenced on September 14, 2019.\(^2\)

9. On September 17, 2019, the OCE notified Del. San Nicolas of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.\(^3\)

10. At least three members of the Board voted to initiate a second-phase review in this matter on October 11, 2019. The second-phase review commenced on October 14, 2019.\(^4\) The second-phase review was scheduled to end on November 27, 2019.

11. On October 16, 2019, the OCE notified Del. San Nicolas of the initiation of the second-phase review in this matter, and again notified him of his right to be represented by counsel in this matter, and that invoking that right would not be held negatively against him.\(^5\)

12. The Board voted to extend the second-phase review by an additional period of fourteen days on November 13, 2019. The additional period ended on December 11, 2019.

13. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on January 31, 2020.

14. The report and its findings in this matter were transmitted to the Committee on Ethics on February 7, 2020.

\(^1\) H. Res. 895 of the 110th Congress § 1(e) (2008) (as amended) (hereafter “the Resolution”).
\(^2\) A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is received by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.
\(^3\) Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Del. San Nicolas, September 17, 2019.
\(^4\) According to the Resolution, the Board must vote (as opposed to make a written authorization) on whether to conduct a second-phase review in a matter before the expiration of the 30-day preliminary review. If the Board votes for a second-phase, the second-phase commences the day after the preliminary review ends.
D. **Summary of Investigative Activity**

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

(1) Del. San Nicolas;
(2) Campaign Treasurer;
(3) District Director;
(4) Campaign Manager (former);
(5) Campaign Donor;
(6) Expedia Group, Inc.;
(7) Outrigger Enterprises Group; and
(8) Shangri-La International Hotel Management Ltd.

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

(1) Del. San Nicolas;
(2) District Director;
(3) Expedia Group, Inc.; and
(4) Outrigger Enterprises Group.

II. **DEL. SAN NICOLAS MAY HAVE EXECUTED A SCHEME TO ACCEPT $10,000 IN ILLEGAL CONTRIBUTIONS**

A. **Applicable Law, Rules, and Standards of Conduct**

17. Federal Law

*Pursuant to 52 U.S.C. § 30104 “[e]ach treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection.”*

52 U.S.C. § 30116(a)(1) states, “. . . no person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $2,000 . . . .”

52 U.S.C. § 30104 (b)(3)(A) states that “each report under this section shall disclose – the identification of each – person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution . . . .”

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6 Limits are increased each year according to federal law. 52 U.S.C. § 30116(c). During the relevant period, the individual contribution limit was $2,700.
52 U.S.C. § 30109(d) states that “[a]ny person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure-
  (i) aggregating $25,000 or more during a calendar year shall be fined under title 18, or imprisoned for not more than 5 years, or both; or
  (ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.

18 U.S.C. § 1343 states that “[w]hoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.”

18. Federal Election Commission Regulations

Pursuant to 11 C.F.R. § 104.3(a)(3) “[a]n authorized committee of a candidate for Federal office shall report the total amount of receipts received during the reporting period and, except for itemized and unitemized breakdowns, during the election cycle in each of the following categories:

  (i) Contributions from persons other than any committees;
    (A) Itemized contributions from persons, other than any committees, including contributions from individuals, but excluding contributions from a candidate to his or her authorized committees;
    (B) Unitemized contributions from persons, other than any committees, including contributions from individuals, but excluding contributions from a candidate to his or her authorized committees;
    (C) Total contributions from persons other than any committees, including contributions from individuals, but excluding contributions from a candidate to his or her authorized committees . . . .”

11 C.F.R. § 110.1(b) states, “[n]o person shall make contributions to any candidate, his or her authorized political committees or agents with respect to any election for Federal office that, in the aggregate, exceed $2,000.”

Pursuant to 11 C.F.R. § 110.4(c) no person shall make contributions to a candidate or political committee of currency of the United States, or of any foreign country, which in the aggregate exceed $100 . . . . A candidate or committee receiving a cash contribution in excess of $100 shall promptly return the amount over $100 to the contributor.”

7 This limit applies to each election the candidate participates in (e.g., primary, general, run-off, etc.) and is adjusted for inflation every two years. See 11 C.F.R. § 110.1(b).
B. Scheme to Receive $10,000 in Illegal Cash Contributions

19. In this review, the OCE investigated whether Del. San Nicolas accepted a $10,000 contribution from a Guam businessman, in excess of the $2,700 individual contribution limit.\(^8\)

20. Based on witness interviews and documents showing contemporaneous communications, the OCE found substantial evidence showing that Del. San Nicolas formulated a scheme for his campaign committee to receive a $10,000 cash contribution. Del. San Nicolas then undertook efforts to conceal the contribution from the FEC and from the public.

21. In September 2018, Del. San Nicolas’s former chief of staff in the Guam legislature and former campaign manager (“Campaign Manager”), began making allegations to the media regarding a $10,000 contribution Del. San Nicolas accepted from a single donor during his 2018 congressional campaign.\(^9\)

22. The OCE interviewed Campaign Manager who stated that after Guam’s primary election on August 25, 2018, then-candidate San Nicolas was having difficulty raising money for the general election.\(^10\), \(^11\) Around that time, Del. San Nicolas, Campaign Manager, and a friend and donor to Del. San Nicolas’s campaign committee had a conversation about the funding shortage.\(^12\) The conversation occurred at a bar in Guam called Sidelines, where Del. San Nicolas, Campaign Manager, and the donor met for drinks sometime after the primary election.\(^13\) During that conversation, Campaign Manager said “Congressman was just lamenting about the fact that he could not raise money. [The donor] offered $10,000 to the congressman who said, ‘Great, but you have to give it to me in cash.’”\(^14\)

23. Campaign Manager stated that Del. San Nicolas asked for the contribution to be made in cash because “his intent was to wash it out in low dollar fundraisers.”\(^15\) This meant that Del. San Nicolas intended to deposit the contribution into his campaign treasury along with small cash contributions that were under the FEC’s reporting requirements. This was an attempt to circumvent reporting regulations and conceal the illegal contribution. Campaign Manager

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\(^8\) This was the limit in place for the 2017-2018 election. Including the primary, the total contribution limit at the time for the primary and general elections was $5,400.


\(^10\) Transcript of Interview of Campaign Manager (“Campaign Manager Transcript I”), Nov. 18, 2019 (Ex. 1 at 19-4104_0052).

\(^11\) The OCE notes that because Campaign Manager was not hired onto Del. San Nicolas’ congressional staff as he hoped to be. The OCE considered this factor in assessing the witness’s credibility, but found that many of his allegations were well founded given independent corroboration of certain facts, as explained in these findings.

\(^12\) Campaign Manager Transcript I (Ex. 1 at 19-4104_0052).

\(^13\) Id. at 19-4104_0053.

\(^14\) Id.

\(^15\) Id. at 19-4104_0054.
specified that Del. San Nicolas explicitly explained this reasoning to him the night the three individuals agreed on the contribution at Sidelines.16

24. In the following months, September and October, Campaign Manager picked up two separate cash contributions of $5,000 from the donor.17

25. Though Campaign Manager could not recall the specific dates on which he picked up the separate cash installments, text messages between Campaign Manager and the donor establish that the first contribution likely occurred on or around September 5, 2018 and the second occurred on October 5, 2018.

26. Campaign Manager stated that he picked up both contributions at the donor’s office and was given the cash in sealed envelopes.18 He recalled that he immediately brought the sealed envelopes to Del. San Nicolas in his office in the Guam legislature.19

27. Campaign Manager could not recall details around the September 5, 2018 contribution but provided numerous details about the October 5, 2018 interaction with Del. San Nicolas during which he handed over the cash contribution.20

16 Id.
17 Id.
18 Id. at 19-4104_0056-57.
19 Id.
20 Transcript of Interview of Campaign Manager (“Campaign Manager Transcript II”), December 6, 2019 (Ex. 2 at 19-4104_0069-70).
28. On October 5, 2018, Campaign Manager recalled picking up the sealed envelope of cash from the donor’s office and immediately driving in his personal vehicle to then-Senator San Nicolas’ office in the Guam legislature. He hand delivered the envelope to Del. San Nicolas, who opened the envelope and counted the money in front of Campaign Manager. After counting the money, he confirmed that there was $5,000 in the envelope.

29. Campaign Manager told the OCE that Del. San Nicolas counted the money at that time because the donor had indicated that the second installment would only be $4,000 instead of the agreed upon $5,000, but that he in fact contributed the full $5,000.

30. According to Campaign Manager, after counting the money, Del. San Nicolas placed the money in a corner ceiling tile in the library attached to his office in the Guam legislature that he used as a “hiding place.”

31. When asked what Del. San Nicolas did with the funds, Campaign Manager testified that “he would then deposit the amount into the campaign account. I don’t know if he kept some of the money, or if he put all of the money into the campaign. I’m not sure.”

32. The campaign’s 2018 Amended Pre-Primary FEC report shows that as of August 5, 2018, the campaign reported a cumulative total of $8,414.00 in unitemized individual contributions. In its next report filed on October 15, 2018, the October Quarterly report for the period of August 6, 2018 to September 30, 2018, the campaign reported having received a cumulative total of $18,122.00. However, according to that report there was only an additional $250 in unitemized individual contributions received in the interim after August 5, 2018. This appears to leave $9,458 of small contributions unaccounted for during the time that Campaign Manager alleges Del. San Nicolas received a $10,000 cash contribution that he planned to conceal as small cash contributions.

33. The OCE interviewed another witness that was able to corroborate Campaign Manager’s allegations regarding the cash contribution. The second witness also had firsthand knowledge of the events and confirmed that a cash contribution was made to Del. San
Nicolas in September or October of 2018. The witness also confirmed that Del. San Nicolas was present and aware of the contribution when it was discussed at the Sidelines bar after the Guam primary election. Finally, the witness confirmed that the contribution was accepted in person by Campaign Manager, and that it was above the amount allowed by federal law.

34. After this review was initiated and approximately fourteen months after Del. San Nicolas received the $10,000 contribution, the OCE received information and documents showing that Del. San Nicolas and his staff were attempting to return the contribution while at the same time claiming that Del. San Nicolas had never received the money.30

35. The OCE reviewed a December 4, 2019 letter directed to the donor from the campaign committee.31 In the letter, Del. San Nicolas’ new campaign manager and current District Director wrote to the donor claiming that Del. San Nicolas’ campaign committee had become aware of the contribution on September 11, 2019 when it received a complaint filed with the Guam Election Commission by Campaign Manager about the contribution.32

36. Among other things, the letter repeatedly refers to the contribution as “inadvertent” and claims that Del. San Nicolas never received the money, but nonetheless offers to reimburse the donor.33 Attached to the letter was a separate draft letter to be signed by the donor avowing that Campaign Manager was the individual that handled the contribution and that Del. San Nicolas was never provided with the money by Campaign Manager.34 The letter appears to have been a deliberate attempt by Del. San Nicolas to conceal his misconduct and influence the donor.

37. The OCE also received a January 21, 2020 letter written by the donor to the campaign committee that requests the campaign committee return the contribution.35 The letter notes that the donor “was informed by the San Nicolas campaign that [the contribution] would be entirely lawful” but that the donor now understands that may not be true.36

38. In summary, the OCE found substantial evidence that Del. San Nicolas orchestrated a scheme to accept an excessive cash contribution, and then made a deliberate attempt to conceal his misconduct and influence other witnesses to the fraud. Additionally, Del. San Nicolas refused to participate in an interview to explain the alleged misconduct.

30 Dec. 4, 2019 Letter from campaign committee to donor (Ex. 3 at 19-4104_0075-76).
31 Id.
32 Id.
33 Id.
34 Id.
35 Jan. 21, 2020 Letter from donor to campaign committee (Ex. 4 at 19-4104_0078).
36 The donor’s January 21, 2020 letter indicates that the contribution was in the amount of $9,000.00 and not $10,000.00 as Campaign Manager alleges. This discrepancy may be related to the apparent miscommunication regarding the amount of the October 5, 2018 cash contribution discussed in paragraph 29 above, which the donor believed was $4,000.00 but that Campaign Manager testified was counted and determined to be $5,000.00. Either amount would be in excess of the general contribution limits and the limits placed on cash contributions.
39. Based on the foregoing information, the Board finds that there is substantial reason to believe that Del San Nicolas failed to disclose required information or disclosed false information in his FEC filings.

40. Based on the foregoing information, the Board finds that there is substantial reason to believe that Del. San Nicolas accepted cash contributions that were in excess of FEC limits for individual donors and in excess of the limits for cash contributions.

III. DEL. SAN NICOLAS MAY HAVE REPORTED DISBURSEMENTS THAT WERE NOT FOR LEGITIMATE OR VERIFIABLE CAMPAIGN EXPENDITURES

A. Applicable Law, Rules, and Standards of Conduct

41. Federal Law

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

Pursuant to 52 U.S.C. § 30104, “[e]ach treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection.”

42. Federal Election Commission Regulations

Pursuant to 11 C.F.R. § 113.1(g), which defines personal use of campaign funds: “Personal use means any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.

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

(J) A vacation.”

Pursuant to 11 C.F.R. § 104.3(b)(4), ‘[e]ach authorized committee shall report the full name and address of each person in each of the following categories, as well as the information required by each category.

(i) Each person to whom an expenditure in an aggregate amount or value in excess of $200 within the election cycle is made by the reporting authorized committee to meet the authorized committee's operating expenses, together with the date, amount and purpose of each expenditure.”

43. House Rules

House Rule 23, clause 6 states: “A Member, Delegate, or Resident Commissioner— (a) shall keep the campaign funds of such individual separate from the personal funds of such individual; (b) may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures; and (c) except as provided
44. House Ethics Manual

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

With respect to verification, the Manual also explains: “With the huge number of outlays that Members’ campaigns typically make, often on a nearly continuous basis, the propriety of particular outlays may not be subject to review for months or years after the fact, when recollections as to the circumstances or specific purposes of an outlay may well have faded. Absent a requirement for verification, the prohibition against converting campaign funds to personal use would be nullified in substantial part. Furthermore, the verification requirement should serve to cause Members and their campaign staffs to exercise caution in spending campaign funds, and to ensure that no outlay is for an impermissible personal purpose. Members and their campaign staffs should bear in mind that the verification requirement imposed by the House rules is separate from, and in addition to, whatever recordkeeping requirements are imposed by the Federal Election Commission on federal candidates generally (or, with regard to Members who are candidates for a state or local office, the requirements imposed by applicable state or local law).”

B. Failure to Properly Account for or Verify $14,840.49 of Disbursements to Del. San Nicolas

45. In this review, the OCE examined approximately forty disbursements by Del. San Nicolas’ campaign committee to Del. San Nicolas that were described in reports to the FEC as “loan repayments made to candidate.” In conjunction with reviewing those disbursements, the OCE investigated allegations that Del. San Nicolas converted campaign funds to personal use by paying for personal trips with a campaign staffer with whom he was having an affair.

46. The OCE found that Del San Nicolas’ campaign committee failed to properly account for and report at least $14,840.49 of disbursements to Del. San Nicolas. Because the campaign committee could not produce an itemized account of the expenditures underlying the $14,840.49 of disbursements, the OCE cannot conclusively determine whether all or some of this amount was converted to personal use.

37 House Ethics Manual at 173 (emphasis in original).
38 Id. at 164-65.
39 Some disbursements appear to have been misreported or duplicative of each other, so the actual number of disbursements is indeterminate.
47. Though Del. San Nicolas refused to cooperate with the OCE review and participate in an interview to explain certain spending practices, it is apparent from FEC reports and campaign records that Del. San Nicolas frequently made personal outlays for expenses on behalf of the campaign, reported these expenditures as loans to the campaign, and then made disbursements to himself from the campaign described as “Loan Repayment[s].”

48. Contrary to FEC regulations which require itemization of the outlays or advances made by Del. San Nicolas, neither the reporting entries disclosing the loans nor the entries disclosing the disbursements paying back the loans contain any itemization, and many contain no purpose descriptions that shed light on the underlying expenditures.

49. In its production to the OCE, the campaign committee produced an internally created ledger that purportedly accounts for all loans or advances made by Del. San Nicolas and all disbursements back to Del. San Nicolas that were repayments for these loans.

50. While FEC reports show that there were approximately forty “loan repayment” disbursements made to Del. San Nicolas, the ledger produced by the campaign committee shows that those disbursements were made in twenty-eight payments by check from the campaign bank account. Thus, some of the disbursements reported separately on FEC reports were paid together to Del. San Nicolas with one check.

51. The OCE reviewed each of these twenty-eight payments, comparing the ledger, the checks written to Del. San Nicolas, disbursements reported to the FEC, receipts of expenditures maintained and produced by the campaign, and the loans from Del. San Nicolas to the campaign that were reported to the FEC.

52. For most of the twenty-eight payments, the OCE was able to match specific reported loans to a disbursement, a check from the campaign bank account, and receipts produced by the campaign. This was possible by matching the dollar amounts despite the lack of clear descriptions or itemization in the campaign’s reporting.

53. For example, one disbursement of $1,122.58 to Del. San Nicolas on February 13, 2018 is described only as a “loan repayment” in the FEC reports. The campaign ledger provided to

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41 Personal payments made by Del. San Nicolas on behalf of his campaign for goods or services should be treated as advances as outlined in the FEC’s Campaign Guide for Congressional Candidates and Committees in Chapter 13, Section 13. Properly reported, an advance from a candidate who had previously contributed or advanced more than $200 to his campaign (like Del. San Nicolas) should be reported on Schedule A of FEC Form 3 as a Receipt. The reimbursements should be reported on Schedule B and must be itemized or must cross reference the memo entry on Schedule A if that was itemized. If an individual’s payment on behalf of the committee exceeds $200 in an election cycle to any single vendor, then the committee must identify the ultimate payee (the vendor) in a separate memo entry on Schedule B. Any outstanding advances owed to the candidate at the end of the reporting period should be reported as debts on Schedule D. See also, AO 1992-01.
43 Campaign committee ledger of candidate disbursements (Ex. 5 at 19-4104_0081-83).
44 Id.
45 Michael San Nicolas for Congress, 2018 Amended April Quarterly Rpt. at 19 (Sept. 5, 2019). The April Quarterly 2018 report was amended on September 5, 2019; the original filing contained no purpose description at all.
the OCE mistakenly records a check payment to Del. San Nicolas of $122.58. However, receipts produced to the OCE by the campaign for a $1,122.58 late-December flight to the Philippines, and a copy of Bank of Guam Check 104 for $1,122.58 to Del. San Nicolas for “Reimbursement Transportation Costs Collect Mat.” all indicate that the loan repayment was for an advance Del. San Nicolas made for the campaign to pay for his flight to the Philippines to collect materials for campaign signs.

54. Though the above-described reporting is incorrect and deficient, the OCE considered similar loans and disbursements accounted for if there were identifiable receipts where the amounts could be matched to specific disbursements. However, without cooperation from Del. San Nicolas, the OCE could not conclusively confirm that all expenditures with matching receipts and loan amounts were actually bona fide campaign expenditures.

55. While the OCE was able to match up receipts of actual expenditures to many of the reported loans and disbursements, the OCE identified $14,840.49 of disbursements made in three payments by check for which there were no underlying receipts, explanation in FEC reports, or additional information provided by the campaign’s ledger.

56. This ledger identified three checks written to Del. San Nicolas for which there are no corresponding identifiable receipts of expenditures: Check 141 for $5,000.00, Check 144 for $4,840.49, and Check 145 for $5,000.00.46

57. The OCE identified these three specific check payments and asked the campaign to describe the specific corresponding loans that were being reimbursed. The OCE also asked the campaign to provide supporting documents for the underlying expenses for which the loans were made.47

58. Check 144 for $4,840.49 appears to be related to four separate disbursements reported to the FEC made on October 30, 2018 that totaled $4,840.49.48 While the campaign committee disclosed to the FEC nothing other than the dollar amount and dates for these transactions, Check 144 appears to correspond to four disclosed loans: a $1,451.07 loan incurred on 4/30/2018,49 a $340.41 loan incurred on 8/5/2018,50 a $1,503.79 incurred on 5/31/2018,51 and a $1,545.22 loan incurred on 6/30/18.52

59. Despite being provided this information, the campaign committee was unable to produce any supporting documents, explanation, or verification for these payments to Del. San Nicolas. In fact, the campaign committee’s treasurer stated in an email to the OCE that “[t]he checks for 141, 144, & 145 are not dollar for dollar reimbursements. All ‘loans’ are reimbursements

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46 Ex. 5 at 19-4104_0081.
47 Email from S. Quinn, Nov. 1, 2019 (Ex. 6 at 19-4104_0085).
49 Id. at 25.
50 Id. at 41.
51 Id. at 27.
52 Id. at 37.
made to the Congressman for campaign expenses. The amounts owed to the delegate actually exceed the amounts reimbursed."

60. The campaign committee’s apparent reasoning for these payments to Del. San Nicolas is that the total advances by Del. San Nicolas for campaign expenses exceed the amount the campaign has reimbursed him, and so the campaign committee need not keep a “dollar for dollar” account of the payments made to Del. San Nicolas. This is contrary to FEC regulations and House rules requiring itemization of such disbursements, and record keeping that makes it possible to verify spending after the fact.

C. Use of Campaign Funds for Personal Travel

61. While the failure to provide fulsome reports to the FEC and keep thorough records of expenditures may in some cases represent no more than negligent recordkeeping, in this review deficient record keeping may have been used to obscure personal use, financial misconduct, and fraud.

62. At the time this review began, it was widely reported in the media that Campaign Manager alleged that Del. San Nicolas was having an affair with a staffer that worked on his campaign who was then hired to work in his congressional office as his District Director. Campaign Manager alleged that Del. San Nicolas was using campaign funds to pay for vacations with District Director.

63. In an interview with the Guam Daily Post, Campaign Manager detailed a trip to the Philippines and a trip to a resort in Guam that Del. San Nicolas allegedly took with District Director and financed with campaign funds. The Philippines trip occurred in late February and early March of 2018 and included a stay at the Nurture Wellness Spa and the Shangri-La Hotel. In Guam, Del. San Nicolas also allegedly stayed at the Outrigger Resort in May 2018 with his District Director.

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53 Email from Campaign Treasurer, Nov. 18, 2019 (Ex. 7 at 19-4104_0088).
55 See, e.g. Daleno, supra note 9.
56 House Rule 23, clause 18(a) states that a “Member, Delegate, or Resident Commissioner may not engage in a sexual relationship with any employee of the House who works under the supervision of the Member, Delegate, or Resident Commissioner . . . .” If the alleged affair between Del. San Nicolas and his District Director continued after he assumed his seat in the House and after she began employment in his congressional office, then such conduct would violate House rules. Campaign Manager testified that Del. San Nicolas and District Director had a sexual relationship during the campaign, (Campaign Manager Trans. I (Ex. 1 at 19-4104_0018)), but he did not have firsthand knowledge of their relationship during Del. San Nicolas’ service in Congress. The OCE did not interview any witnesses that offered evidence on the current status of their relationship. Because Del. San Nicolas and District Director refused to interview, the OCE did not obtain evidence that would support or refute a finding of a violation of House Rule 23, clause 18(a).
57 Daleno, supra note 9.
58 Id.
59 Id.
64. Though Del. San Nicolas refused to be interviewed for the OCE’s review, he responded to requests for information by providing documents and a narrative response that he wrote refuting some of the allegations.  

65. In his written response, he claimed that the February-March 2018 trip to the Philippines was a multi-day trip to procure materials for campaign signs because such materials were much cheaper in the Philippines than in Guam.

66. Campaign Manager agreed that it is common for Guamanian politicians to obtain campaign sign materials from the Philippines as a cost savings measure.

67. Receipts and invoices from this trip indicate that Del. San Nicolas did procure campaign sign materials while in the Philippines.

68. Del. San Nicolas, District Director, and Campaign Manager all traveled to the Philippines for this trip, all three taking the same outbound and return flights.

69. Del. San Nicolas, in his written response, did not indicate that he traveled with any other individuals, and instead stated “I was not accompanied on my trip to the Nurture Wellness Village nor to the Shangri-La. I did receive a guest during my stays there and no additional official expenses were incurred or accrued by the campaign on their behalf as illustrated in all Exhibits contained in this response.”

70. Contrary to Del. San Nicolas’ response, the Shangri-La Hotel invoice produced to the OCE by Del. San Nicolas and his campaign indicates that there were two guests in the room. Campaign Manager also stated in his interview that he booked the hotel room and that he understood that both Del. San Nicolas and District Director would be staying there together. He also stated that for the stay at the Nurture Wellness Village, he booked the hotel himself through Expedia and listed two guests, and had to call and give Expedia the name of the second guest, which was the District Director.

71. District Director also responded to a request for information from the OCE but refused to participate in an interview. She provided a written, emailed response to the request for information along with documents. While acknowledging that she was in the Philippines at

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60 Del. San Nicolas’ Response to RFI, Oct. 3, 2019 (Ex. 8 at 19-4104_0091-94).
61 Id. at 19-4104_0091.
62 Transcript of Campaign Manager I (Ex. 1 at 19-4104_0036).
63 March 3, 2018 JKT invoices (Ex. 9 at 19-4104_0096-97).
64 Transcript of Campaign Manager I (Ex. 1 at 19-4104_0043).
65 Ex. 8 at 19-4104_0092.
66 Shangri-La invoice (Ex. 10 at 19-4104_0099).
67 Transcript of Campaign Manager I (Ex. 1 at 19-4104_0040).
68 Id. at 19-4104_0040-41.
this time, stated that her reason for being there was for a medical purpose.\textsuperscript{69} District Director produced a document that appears to show she did see a doctor while in the Philippines.\textsuperscript{70}

72. Del. San Nicolas, District Director, and Campaign Manager all told the OCE that they paid for their flights and most of their lodging personally.\textsuperscript{71} The only lodging paid for by the campaign committee was Del. San Nicolas’ stay at the Shangri-La hotel, which he claims is where he was staying when he waited for the campaign sign materials to be produced and where he received those materials.\textsuperscript{72} At the Shangri-La Hotel, Del. San Nicolas appears to have paid for the hotel himself with cash, and then reimbursed himself with campaign funds.\textsuperscript{73}

73. In his interview, Campaign Manager told the OCE that the time needed to order and receive the campaign signs consisted of “a 30-minute transaction to order [the signs] and they will deliver it to the hotel.”\textsuperscript{74} He explained that he considered the trip primarily a vacation, and for that reason he paid for his expenses personally and did not expect to be reimbursed by the campaign committee.\textsuperscript{75}

74. Similarly, for the stay at the Guam Outrigger Resort, Campaign Manager told the OCE that he knew Del. San Nicolas and District Director would be staying in the room together.\textsuperscript{76} He believes the hotel visit was paid for in cash by Del. San Nicolas but does not believe he reimbursed himself with campaign funds.\textsuperscript{77} The purpose of the stay was to further Del. San Nicolas’ romantic affair with District Director.\textsuperscript{78}

75. The OCE notes that many of the at-issue transactions for travel occurred with cash. Given the failure to itemize or provide receipts for substantial disbursements to Del. San Nicolas, and the nature of the travel as part of a romantic affair, the OCE found that some of those diverted funds likely were converted to personal use.

D. \textbf{Fraudulent Reimbursements from Vendor for Personal Enrichment}

76. During his interview, Campaign Manager described other fraudulent activity that Del. San Nicolas allegedly participated in while on a February-March 2018 trip to the Philippines and during other trips to the Philippines.

77. Del. San Nicolas procured campaign sign materials from a company named JKT, a graphic design firm owned by Jodi K. Topacio in San Jaun, Philippines.\textsuperscript{79} Del. San Nicolas produced

\textsuperscript{69} Email from District Director, Oct. 15, 2019 (Ex. 11 at 19-4104_0101).
\textsuperscript{70} St. Luke’s Medical Center records (Ex. 12 at 19-4104_0104).
\textsuperscript{71} Ex. 8 at 19-4104_0091; Ex. 11 at 19-4104_0101; Transcript of Campaign Manager I (Ex. 1 at 19-4104_0038).
\textsuperscript{72} Ex. 8. at 19-4104_0092.
\textsuperscript{73} Ex. 10 at 19-4104_0099; Check 109 for “Lodging Exp. For Sign Purchase” (Ex. 13 at 19-4104_0106).
\textsuperscript{74} Transcript of Campaign Manager I (Ex. 1 at 19-4104_0038).
\textsuperscript{75} Id.
\textsuperscript{76} Id. at 19-4104_0046.
\textsuperscript{77} Id.
\textsuperscript{78} Id.
\textsuperscript{79} Ex. 8 at 19-4104_0092.
an invoice for $3,000 worth of campaign materials he purchased during his February-March 2018 trip to the Philippines, as well as invoices from a previous purchase with JKT in January 2018 for a total of $5,750.

78. Campaign Manager told the OCE that it was Del. San Nicolas’ practice to “hide expenses” in these invoices, that is, “he would ask [Jodi Topacio] to add to the cost of goods a certain amount of the receipt, so that he could reimburse himself that, the extra amount of money in the receipt.” Campaign Manager heard the negotiations over the inflated invoices on the phone and in person, and said it was a common practice for Del San Nicolas.

79. Campaign Manager alleged that Del. San Nicolas inflated these invoices at least twice during his 2018 congressional campaign and as many as five times. He said that over approximately six years of purchases from JKT, “this was standard every time he would go to get material from the vendor.”

80. Campaign Manager also stated that another individual who does business with JKT told him that since the initiation of the OCE’s review, Del. San Nicolas and his staff have reached out to JKT to ask that they reproduce certain receipts. Campaign Manager was not aware whether there was any intent to alter those receipts.

81. Del. San Nicolas’ failure to interview or to provide any information refuting these allegations supports the conclusion that unaccounted for and diverted cash campaign funds were used for some of the activities outlined above, which Del. San Nicolas had an incentive to conceal from others.

82. Based on the foregoing information, the Board finds that there is substantial reason to believe that Del. San Nicolas converted campaign funds to personal use, or that Del. San Nicolas’ campaign committee expended funds that were not attributable to bona fide or verifiable campaign or political purposes.

IV. INDIVIDUALS WHO REFUSED TO COOPERATE WITH THE OCE REVIEW

83. Del. San Nicolas and District Director refused to cooperate with this review. Though both had previously produced documents in response to requests for information from the OCE, they each withdrew their agreement to participate in interviews with OCE staff despite having previously agreed to and scheduled those interviews.

84. Del. San Nicolas was scheduled to sit for an interview on December 4, 2019 and District Director was scheduled for a November 26, 2019 interview. They each informed OCE the
day before their respective interviews that they would not be participating in those interviews.

85. The day of Del. San Nicolas’ canceled interview, District Director sent the December 4, 2019 letter to the donor who contributed the above described impermissible $10,000.00 cash contribution. As noted above, this letter may be an attempt to conceal the impermissible contribution by using misleading conduct to persuade the donor to sign a document falsely absolving Del. San Nicolas of wrongdoing with respect to the contribution. The OCE notes that such conduct may constitute obstruction and witness tampering.

V. CONCLUSION

86. Based on the foregoing information, the Board finds that there is substantial reason to believe that Del. San Nicolas failed to disclose required information or disclosed false information in his FEC filings.

87. Accordingly, the Board recommends that the Committee further review the above allegation that Del. San Nicolas failed to disclose required information or disclosed false information in his FEC filings.

88. Based on the foregoing information, the Board finds that there is substantial reason to believe that Del. San Nicolas accepted cash contributions that were both in excess of FEC limits for individual donors and in excess of the limits for cash contributions.

89. Accordingly, the Board recommends that the Committee further review the above allegation that Del. San Nicolas accepted cash contributions that were in excess of FEC limits for individual donors and in excess of the limits for cash contributions.

90. Based on the foregoing information, the Board finds that there is substantial reason to believe that Del. San Nicolas converted campaign funds to personal use, or that Del. San Nicolas’ campaign committee expended funds that were not attributable to bona fide or verifiable campaign or political purposes.

91. Accordingly, the Board recommends that the Committee further review the above allegation that Del. San Nicolas converted campaign funds to personal use, or that Del. San Nicolas’ campaign committee expended funds that were not attributable to bona fide or verifiable campaign or political purposes.

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

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

   a. Del. San Nicolas;

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87 See supra para. 34–36.
b. District Director;

c. Expedia Group, Inc.; and

d. Outrigger Enterprises Group.

93. The Board recommends that the Committee on Ethics issue subpoenas to Del. San Nicolas, District Director, Expedia Group, Inc., and Outrigger Enterprises Group.
Transcript of Interview of Campaign Manager
OCE Review 19-4104
November 18, 2019
Sean Quinn: Now starting the recorder through the application. So just so you know, we're now kind of on the recorded record.

Campaign Manager: Okay.

Sean Quinn: And so, I'll note for the record that today is November 18th, 2019, and we're conducting this interview by video teleconference with Mr. Campaign Manager, who's in Guam where it is November 19th. Speaking is Sean Quinn from the Office of Congressional Ethics, and I'm here with Paul Solis as well, who just introduced himself. I've explained the False Statements Act, 18 U.S.C. 1001, to the witness, and he will be signing and returning that acknowledgement. So with that, I think we're all set to kind of just start having a conversation, and we can start with some easy stuff. If you could just tell me a little bit about yourself. Where are you from? Where did you go to school?

Campaign Manager: My name is Campaign Manager. I grew up here on Guam. I went to school at the University of San Francisco. I am currently the policy analyst for Senator Amanda Shelton of the Guam Legislature.

Sean Quinn: Okay. And prior to that position with Congressman Shelton, you worked for Delegate San Nicolas, correct?

Campaign Manager: Yes, I was a chief of staff for then Senator Michael San Nicolas.

Sean Quinn: Okay.

Campaign Manager: Now Congressman Michael San Nicolas.

Sean Quinn: Okay. Let's maybe start at the beginning of that relationship. How did you come to meet Delegate San Nicolas, or at the time, Senator San Nicolas?

Campaign Manager: I had been the campaign manager for a congressional candidate here on Guam, Mr. Karlo Dizon. And he had lost the primary, but after that, Mr. San Nicolas, who was running for Senator on Guam, had contacted me after the primary, telling me that he had the intention of wanting me on his team. And he did so hire me for his senatorial office, and I served with him for his three terms that he was a Senator in the Guam Legislature.

Sean Quinn: Okay. And when was that, that he first hired you?

Campaign Manager: This was in January of 2013.

Sean Quinn: Okay. And what was that position that you were first hired to?
Campaign Manager: The first position I was hired to was Policy Analyst and eventually became Senior Policy Advisor and then Chief of Staff.

Sean Quinn: Okay.

Paul Solis: How long were you Chief of Staff?

Campaign Manager: I was Chief of Staff for his last term. That was from 2017 and 2018.

Paul Solis: So basically, one full year, or would that be two years?

Campaign Manager: One full term, so one full two-year term.

Paul Solis: Two years?

Campaign Manager: So, his third term.

Paul Solis: Okay.

Sean Quinn: Okay. And so those were your positions with his official staff in the Guam Legislature. Did you also work on his campaigns during that time?

Campaign Manager: Yes. I worked on his campaign throughout that whole time. For his congressional campaign, he had me be the chairman of that campaign. So chairman is in the papers that were filed with the Guam Election Commission. You have to state a treasurer and chairman. So I was his selected chairman.

Sean Quinn: Okay. And who was the treasurer for that campaign?

Campaign Manager: The treasurer was Shelly Vargas Calvo.

Paul Solis: When did you start on the campaign?

Campaign Manager: Essentially, I worked at the senatorial campaign pretty much the whole time. I didn't have an official title, but I've managed a lot of the operations of his campaign. Booking the TV ads and radio ads, I'd often be the one to do that, and writing the ads and writing the brochures and things like that.

Paul Solis: And then you mentioned you were a campaign manager, correct?

Campaign Manager: Campaign chairman.

Paul Solis: Campaign chairman.
Campaign Manager: We never had anyone who was officially manager.

Paul Solis: Okay. So campaign chairman, that title applied to the congressional campaign?

Campaign Manager: Yes. Correct.

Paul Solis: And that started in what year?

Campaign Manager: We filed the organizational report for the congressional campaign in January of 2018. However, he did announce that he was running for Congress, I think it was in November.

Paul Solis: Of 2017?

Campaign Manager: November, 2017.

Sean Quinn: Okay.

Campaign Manager: In [inaudible 00:05:00].

Sean Quinn: And so at that time the people employed on the congressional campaign were yourself and then Shelly Vargas Calvo. Was there anybody else employed by the campaign or that had like a consistent volunteer position?

Campaign Manager: The signatory for the campaign account was the congressman's father, Miguel San Nicolas.

Sean Quinn: Okay.

Campaign Manager: He had always been the signatory for even the senatorial account. He had previously been the chairman of the Congressman's senatorial campaign for the six years he was senator.

Sean Quinn: Okay. And so just to clarify, Delegate San Nicolas's father's name is Miguel San Nicolas?

Campaign Manager: Miguel San Nicolas. He also goes by Mike San Nicolas, so it's a little confusing. But his official name is Miguel San Nicolas.

Sean Quinn: Okay. And then is Delegate San Nicolas, his official name is Michael San Nicolas, correct?

Campaign Manager: Correct.
Sean Quinn: And Miguel is not any part of his name?

Campaign Manager: Yes, there's no Miguel in his name.

Sean Quinn: Okay. And so there's nobody else other than you two and then the signatory, Delegate San Nicolas's father, that worked consistently on the campaign.

Campaign Manager: His whole senatorial staff worked on his campaign.

Sean Quinn: Okay.

Campaign Manager: As is what happens here on Guam. Yeah. Pretty much his campaign team was his office.

Sean Quinn: Okay. And how big is that staff?

Campaign Manager: That staff at the time was... There was eight of us.

Sean Quinn: Eight. Okay. This might be a little bit tedious. Do you mind giving me the names of those people that were on his staff at the time?

Campaign Manager: Sure. So, there was T'nelta Mori. That is T-apostrophe-N-E-L-T-A. M-O-R-I. T'nelta Mori. She is currently his secretary there in Washington, DC.

Campaign Manager: There is also Nelta Aien, who is T'nelta's sister. Her name is spelled N-E-L-T-A, A-I-E-N. And she is the secretary in the Guam office. There's also Benjie Perez. B-E-N-J-I-E. Perez is P-E-R-E-Z. He works in the congressman's Guam office. There is Kenny Leon Guerrero, K-E-N-N-Y. Leon Guerrero, L-E-O-N, G-U-E-R-R-E-R-O. And he also works in the Guam office. I can't even remember more. There was Elizabeth Camacho. E-L-I-Z-A-B-E-T-H, Camacho, C-A-M-A-C-H-O. There was Mr. Jose Crisotomo. J-O-S-E, C-R-I-S-O-T-O-M-O. He currently works in the Guam office, too, so I'm sure you can get his name there.

Paul Solis: Elizabeth also? Is Elizabeth also on the congressional staff right now?

Campaign Manager: I'm not entirely sure, but I know that she has done some work for the congressman in the office. She has gone like... They had a thing where
they left his phone number and address door-to-door here on Guam, and I
know she participated in that. I don't know if that was like a contracting or
if she's permanently on the staff.

Paul Solis: Okay, got it.

Campaign Manager: There was also Mr. Julian Janssen. J-U-L-I-A-N. Janssen, J-A-N-S-S-E-N. He used to work for the congressman's office here on Guam, but he
campaign. He now works for a different Senator here on Guam.

Sean Quinn: Okay.

Campaign Manager: There might be nine.

Sean Quinn: I think we got to eight. One, two, three, four, five, six, seven, eight. So you
said that Julian Janssen just recently quit?

Campaign Manager: Correct.

Sean Quinn: Can you tell me the circumstances, or why you think he quit?

Campaign Manager: The circumstances? He had been looking for a different job for a while.
He now works for Guam's Bureau of Statistics and Plans and Coastal
Management.

Sean Quinn: Okay. So as far as you know, he left on good terms?

Campaign Manager: No.

Sean Quinn: No. Okay.

Campaign Manager: They did not leave on good terms.

Sean Quinn: Okay. Can you explain that?

Campaign Manager: The Congressman had always treated him poorly. He has Asperger's,
which the Congressman knew about and sort of tolerated it. But Julian had
always felt like he was treated poorly in that office, so he had stated that
he was the longest employed person in the office. He was there for over
six years. But yeah, he was always looking to get out.
Sean Quinn: Okay. Do you know if his departure had anything to do with kind of the current allegations that you've discussed with reporters, that we're discussing today?

Campaign Manager: I'm sorry, can you repeat that question?

Sean Quinn: Yeah. Do you know if his departure had anything to do with sort of the issues that we're talking about today and that you've spoken with the media?

Campaign Manager: I don't think that they directly had to do with his departure. He lost a lot of respect for the Congressman through the course of working for him because he was aware of certain things in the office. But I suppose you'd have to ask him. I don't know exactly. I just know that in conversations I've had with him, he was very unhappy about the office.

Sean Quinn: Okay. Did you have something?

Paul Solis: I just wanted to confirm something. So T'nelta, Nelta, Benjie, Kenny, and Jose, you can all confirm are currently employed in the congressional official office?

Campaign Manager: Correct, yes.

Paul Solis: And only T'nelta is here in DC.

Campaign Manager: Only T'nelta is there in DC, correct. From the campaign, yes.

Sean Quinn: Okay. And then you also mentioned that Christian Valencia that... Sorry, that's a male? Christian is a guy.

Campaign Manager: Yes, male.

Sean Quinn: He quit during the congressional campaign.

Campaign Manager: He quit during the congressional campaign, yes.

Sean Quinn: Okay. And kind of same questions for him. Do you know why he quit?

Campaign Manager: He was also dissatisfied in the office. He had, shortly before quitting, had seen Ms. Jennifer Winn, who is his district director, in the hallway, building leaving from our office. And I don't know if that had to do with his departure, but that had been shortly before his departure.
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

Sean Quinn: Sorry, what do you mean? Maybe I missed something. He saw her in the office and that upset him, for some reason?

Campaign Manager: He saw her in the hallway. So she was actually coming out of our storage room, but I don't believe that he saw her coming out of our storage room. He came into our office and said, "Oh, Jennifer was just here. I just saw her in the hallway." And she wasn't in the office. So everyone was like, "Oh no, she wasn't here." But he had seen her in the hallway, which I'm sure was confusing to him. Just so you know, I guess, it had been a frequent topic of conversation in our office. The fact that Senator would, his car would be in the parking lot, which you could see from our office, but he would not be in our office. And so we often wondered, where was he?

Sean Quinn: Okay.

Campaign Manager: And so there is a storage room that is adjacent to our office, that is not connected to our office. And this is often where he and his mistress, Jennifer Winn, who is currently his district director, would often meet.

Paul Solis: And just so we're clear here, at the time, this is during when you and Christian and others that you've mentioned are employed in the Guam Senate office. Correct?

Campaign Manager: In the senator's office. Yeah, when he was senator.

Paul Solis: Right. And District Director, did she have an official position at that time with the then Senator?

Campaign Manager: No, she worked at the Bank of Hawaii.

Paul Solis: Okay.

Campaign Manager: She was not with the campaign. She worked at the bank, which was about a block away from the office.

Sean Quinn: I see. Okay. And so just to put a fine point on it, Christian saw District Director outside near the storage unit and that was confirmation of or upsetting because that was evidence of the affair that Delegate San Nicolas was having with District Director?

Campaign Manager: Right. As an office, we discussed for a long time what is happening, why he would be parked in our parking lot, which I said you can see from our office, and that he would just not be in our office. And this was a very frequent occurrence.
Sean Quinn: Okay, got you. And so that was a topic of conversation and I know that you said you spoke to Julian Jannsen about some issues that he had with the way that the campaign and the office were being run. Is there anybody else that you remember having a specific conversation with about wrongdoing that you perceived?

Campaign Manager: With T'nelta and Nelta, as well. We also wondered where he would be, as well. There was an incident in the first term, as well. T'nelta had found a pair of panties on top of a bookshelf as we were moving offices, and she wondered who's those were. I don't know.

Sean Quinn: Okay.

Campaign Manager: There was that. The Senator at the time had also installed deadbolt door locks to the doors in the office. So even though we had keys to the office, in the evening, he would deadbolt the doors so that if we were trying to come into the office to work late or something like that, they would be deadbolted. So we would not be able to get in. So I think we've discussed that, too. It was like the purpose to that, and we sort of shrugged it off at the time. There were just things like that.

Sean Quinn: Okay.

Campaign Manager: That were happening that were a little confusing.

Sean Quinn: Okay. So it sounds like you had conversations sort of around the alleged affair. Were there any other sorts of issues that you had discussions with other people about in the office? So for example, any of the spending issues that you've noted or any other issues that you had specific conversations about?

Campaign Manager: No, he kind of kept the spending stuff and the financial things in silos. He, first of all, just discussed nothing with our treasurers, with our senatorial treasurer, or our congressional treasurer, almost none of the financials were discussed with them. They were never present-

Sean Quinn: That's with Shelly?

Campaign Manager: Collecting the money or counting the money or depositing the money. They just kept that away from the treasurers. During the fundraisers when we would collect money for the congressional campaign, we did not count the money. He took all the money home, counted it himself at home, and then he would give it to T'nelta or Nelta to deposit in the bank account.

Sean Quinn: Okay.
Campaign Manager: And then the other thing that he had done, which I did not realize really was the case, was he was signing for all the checks of the campaign. However, later on I discovered that he is not a signatory to either the senatorial or congressional campaign account. He was actually signing on behalf of his father, although his father did not know. So he was forging his father's signature.

Sean Quinn: Okay. And then the treasurers that you're saying he was keeping information from for the congressional campaign, that was Shelly?

Campaign Manager: For the congressional campaign? Yes. Shelly Vargas Calvo. For the senatorial campaign, Letitia Lujan.

Paul Solis: And his father was the signatory on both the senate and the congressional accounts?

Campaign Manager: Correct. The accounts required two signatures, so his father is the signatory and the treasurer were the other signatories. He somehow worked it out with the treasurers that they would sign a blank book of checks so that he could issue the checks at will, with his father’s signature.

Paul Solis: Do you know why he was not a signatory to his own campaign account? Why was his father?

Campaign Manager: Yes. Well, he had told me that his wife had asked him as well, why is his father signatory and not himself? And he told me that he said to his wife that so that in case there was any trouble it would be his father who would be in trouble and not himself.

Paul Solis: So that information was relayed to you by Delegates San Nicolas via a conversation-

Campaign Manager: This was a conversation that he had with his wife.

Paul Solis: Okay.

Sean Quinn: But he told you about that conversation himself?

Campaign Manager: Yes. I was like, at a certain point, his closest confidant. He had told me about the affair August 2017, and sort of from that point on, he was very open with me about a lot of things that he was doing.

Paul Solis: And Sean, stop me if you have some other questions, but since we're on this topic, about August '17, what time period, you just mentioned that you...
were his closest confidant. About what time period would you say you began to assume this role as his closest confidant?

Campaign Manager: Almost from the beginning, I was the person who was closest to him in the office. Even though I was Chief of Staff only the last term, he had no official Chief of Staff before then. And so I, in a lot of ways, acted as his Chief of Staff in the first and second term. In a lot of ways, I was his closest confidant through the whole time. But that progressed over time. He became more and more comfortable divulging things to me over time.

Paul Solis: So you had a relationship with him that was not simply employee/employer, it was also personal information was shared between the two of you?

Campaign Manager: Yes. And that happened mostly after August 2017.

Paul Solis: So you just brought up August 2017 and the first time District Director was mentioned to you. Can you walk us through the first time that this happened, and how the situation was approached, and what information was shared?

Campaign Manager: Sure. I'm sorry. I'm not sure where to start. So I had known of Ms. Winn for some time. Her daughter had worked as an intern in our office. Her daughter's name is Alannah Torre. A-L-A-N-N-A-H. Torre, T-O-R-R-E. So her daughter was an intern in our office. So she would come to fundraisers for the Congressman and would often be the last person there. And so I knew of her.

Campaign Manager: And then August 2017 there is... So the congressman's son has autism, and he would take his family to the Philippines for a month. His wife and his kids would go to the Philippines for a month, and he would stay here on Guam one month out of the year. And this was around that time, August 2017. And so he was alone here on Guam, and he was frequently absent from the office that month. He was just basically not at the office at all that whole month. I was his designated driver a lot of times. And so there was a lot more times that month where I would have to pick him up late at night because he was too inebriated to drive home.

Campaign Manager: So he had also had a very volatile month. He had an argument with his mother because Nelta is the family's nanny. And so Nelta went to the Philippines with his wife and children while still being paid her government salary. And so his mother thought that that was unethical and told him so. And he was upset because his mother told him that. He yelled at her, made her cry. A couple of days later, it was his brother's bachelor party. His brother was getting married. He invited me to his bachelor
party, as well. And it just became a big argument between him and his
brother about their mother crying. And so his brother walked out of his
own bachelor party, and Congressman remained at the bachelor party and
spent a lot of the bachelor party crying about that argument. And I was
talking with him the whole time. That's I guess how we established a very
strong friendship. He asked me if we were friends as opposed to just
employee/employer. I said, "Sure."

Campaign Manager: And it was shortly thereafter that I asked him a personal question.
And I had asked him about it.
He was dating. He had a girlfriend aside from his wife,
so that's how he got to tell me.

Campaign Manager: He said that they had been seeing each other, at that point, they had been
seeing each other for three and a half years. So now, five years that they
have been seeing each other. And that this was someone that he truly cared
about. He said his marriage was not going great, and he said that he
thought that God had sent him this person so that he could continue... That
he could... I don't know. He just felt very personal about it. He just felt
very, I don't know, sincere about this relationship.

Paul Solis: Was it at the bachelor party he shared this information with you?

Campaign Manager: No. This was like a week or so after the bachelor party.

Paul Solis: Do you know where you were when he shared this with you?

Campaign Manager: I'm sorry, what?

Paul Solis: Do you know where you were when he shared this information about
District Director with you?

Campaign Manager: We initially were at this restaurant, a late night diner called King's because
I had to pick him up because he was too drunk. But we ate at King's so he
sobered up a little. And then I was driving him home. And then he said, "Drive around." He lives next to a church, and
so there's a loop around the church. He said "Drive around this loop. Let
me talk to you about it." So I drove around loop for... It was like a hour,
hour and a half.
And then he talked about his relationship currently with Jennifer Winn, who is now his district director.

Sean Quinn: So when you had that conversation, he named District Director?

Campaign Manager: Yes. I had asked him, "Do I know this person?" And then he said, "Yes." And I was like, "Okay. So I think I know who it is." And then he said, "Yes, it's Jennifer. Jennifer Winn."

Paul Solis: Why did you say you think you know who it is?

Campaign Manager: Because she would often be the last person at our fundraisers. Our fundraisers were often at bars and when she would come to this fundraiser, she was often the very last person there. And they would hang out towards the end of the night pretty frequently.

Sean Quinn: Okay. And then that was another thing I wanted to clarify quickly. You said that District Director’s daughter was an intern, and you think they met during that time with-

Campaign Manager: Before that, yes.

Sean Quinn: Okay.

Campaign Manager: So after he told me about this relationship, he sort of insisted that I get to know her, and yeah, that I would get to know Jen. He really wanted us to be friends. So shortly after telling me about it, we met at a bar. Apparently, Benjie Perez had known about it before I did. So, the four of us met, me, Benjie Perez, Jennifer and the Congressman, at a bar, Skyline. The name of the bar was Skyline. And the four of us sat together. His, I guess, general theory was that if there was a group of us, it did not look like they were together on their own. So the four of us sat together, and they talked about how the first met. They just talked about how in love they were.

Sean Quinn: Okay. And the conversation you had in the car with Delegate San Nicolas, that was the August 2017 timeframe?

Campaign Manager: Yes.

Sean Quinn: But you said at that time he told you they had been dating for about three years?
Campaign Manager: Yes. Ever since even first term. So, 2014 I think was the start of their relationship. So when they, so that conversation at Skyline they were talking about how they first met, I guess they said that the Congress...The Congressman said that he just messaged her on Facebook, he thought she was attractive, asked to have lunch with her, and then the conversation sort of, I mean the relationship went from there.

Sean Quinn: Is there anybody besides Benji who has confirmation of the relationship between District Director and Delegate San Nicolas.

Campaign Manager: Yes, so there was one-point Jennifer Winn and I and the Congressman went to the Philippines together and we had a dinner with Jeryl Lujan, who is Leticia's brother. Leticia being the treasurer for the senatorial campaign. Jeryl was his first treasurer when he first ran for Senator.

Sean Quinn: Gerald, is that the name?


Paul Solis: Specifically, with the former Senate staff and some of which are now in the congressional staff, I guess I'll focus my question. I'll repeat the question, but with those people in mind, besides Benji, is there anybody else you know that has confirmation of this relationship between District Director and Delegate San Nicolas?

Campaign Manager: No, I mean the only people that he trusted to tell about this relationship was myself and Benji.

Sean Quinn: Okay. Just since we're on the topic, while we can kind of close out, what do you know about the relationship between District Director and Michael San Nicolas? Do you know . . . the relationship continued through the course of the campaign, is that correct?

Campaign Manager: Yes. So, through the course of the campaign, so after he told me about their relationship, I mean he just basically started involving me in sort of actively covering up their relationship. So, in the evenings when he would be seeing Jennifer, he'd tell me, "in case my wife calls, tell her that I am with you." And then there were times that they would get a hotel room together. So, I booked the hotel room twice, two different occasions. And since they were at the hotel room, he told me to stay in the office in the evenings in case his wife would call, and his wife did call. So, I had to say that, "oh he's just in the bathroom. He will give you a call right back" and then I'd text him and then he would give her a call on his cell and sums up that. So that's how that went. And then they during the day would often
meet in our storage room. And so sometimes I would have to get lunch for them, leave it in the storage room for them.

And sometimes after they were done in the storage room, he would call, he would message me to make sure that the coast was clear in the hallway cause it's sort of a public hallway. There are other offices there. So, I would check to see if no one was in the hallway so that Jennifer could exit without being seen.

Sean Quinn: Okay. Go ahead, sorry.

Campaign Manager: And also sort of wanted me and Jennifer to get along, so he wanted us to have coffee on a weekly basis. So, we did occasionally have coffee with each other and just got to know each other through that.

Sean Quinn: Okay. And we'll get back to this in more detail in a minute, but I know you said on two occasions you booked hotel rooms for them. One of them, is that the Outrigger Guam in May of 2018?

Campaign Manager: Correct.

Sean Quinn: And then what, there was a second occasion? What's the second occasion?

Campaign Manager: Oh, in the Philippines, but that wasn't you know, a time where-

Sean Quinn: Okay.

Campaign Manager: -wasn't a time where I had to be in the office. But yes, I had to book his hotel rooms in the Philippines that the three of us went to the Philippines.

Paul Solis: You mentioned that you think it could have been about November 2017 when he announced his congressional campaign.

Campaign Manager: Correct.

Paul Solis: About that time, did he have any discussions with you about his anticipating making District Director a part of his congressional office or giving her an official role should he win?

Campaign Manager: Yes. Well not around then. It was I think right after that trip to the Philippines, so that would have been like February or March of 2018 that he had discussed wanting to make Ms. Winn a member of the office. We also had a fundraiser, a high-end fundraiser, at the Duecitania Hotel. I think this was in April. He was quite inebriated and announced that he was going to have Jennifer Winn as District Director. So, the people there at
the time who heard this were the treasurer, Shelly Vargas Calvo and her husband Paul Calvo.

Paul Solis: Was this surprising to people or was this-

Campaign Manager: Yes, it was surprising to people because they didn't, I mean we didn't...
Jennifer does not have a college degree, has never worked in politics before. Generally, you would find someone with either education or experience. So, I guess people were a little surprised.

Paul Solis: And the first time it was brought up to you, what was your reaction?

Campaign Manager: I was a little, I was surprised I guess, but he has this sort of personality where if you try to tell him he's wrong or tell him his ideas are bad, he tries to [inaudible 00:38:57]. He really pushes back quite a bit, and so I didn't challenge him at the time.

Paul Solis: At what point were there any discussions after the announcement of the congressional campaign that you would be taking on a role in the official office should it be a successful campaign?

Campaign Manager: Yes, I mean we had conversations about it, yes.

Paul Solis: And was any role specified for you, what he anticipated you to be?

Campaign Manager: No, not any role specified. It would just be one in D.C. was the conversation, but not specifically what role.

Sean Quinn: I think I missed the date earlier. You said February/March was the first time he talked to you about hiring District Director in the official office. And then you said he made that announcement after he was drinking. When was that announcement?

Campaign Manager: This was in April. This was after a fundraiser we were having at the Duecitania. Most of the people at the fundraiser had left already. So the only people left were our treasurer, Shelly Vargas Calvo, and her husband Paul Calvo.

Sean Quinn: Okay. And then at what time did you leave employment with Delegate San Nicolas?

Campaign Manager: At the end of his term, so I think the end of his senatorial term was January 3rd, and he . . . ‘til the very end.
Sean Quinn: Okay. Do you know if their relationship continued into the time that Delegate San Nicolas took his seat in Congress?

Campaign Manager: Right. So you had asked, did I sort of confront him about wanting to hire Jennifer Winn at the time. I did not initially, but sort of over time I did start to point out the unethicalness of that. And so there was a, we would have fights about it. There was like... We had full on fights about it. And so one fight I was telling him about the unethicalness of hiring his mistress to be his district director. He said [inaudible]

Paul Solis: We just had a train go by, could you repeat that?

Campaign Manager: Okay. So over time we did start having arguments about the unethicalness of him hiring his mistress to be district director. He said he was looking to hire her and quote, "I'm still going to fuck her."

Campaign Manager: And I think that has been in media, media has reported that as well.

Sean Quinn: And when did those conversations start happening where you started to confront him about hiring District Director?

Campaign Manager: Sort of happening over time. I mean starting in I would say April of 2018 and then we would have almost like a monthly fight about it once a month or so.

Sean Quinn: And those continued up until you left his office?

Campaign Manager: Yeah, I mean until the end. I mean especially towards the end it was getting very...I mean he was very insistent that he would continue to have this affair with her and continue to hire her first to be district director.

Paul Solis: Sean had asked you whether or not you have knowledge that their personal relationship, again not their official or sort of congressional relationship, but that official personal relationship continued after he assumed his role as a Congressman.

Campaign Manager: Okay. Yeah. So not officially, but I mean that was his expression that he intended to. But do I know of any specific, no. I don't know that they specifically did. He just expressed his intention to.

Paul Solis: Okay. And this relationship, you have confirmation that at least while you had personal knowledge of the relationship, it was a sexual relationship?

Campaign Manager: Yes. I mean they talked about each other like they loved each other. It was a sexual relationship. I mean, I booked hotel rooms for them. I don't know
what else you would do in the hotel room and not telling your significant
others about.

Sean Quinn: Okay. Well, we might return to this in a little bit, but maybe since we're
kind of there in the timeline, can we talk about your departure or kind of
the end of your employment with Delegate San Nicolas? He did not hire
you on the congressional staff, correct?

Campaign Manager: Correct.

Sean Quinn: And when was it made clear to you that that decision had been made to
not hire you?

Campaign Manager: So, this was at congressional orientation in Washington, D.C. I guess he
had been thinking about having me sign an NDA and that would make
him comfortable that I would not say anything about their relationship.
However, during orientation it was made clear to him that an NDA does
not cover unethical behavior or sexual relationship between staff. And so,
he then felt uncomfortable with hiring me. And so, he told me so.

We were outside, I forget the name of the hotel that we were at, the
Courtyard Marriott, where we were having congressional orientation. We
were outside smoking cigarettes and then we had that conversation. We
decided to go to Scarlet Oak, which is a bar down the street from the hotel,
and then he decided to get chicken wings from 7-11, took an Uber to 7-11,
he got chicken wings, we walked back to his hotel room and then we
discussed it. We discussed it 'til like five in the morning. So we just... He
said he couldn't hire me because he couldn't have me sign an NDA. I said
it was okay. I mean, he was very emotional at the time, was crying. And I
said it was okay. My father was very ill at the time and he actually died
January 19th, so I wasn't even in a place to go to Washington D.C. at the
time because of my father's illness. That was okay for me. So yeah, we
sort of agreed on it at that time.

Paul Solis: Did he explain to you why he was concerned about this NDA when for so
many years, or at least a few years, you had known about this already? Did
he explain why he had a change in opinion about having you sign an
NDA?

Campaign Manager: Oh, I mean, very clearly because of the way things were going. I was very
clearly, I mean, I made it clear that I thought it was wrong that he would
hire her. So, yeah, I mean I don't think I could have, I mean before this it
was just sort of a personal indiscretion, but upon hiring her it would be
unethical even though it'd be like against actual rules.
Sean Quinn: Do you know, you said that it was made clear to him that an NDA wouldn't cover the conduct that he was concerned about. Do you know who he consulted about that or where he got that information?

Campaign Manager: No, that was a presentation that was made to most of the staff and the new members. And so, he referenced that presentation thereafter. I mean we had the conversation so late into the morning that he missed the next day of orientation. He missed the ethics training in the workplace. I forget what it was that last day of the first week of orientation, he missed it. And that was the only time they took attendance because I think they had to make sure that he made the ethics training and he had missed it because he had stayed up 'til five in the morning talking about this.

Sean Quinn: And he was, I assume that there was a lot of drinking involved, he was hung over the next day?

Campaign Manager: Yes. I still went to the orientation, I don't drink, which is why I was frequently his designated driver. But yeah, he did drink. He was not able to.

Paul Solis: Why did you make your way to D.C. with him? I mean, was he anticipating you would join as staff, that's why you came to the orientation?

Campaign Manager: I think. Yeah. Because you know, the orientation came in two sections. Right. So, the first section I think he was still anticipating, or still thinking about it at the very least, and brought me to orientation, and then during the orientation we decided that would not be the case. The second week of orientation I told him you should bring someone else to orientation, you should bring T'Nelta to orientation because he was pretty sure he was going to prepare T'Nelta for the D.C. office. But he said, I mean he still wanted me to go to the second week of orientation, even though at that point it had already been decided that I wouldn't be in his office. So, that second week of orientation as well, he had me interview potential chiefs of staff and legislative directors with him. So, we interviewed Mr. Matthew Herman, who used to be Chief of Staff for Delegate Bordallo. We interviewed Chet Bullock who would also work for Delegate Bordallo. And we interviewed John Witt who had also been on chief of staff to Delegate Bordallo.

Sean Quinn: Together?

Paul Solis: So at this point, after you've been informed you're not going to be coming to D.C., I understand you explained that you also had a family issue to
attend to with your father, but are you upset, angry, at this time that this decision's been made that you're not coming to D.C.?

Campaign Manager: I was I guess upset about the circumstance, the circumstance being that he wanted to do something that was unethical and I said that's unethical and he still wants to do something that's unethical. So it just seemed wrong because I felt like I was giving the correct advice to not hire his mistress to be district director. But of course, after my father died, that was sort of, I had other things on my mind.

Sean Quinn: You mentioned that you all interviewed some of Bordallo's former staff. Delegate San Nicolas does not have a Chief of Staff right now, is that right?

Campaign Manager: My understanding is that he does not have a Chief of Staff, he does not have a Legislative Director.

Sean Quinn: And do you know why that is? Why he –

Campaign Manager: So he did not end up hiring anybody interviewed, yeah.

Sean Quinn: Do you know why he ended up not hiring a Chief of Staff or LD?

Campaign Manager: I mean anything I would say would be presumptive, I guess, I don't know exactly why he would, my guess is that he has trust issues now because I was the person he trusted the most. He already had a lot of trust issues beforehand. He specifically did not want to hire people who he felt like might have additional, I don't know, questioning him basically.

Sean Quinn: Okay. So during the orientation he told you that he wasn't going to be hiring you on, and then you all return to Guam and I guess you finished out your time on his Guam legislature staff?

Campaign Manager: So he told me he wasn't going to hire me in orientation. We went back to Guam and then we went back to orientation together.

Sean Quinn: Right.

Campaign Manager: And then we came back to Guam, and then yes, we finished out the term.

Sean Quinn: Okay. And you said that your last day with him was on, you think, January 3rd?
Campaign Manager: Yes, so the last day of his term. So that would've been, I think January 3rd. I think he had to resign because the end of term was officially January 7th, so January 3rd was the last official day.

Sean Quinn: And did you continue contact with him or did you continue to have conversations about the District Director issue or about his going to D.C. after you returned from D.C. that second time?

Campaign Manager: Yes, I mean during that month of December, I had to train Jen. He had me train Jennifer on all the things I learned at orientation. So, I spent a full, I think 10 hours training her over the course of a day. Her and T'Nelta Mori. So together. Just going over the things that we went over at orientation, and then as it was getting close to Christmas and things like that, he was just preparing to move to D.C. basically. And there wasn't a lot of time. He talked to me a lot about how he was stressed about the fact that I wasn't going to be part of his office anymore. I mean I think he understood the fact that if I thought this was wrong and I wasn't going to be in his office, which meant he had no control over the situation, I think it made him very nervous.

Paul Solis: Why did you take part in the training of District Director if you felt this was an unethical situation?

Campaign Manager: Well, he's still going to be the one Delegate that we had from Guam, there were still very important issues that needed to be done. So, I mean, things needed to be still done.

Sean Quinn: I take it you're not in contact with, or are you in contact with Delegate San Nicolas now?

Campaign Manager: I am not. I mean after that we were in contact for some time. I had breakfast with him, he asked me to breakfast with him in February. So, we did have breakfast together in February. When my father died, he had expressed condolences. His parents came to my father's rosary and donated money towards the funeral. And yeah. So, I mean the last time I saw him personally was that breakfast that we had in February. The last communication I had with him was about one of his current employees slash family members was threatening me. And so, I told him about it and he said that he would try to get it to stop.

Sean Quinn: Who was it that was threatening you?

Campaign Manager: Tomas Calvo, who is his sister's baby daddy, I guess. And he works in his office there in Washington, D.C. He worked here initially in Guam, moved to Washington D.C. with the Congressman. I mean, when the
congressman's family, when they moved in the summer. So, they moved, I
think around July.

Sean Quinn: And what was the nature of these threats?

Campaign Manager: So, the Congressman had a fundraiser, and Julian Jansen from the office
invited me to the fundraiser. So, I went and the Congressman was not
there. I only stayed for... There was food at the fundraiser. I ate with
T'Nelta and Nelta and then I left the fundraiser to go to the bar next door,
which was my regular bar that I go to. And then afterwards I was smoking
outside, and Jennifer was smoking outside at the bar where the fundraiser
was. She saw me, she walked over to me, and we just started talking.

At that point we were somewhat getting along. I was more focused on my
father being dead than the fact that their relationship was unethical. So, we
were just talking. I mean, we knew each other, you know, we had coffee
together, he had wanted us to be friends. So, through the year and a half
that I had known about their relationship, I mean she was a nice person.
So, we started talking and then Tomas had seen us talking and he went
over and kind of got all in my face about it, which was very confusing to
me. So, the following day also, he came to my place of work. He took a
picture of the window to my office and posted it on his Facebook page,
you know, the window to my office. And then he told someone in the
legislature, his name was Roland Villaverde, he is the chief of staff to
Senator Kelly Marsh Taitano, he was outside smoking. He told Roland,
tell John Paul I'm looking for him.

And so, Roland came up to me into my office and said this guy Tomas
Calvo, he said he's looking for you, and I saw that his post about him
taking a picture of my window really freaked me out. I talked to the
Executive Director of the legislature, Mr. Carlo Branch, and I told him
about this threat. He said that he would have the Sergeant in Arms look
out for Tomas Calvo in the legislature and informed me in case he was
seen in the building. And that night I got phone calls from a phone number
that would call me and then just hang up.

And then you know, the phone number shows up on my cell phone. You
just Google the phone number, and it's a convenience store that is
basically across the street from where Tomas lives. I know where Tomas
lives because that is where the Senator's Aunt and Mother live. In our
campaign, after re-election, when we counted the votes and stuff, that's
where we went. So, I get that that was across the street from where Tomas
lived. I told the Congressman all of this and he said that he would deal
with it.
Paul Solis: When did all this happen?

Campaign Manager: I'm sorry, what?

Paul Solis: When did all this happen?

Campaign Manager: This was in March of this year.

Sean Quinn: So, the fund-

Campaign Manager: That was pretty much the last time that I talked to him.

Sean Quinn: The fundraiser was in March, but you said that Delegate San Nicolas was not at the fundraiser?

Campaign Manager: I'm sorry, what?

Sean Quinn: The fundraiser was in March, where you had the conversation with District Director that started all of this, but you said the Delegate was not at the fundraiser?

Campaign Manager: Originally the Delegate was not at the fundraiser. He and Jennifer came to the fundraiser later. I saw Jennifer outside of her bar and I was outside the bar...

So he was inside [inaudible 01:00:34].

Sean Quinn: We seem to be having some issues with the network. Can you hear me okay still?

Campaign Manager: Okay. Is that better? Yeah, I can hear you okay. Can you hear me?

Sean Quinn: Yeah, I can hear you. So, let's just go back. So just to confirm, the fundraiser that we're talking about was in March.

Campaign Manager: I have to check specifically when, but February or March, yeah.

Sean Quinn: Okay. So, you were still in contact and it seems like had a reasonably good relationship with Delegate San Nicolas up through February. You had breakfast with him. Was there something that changed that led you to go to the media or to post the Facebook post that you did about his conduct?

Campaign Manager: Yeah. Certain things changed. One was that he had contacted two, I don't know how to describe them, political operatives here on Guam and offered to somewhat hire them I guess. And these operatives are known to be sort
of the attack operatives on Guam. One runs a sort of online, somewhat new service called Kandit News. His name is Troy Torres. The other runs a blog. His name is Romeo Carlos. It's called Guam Blog. And both are just sort of attack operations. Romeo is actually a good friend of mine, so Romeo messaged me while the Congressman was giving him an offer and said to me that the Congressman was offering both to him and to Troy Torres, some kind of contract where they would work for him. And I took that as, I mean, they are very aggressive, and they're known to be very personal in their attacks.

And so, I took that as he was maybe trying to hire people to go after me because he maybe felt uncomfortable that I had this knowledge about his relationship and other things about his financial, his finances, and he needed a way to discredit me. And so, Romeo told me while this was happening, while [inaudible] I can give [inaudible] was happening, I messaged him, I messaged the Congressman that this was, just one word, interesting. And apparently, he canceled or whatever his possible contract with Romeo. And I don't know if he continued his contract with Troy, but Troy Torres have been going after me now for, I mean, ever since this all went down, very aggressively going after me.

Paul Solis: So a couple of questions. These would have been hires to Delegate San Nicolas's congressional campaign, like consultants? Or, to the official office?

Campaign Manager: My understanding was, that they would be under a contract with the office. That they would be contracted as, places where he would advertise, perhaps his town halls, and, things like that.

Paul Solis: Okay.

Campaign Manager: Because, Troy runs Candidate News, which is ostensibly a news site, and, Romeo runs the blog, which is a blog, which is, theoretically, [inaudible 00:00:33].

Paul Solis: So, you said this concerned you, because, upon learning about this, you thought, maybe, he would use these individuals to investigate you, attack you, or somehow, aggressively pursue you in some way. Do you have any evidence to . . . did you hear that from somebody? Did someone explain that to you? Or, is this just your assumption?

Campaign Manager: Oh, no. Yeah. No, nobody told me about that. I just know these people. Troy is very, Troy and Romeo, are very well known in Guam, as being those types of people.
Paul Solis: Did Romeo explain to you, in any way, that Delegate San Nicolas, said to him, "We're going to go after Campaign Manager."

Campaign Manager: No, no, no.

Sean Quinn: And, what was Romeo's last name, again?

Campaign Manager: Carlos. C-A-R-L-O-S.

Paul Solis: And, Campaign Manager, you were mentioning, after you learned about these potential hires, you reached out to Delegate San Nicolas, you cut out a little bit there. Could you explain, again, what happened?

Campaign Manager: Right. So, Romeo told me about the offer as the Congressman was making him the offer, during their conversation. So, I messaged the Congressman, just one word, the word “interesting,” to him, to let him know, I knew what was going on. And then, he canceled his potential contract with Romeo. I don't know if he continued his contract with Troy, but Troy has been going after me. Yeah, Troy has been going after me.

Sean Quinn: And, how did Romeo describe the contract to you, when he told you about it?

Campaign Manager: The contract was to be, like an advertising contract, for Guam Blog, and, for Kandit News. He worked the Congressional office budget. Can you hear me?

Sean Quinn: Yep. Yeah, I can hear you. The videos breaking up a little bit, but the audio is still fine. Hello?

Campaign Manager: Okay. Yes. So, it was supposed to come out of the congressional office budget, from my understanding from Romeo. And that, it was supposed to be an advertising contract, because, the candidate has an online news program, that they do. And then, Romeo has a blog, and I think, Romeo said that the intent was that they would have, he would advertise town halls, and things like that. On the news services and so on.

Sean Quinn: Okay. If you can hold it on for one second, we're going to see if we can-

Campaign Manager: But, I don't know.

Sean Quinn: Hello? Can you hear us?

Campaign Manager: Yeah, it's breaking it up, but I can hear you.
Okay. Hold on one second. Should we see if-

Paul Solis: We're going to pause the recording, real quick.

Okay, we're back on the record, here.

Okay. So, you were explaining to us, it was breaking up a little bit, but, that you had heard from Romeo Carlos, that the contract was an advertising contract, that was going to be handled through Delegate San Nicolas's official office, but, that you suspected that, really, the underlying reason might be that the Delegate wanted to have these guys attack you, on their news outlets and blogs. Is that correct?


Okay. And then, was there anything else, any other triggers that led you to start addressing the media, and the public, about some of these allegations?

Oh, the fact that Tomas Calvo moved to Washington, D.C.

Okay.

That he was no longer physically present in Guam.

And, why did that lead you to start making these allegations public?

Because, Tomas had threatened me. So, the fact that he was not on island anymore, and, in Washington, D.C.

Oh, you mean you didn't feel physically threatened anymore, so now, you felt safe to go public?

Correct.

Okay. And then, you said that Tomas Calvo was hired by Delegate San Nicolas?

Yes. Yeah. He works for the Congressman.

Do you know what his position with the Congressman is?

I don't know what his official title is. He worked in the Guam office, and then, he moved to Washington, D.C. with the Congressman's sister in July, I believe.
Sean Quinn: And, the Congressman's sisters, is that Campaign Treasurer?

Campaign Manager: Faith, yes. His treasurer for his campaign.

Paul Solis: About what time did you have this conversation with Romeo? You saw the text message?

Campaign Manager: Yeah. Hold on a second, this hotel WI-FI, it doesn’t, it isn’t working.

[Speaking to somebody in background].

Paul Solis: We can even – About May, 2019?

Campaign Manager: What was that?

Paul Solis: May, 2019?

Speaker 1: Yes.

Paul Solis: Okay.

Campaign Manager: I did, also, have subsequent contact with his office, for official purposes of my blog. He invited my boss, and myself, to Washington DC to lobby for a bill. And so, my boss ended up going, but not myself. But I had to arrange that invitation. So, I arranged that with his office. But I did not talk to him directly.

Paul Solis: And, when was this?

Campaign Manager: I did send an invitation, you know and everything.

Paul Solis: When was this?

Campaign Manager: They went, this was in, the contract started in June, and then, my boss ended up going in July.

Sean Quinn: Okay. So, just to round that out, anything else that preceded you going and making these allegations public? It was just the two guys, that might've been hired, Troy and Romeo, and then also-

Campaign Manager: And then, aside from that, it had been something I had been talking to the elders, at my congregation a lot. And so, I think that also helped spur me to say something.
Sean Quinn: Okay. And then, where was the first time that you made these allegations public? When, where?

Campaign Manager: This was first, publicly, online? Privately, I would say that, I told a lot of people in politics already, about the situation. Just, I thought that it was just unethical. So, I told a few people in politics already, but, publicly, I did not make them until, I forget, I even forget when that was. When this first happened was in August, or so.

Paul Solis: And. Were those, that was the Facebook? Through Facebook?

Campaign Manager: Correct. Yeah.

Sean Quinn: Okay. And, have you had any contact with Delegate San Nicolas, since you made, first started making these allegations public?

Campaign Manager: No. I have not.

Paul Solis: Anybody on behalf of delegate San Nicolas contacted you, and your lawyers, or staff people, in reference to your allegations?

Campaign Manager: No.

Paul Solis: Okay.

Campaign Manager: I have seen members of his staff. I've seen Nelta a couple of times, but, we did not talk about it, specifically.

Sean Quinn: Okay. Let's talk about the, some of the trips a little bit, make sure that I understand all the trips that you've discussed. There's a trip to the Philippines in February, or March, of 2018, is that right?

Campaign Manager: Correct, yes.

Sean Quinn: Okay. And, were there any other trips, outside of Guam, that you know of, that you think delegate San Nicolas was using to carry on his affair?

Campaign Manager: Yeah. So, I don't know the specific trips. Their relationship had gone on for quite some time, but, when we met with Jeryl in the Philippines, they mentioned a previous time, in which Jeryl had covered for them. I guess the Congressman had said that he was going to visit Jeryl, but instead, he was actually there with Jennifer. So, they had talked about that when we were there, in the Philippines.

Sean Quinn: Okay. And, does Jeryl live, or, did he at the time, live in the Philippines?
Campaign Manager: At the time he lived in the Philippines. He previously had lived in Guam, and was the treasurer of his senatorial campaign.

Sean Quinn: But, you don't know when that trip was, the previous one?

Campaign Manager: I don't know when that previous trip was. Oh also, Jeryl's fiancé, he was also there at this meeting. I don't know his name, but, he's Jeryl's fiancé.

Sean Quinn: And, that was the dinner that you had with them, during the February/March trip to the Philippines?

Campaign Manager: Correct. It was at a restaurant called Chupa Copper. It was a Mexican restaurant, sold street tacos.

Sean Quinn: Okay. And so, Jeryl and his fiancé, then knew about Delegate San Nicolas and District Director's, relationship?

Campaign Manager: Correct.

Sean Quinn: How... What is Jeryl, and, Delegate San Nicolas' relationship like now? Does Jeryl still work for the Delegate?

Campaign Manager: No, Jeryl runs Budget Rent a Car in the Philippines. His family owns the franchise for Budget Rent a Car. So, he's General Manager for Budget Rent a Car. Jeryl's family also owned the building, where we rented out the senatorial office in Guam. So, Jeryl and Letitia's father owned that building. So, we rented it out from them.

Sean Quinn: Okay. Let's talk a little bit about that dinner. Was it – Who was at that dinner?

Campaign Manager: So, at dinner was myself, Jennifer Winn, Congressman San Nicolas, Jeryl Lujan, and Jeryl’s fiancé, who was an employee of his.

Sean Quinn: Okay. And, what'd you guys talk about at dinner?

Campaign Manager: We talked about the fact that he got engaged, and, that was the first time they had met his fiancé. And, we talked about how they had met, and, he had asked, his fiancé’s parents for his hand in marriage. They dressed up goats, there's traditionally, in the Philippines, a dowry of goats. So, they dressed up goats in little costumes, and, he showed us pictures of it. And, that's what was presented to his fiancé’s family. So, we mostly talked about that. And, it was briefly mentioned, about the previous time that they had been to the Philippines, and that, they said that, he was supposed
to be, he had told his family, he told us staff that he was going to see Jeryl, and instead, he was actually seeing Jennifer.

Sean Quinn: Okay. And so, it was clear to you that Jeryl and the fiancé knew, that Delegate San Nicolas and District Director, had been carrying on an affair for a long time?

Campaign Manager: Yes, certainly Jeryl knew about it. His fiancé, it seemed like that was the first time they had met him. So, I don't think the fiancé knew, before then, or cared, either way. Because, he didn't really know who they were. His fiancé and I, are Filipino, so, his fiancé and I, are actually also, from the same province. So, we were talking Tagalog, about that. The other members in the group do not speak Tagalog, they're not Filipino, so they did not understand our conversation. We were just talking about our province, and, what it was like there.

Sean Quinn: Okay. Let's talk about that trip a little more, generally. What was the purpose of that trip to the Philippines?

Campaign Manager: The purpose was for them to be together in the Philippines. It was, we had said to our staff, and family, that we were going there to get to campaign materials, in the Philippines. So, Delegate San Nicolas, that is where he would purchase the campaign materials. From a buyer named Jodi Topacia.

And, yes. That's where he would buy his campaign materials. That's what he said that we were doing, and we actually did do that. We actually did get campaign materials there.

Paul Solis: Is it a company, or an individual. Who sells this?

Campaign Manager: Just an individual. He goes to various companies to purchase the material, put it together, box it up, and then will bill the Delegate. One of the ways that the Delegate would hide expenses is that, he would that he would ask her to add to the cost of goods a certain amount of the receipt, so that he could reimburse himself that the extra amount of money in the receipt.

Paul Solis: And, how do you know this?

Campaign Manager: Oh, I've heard him say this on the phone. I've heard it. This was something that he had done. We had many of these kinds of trips. This was what was done all the time.

Paul Solis: Well, okay. So, you say all the time, do you mean, even, this is prior, when he was a Senator?
Campaign Manager: Correct.

Paul Solis: Because, we're talking now, about the congressional campaign, correct?

Campaign Manager: Correct.

Paul Solis: So, how many times in the congressional campaign, would you say, he would do this? Or, he would ask the vendor to add on costs?

Campaign Manager: This was standard every time that he would go to get materials from the vendor.

Sean Quinn: And, for the congressional campaign, how many times did that happen?

Campaign Manager: Before the congressional campaign?

Sean Quinn: No. For the purposes of the congressional campaign.

Campaign Manager: Oh, for the purposes of the congressional campaign. I can't even count. I think we did maybe, there were five trips or so.

Paul Solis: And, can you spell the name of this individual again?

Campaign Manager: Jodi, J-O-D-I. Topacio, T-O-P-A-C-I-O. So, Jodi is also the buyer for the campaign of the Governor of Guam. And so, I know one of the people who was in contact with Jodi. She did the Governor's campaign. She told me that the Congressman has recently contacted Jodi to rewrite receipts for him.

Paul Solis: When, okay, let's unwrap this a little bit. You know somebody who works with Jodi?

Campaign Manager: So I know somebody. So, her name is Ina Carillo. She's a member of the Governor's cabinet. She had worked in the Governor's campaign. She was, originally, the person who introduced Jodi and the Congressman together, six years ago.

Paul Solis: Okay. Ina, who?

Campaign Manager: Carrillo, C-A-R-I-L-L-O. she is the head of PBS in Guam.

Sean Quinn: Is it Ina, or Ida? How do you spell that?

Campaign Manager: Ina, I-N-A.
Sean Quinn: Ana? Okay. So, she's-

Campaign Manager: Ina, I'm sorry, I-N-A.

Paul Solis: She's currently the head of PBS, Public Broadcasting Service?

Campaign Manager: Correct.

Paul Solis: And, she's no longer in government?

Campaign Manager: No, she is.

Paul Solis: Okay. Yeah. Sorry about that. That's correct. So, she's currently, still working for the Governor?

Campaign Manager: Correct. She's a member of the Governor's cabinet.

Paul Solis: Okay.

Campaign Manager: The head of PBS is a member of the Governor's cabinet.

Paul Solis: Right. And, this person introduced Jodi and the Congressman?

Campaign Manager: Correct. This was a long time ago. This was six, or, seven years ago.

Paul Solis: Okay. So, now you've recently spoken to Ina?

Campaign Manager: I have recently spoken to Ina.

Paul Solis: How long ago?

Campaign Manager: Huh?

Paul Solis: How long ago?

Campaign Manager: This was maybe a month or two ago.

Paul Solis: And, over telephone, text message, email?

Campaign Manager: No, just in person.

Paul Solis: Where?

Campaign Manager: We were in a bar. We were in the Venue. The name of the bar is Venue.
Paul Solis: In Guam?

Campaign Manager: In Guam, yes.

Paul Solis: Okay. So, you and Ina, are in a bar talking a month or two ago, and then, she explains to you, that Delegate Bordallo, or sorry, excuse me, Delegate San Nicolas, recently reached out to her. And then, what did she relate to you about that conversation?

Campaign Manager: Recently reached out to Jodi, and, asked Jodi to reproduce certain receipts, from the congressional campaign

Paul Solis: And, did Delegate San Nicolas say why?

Campaign Manager: No. I don't know why.

Paul Solis: So, this information is going to Jodi, then Jodi tells Ina, the Ina tells you, correct?

Campaign Manager: Correct.

Sean Quinn: And, you just said that that Jodi was going to reproduce receipts for Delegate San Nicolas?

Campaign Manager: Correct.

Sean Quinn: Was she going to alter those receipts?

Campaign Manager: I don't know.

Paul Solis: And, did Ina share with you either her own assumption about why this was happening, or Jodi's assumption about why this was happening?

Campaign Manager: Yes. Publicly in the media, the Congressman has reported that he has lost a majority of his receipts from the congressional campaign.


Campaign Manager: And so, Jennifer Winn, who is now the Chairperson of his campaign, wrote the letter to the Guam Election Commission. This was reported in the media publicly that they were going to recreate the documents or the finances for their campaign. Which I think confused a lot of people because, what does that mean?
Sean Quinn: Okay. Can we go back, and talk about some of the specific instances, where you think Delegate San Nicolas asked this person Jodi, to falsify receipts, and to increase the amount? You said you believe that's happened four or five times.

Campaign Manager: Correct? Yeah. Every time that he would go to the Philippines to make an order, this was his standard practice, in order to recover the cost of, I don't know what, but, in order to increase the amount of money that he would be reimbursed.

Sean Quinn: Can you recall any specific dates, or incidences, where this happened?

Campaign Manager: Well, I knew this happened on the trip that we went to, in late February and March. There was a trip that we went to, in late December of 2017, was it 17? Yeah, 2017. So, we went the day after Christmas, 2017 till December 31, just he and I, to the Philippines, in order to get campaign materials. And then-

Sean Quinn: And, that time you know that he had Jodi increase the amount on the invoice?

Campaign Manager: Correct.

Paul Solis: By about how much, typically?

Campaign Manager: I don't know. I don't know exactly how much he would have increased by.

Paul Solis: And, is he sharing the actual receipt with you, or, how are you able to know this is occurring?

Campaign Manager: Oh, I'm with them while they're having, well, they're negotiating, and then, he provides, then I get a copy of the receipt, and then, he keeps a copy of the receipt as well.

Paul Solis: So, it works like, the vendor Jodi, produces the cost, labor, whatever, comes up with the receipt. Does Delegate San Nicolas then pay for it? And then, asks for another receipt, that's larger?

Campaign Manager: No. He asked just for one receipt. So, we just get one receipt. It's not itemized, it's just a total amount of money.

Paul Solis: Okay.

Sean Quinn: And, that's for the larger amount, but he actually pays some smaller amount?
Campaign Manager: Correct.

Sean Quinn: Did you ever-

Campaign Manager: Yes, that's correct.

Sean Quinn: Did you ever see that specific transaction happen, where he paid less than the amount that was on the invoice?

Campaign Manager: Yes. I was frequently there when he was, he was giving the amount of money. Yes.

Sean Quinn: Okay. And, you say you were frequently there, but there's only two times that you recall specifically from the congressional campaign?

Campaign Manager: Yes. I'd have to look at it. When... Other times that we had gone on trips together, but there were other times that we had gone on trips together.

Paul Solis: Did you ever, in your time working for the congressional campaign, did you ever get signs, or, campaign materials from anywhere other than the Philippines?

Campaign Manager: We would get certain things produced on Guam. We would get certain brochures produced on Guam. I think, that's a brochure. Yeah, I think that's it, just for that certain brochures on Guam. But, the majority of the things were the Philippines.

Paul Solis: Okay. Was that-

Campaign Manager: That's pretty standard amongst Guam campaigns, essentially.

Sean Quinn: Okay. Are there other campaigns, so you said, the Governor also uses this Jodi?

Campaign Manager: Correct.

Sean Quinn: Topacio? Okay. And, it's standard practice for folks to get large campaign signs or campaign material made in the Philippines?

Campaign Manager: Correct.

Sean Quinn: Are some of the incidences, the four or five times that you remember this happening those might've been connected with his Senate races, previously?
Campaign Manager: No. I mean four or five times for the congressional race. There were other times we had gone on trips for the senatorial race, but specifically for the congressional race I believe we went to the Philippines four or five times.

Sean Quinn: Okay. Were there other vendors other than Jodi Topacio, I don't know if I'm saying that right, but other than Jodi, that Delegate San Nicolas would do this? Where he'd increase the invoice amount, but pay a lesser amount?

Campaign Manager: Just Jodi. He trusted Jodi because they had had a working relationship for six years, already, at that point.

Sean Quinn: Okay. So, that's the only one on the Philippines. Was there anybody in Guam that he would – he had this practice with?

Campaign Manager: No, it's just Jodi.

Sean Quinn: Okay. Is there anybody else that knew about this arrangement?

Campaign Manager: No, not as far as I know. No.

Sean Quinn: Like Jeryl, would Jeryl know about that?

Campaign Manager: I don't know that Jeryl knew, specifically. No.

Sean Quinn: Okay. Do you have any more questions on that, specifically?

Paul Solis: I do not.

Sean Quinn: Okay. So, going back to the trip, generally as I understand it, it was you, the Congressman, District Director, and Jeryl that went on the trip?

Campaign Manager: No, Jeryl was already living in the Philippines.

Sean Quinn: Okay. So, it was just the three of you that went to the Philippines together?

Campaign Manager: Correct.

Paul Solis: And, did District Director have any campaign responsibilities on these trips? Or the one trip?

Campaign Manager: No, only in the sense that, I think, all the campaign material ended up being six luggages. And so, each of us were allowed two luggage. So, it took up pretty much all of her luggage. When we came back.

Sean Quinn: Did he ever ship the campaign signs back separately?
Campaign Manager: No, it was always brought back as luggage, and sometimes it was more than two luggages, so sometimes it would be we would have to pay for the extra luggage, essentially. Sometimes it would not be him. Sometimes his parents would bring back the campaign materials. He would purchase it and then if he didn't have enough space, his parents would go at a later date and pick up the materials.

Paul Solis: So, your flight to the Philippines was purchased by the campaign?

Campaign Manager: No. So, my flights was always purchased by myself. He only ever reimbursed himself.

Paul Solis: So, you flew to the Philippines for the campaign purpose of picking up these signs, but you were not reimbursed by the campaign?

Campaign Manager: Correct.

Paul Solis: Okay.

Sean Quinn: Why?

Paul Solis: Why did you agree to do that? Why did you do that?

Campaign Manager: Because, picking up the campaign materials, and stuff is just, it's a 30-minute transaction to order them and they will deliver it to the hotel. So, it's for the length of the trip, it's not much of the trip. So, for the most part then, we would just be actually on vacation.

Sean Quinn: So, in your mind you are taking the trip and it was a vacation and that's why you agreed to pay for the vacation yourself?

Campaign Manager: Correct.

Paul Solis: The flight for District Director, how was that paid for?

Campaign Manager: I believe she paid for it on her own

Paul Solis: And Delegate San Nicolas, how was his flight paid for?

Campaign Manager: I know that he paid for it on his own. I am not sure if he had his trip reimbursed. I don't know if he had his trip reimbursed. I believe it was his hotel that he had himself reimbursed.

Paul Solis: And you booked the hotel?
Campaign Manager: So, there were three places that they stayed in the Philippines on that trip. So, one day at an Airbnb in Manila and then three days at a place called Nurture Valley Wellness Resort in Tagaytay, which is a couple of hours outside of Manila. I booked that online, on Expedia and then they came back to the Philippines and stayed at the Shangri-La Hotel. I reserved that online, but he paid for it at the hotel.

Paul Solis: When you booked the Wellness Resort, did you use the Campaign Card or how did you pay for that?

Campaign Manager: The Congressman gave me cash. I paid for it with my card and I gave him a receipt for it, and I believe that he paid himself back for that amount of money.

Paul Solis: From the campaign account?

Campaign Manager: From the campaign account, yes.

Paul Solis: Do you know how much that cost?

Campaign Manager: It was like $500, something, five-hundred dollars, something like that.

Sean Quinn: So, you were reimbursed, you actually paid for it and then Delegate San Nicolas took the receipt and then also reimbursed himself for that?

Campaign Manager: So no, so Congressman San Nicolas gave me the cash to book the, gave me cash, so I deposited it into my debit account. I booked the hotel on Expedia and paid for it with my debit card with that money that was given to me by Delegate San Nicolas. I gave him the receipt because obviously he's noted to be the guest on the receipt. I mean it's my account that's paying for it, but he's the guest listed on the receipt, and then he reimbursed himself for that amount of money.

Paul Solis: Okay. So, I was just about to ask, do you know if the amount he reimbursed himself from the campaign was the exact amount that you paid for the retreat, what the cost was?

Campaign Manager: Yes. He pretty much matched reimbursements to receipts. So, you know the receipt whatever the receipt said.

Paul Solis: Was the Airbnb paid for, how was that paid for?

Campaign Manager: The Airbnb he booked himself and he paid for himself. I don't believe that he reimbursed himself for that one.
Paul Solis: And what about the Shangri-La?

Campaign Manager: The Shangri-La, I reserved it and then he had to pay for it in cash. And then he also had room service at the Shangri-La and he reimbursed himself for the cost of that hotel and that room service.

Paul Solis: How do you know this?

Campaign Manager: He told me and then also I have his receipt for the room service at the hotel.

Paul Solis: I assume this is part of the collection of documents that my colleague Sean has been asking for from you for quite some time.

Campaign Manager: Yes. Yeah, so I gave it to the Guam Election Commission, but I.

Paul Solis: Yeah, yeah, so I know Sean's been asking you about this, but we definitely, even today when you go back home, as soon as you as possible can get these documents to us that'd be great.

Campaign Manager: Sure.

Paul Solis: Okay.

Sean Quinn: We have seen those Shangri-La receipts from other sources, on the receipts or on the invoice there are two guests listed.

Campaign Manager: Correct.

Sean Quinn: Or it's just a number, there are not names associated with that? Is that because you indicated that two people would be staying at the Shangri-La?

Campaign Manager: Yes. Yeah, because two people were going to be staying at the Shangri-La.

Sean Quinn: Okay. And you understood that, that it was going to be Delegate San Nicolas and District Director.

Campaign Manager: Correct.

Paul Solis: Did he, with regard to the Wellness Resort,

Campaign Manager: I'm sorry. And also for the Nurture Valley wellness resort, I put him as the guest and two guests. I had to call Expedia and give the name of the second guest.
Sean Quinn: On the Expedia documents that you have, does it for the Nurture Wellness ...

Campaign Manager: No, it only says his name, but I had to call in Expedia and give the second name. It's not in the document, but Expedia, I called them, so I don't know. They should have a record of that.

Paul Solis: Okay. And both the Wellness Resort and the Shangri-La that you booked, did you book those at the direction of Delegate San Nicolas?

Campaign Manager: Correct, yes.

Sean Quinn: And then, sorry, you said that for the Shangri-La, the Congressman paid for that in cash?

Campaign Manager: Correct.

Paul Solis: And reimbursed himself from the campaign?

Campaign Manager: Correct.

Paul Solis: Do you know that amount?

Campaign Manager: I don't know.

Paul Solis: He's got the receipt there.

Campaign Manager: Wait, I have the reservation so I know how much it would be if this intranet works.

Paul Solis: Okay. We, I think we have that documented and it's publicly available, so it's –

Campaign Manager: Okay.

Sean Quinn: Do you know if District Director had any other reason for being in the Philippines at that time?

Campaign Manager: She, I believe, had told her family that she was going for a medical reason.

Sean Quinn: Okay. And do you know if she actually saw a doctor while she was in the Philippines?

Campaign Manager: No. No, I don't think she did.
Sean Quinn: Okay. And were you with them the whole time?

Campaign Manager: No, I was not with them the whole time. We discussed that she had no intention of going to a doctor.

Sean Quinn: Okay. So, you had a conversation with District Director, where she told you that that's what she was telling her family, but she didn't actually intend to go see a doctor?

Campaign Manager: Correct.

Sean Quinn: And when did you have that conversation?

Campaign Manager: This was part of our conversation we had at Chupacabra.

Paul Solis: The restaurant in Manila?

Campaign Manager: Correct.

Sean Quinn: And so that was in the presence of the Congressman and also Jeryl and the fiancé?

Campaign Manager: Correct. So, I guess another thing, I don't know how relevant this will be, in the Philippines, they were taken around by a driver because in the Philippines you don't drive your own car. So, they had rented a car through Jeryl, through Budget Rent-A-Car and there was a driver with them the whole time so, that works for Jeryl.

Sean Quinn: And you don't know who the driver is?

Campaign Manager: Yeah, I don't know what the driver is.

Paul Solis: How long did you stay in the Philippines on that trip? The whole time they were there?

Campaign Manager: Yes. The whole time they were there.

Paul Solis: You just stayed in Manila or did you did you have your own itinerary?

Campaign Manager: I had my own itinerary. I had friends from the States who I met up with. That week was actually my birthday, so I met up with them and we took over a trip.

Sean Quinn: So you were doing, in addition to hanging out with the Congressman and District Director you were also doing birthday activities with friends?
Campaign Manager: Correct.

Sean Quinn: Okay. And was District Director, she was on the flight out with you and also on the return flight, did you all fly together?

Campaign Manager: Yes, we flew together to the Philippines and back to Guam.

Sean Quinn: I know you've told me before that, in addition to Jeryl there was another, I think you said somebody who's employed in the Guam State Legislature that was either at the airport with you or saw you all. Who was the other witness to this trip?

Campaign Manager: Right. So on the flight back, we ran into Mr. William Iglesias, who was a Chief of Staff to Senator Frank Aguan, who was actually running against the current governor, they were running against, they were running for governor against each other, current governor against Senator Frank Aguan. They were running against each other for governor. And so, his Chief of Staff, William Iglesias, saw us on the flight back from the Philippines. And that caused us quite a bit of concern because Mr. Iglesias had already at that point actually suspected that Jennifer was his mistress already at that point.

Sean Quinn: Okay. And what was Delegate San Nicolas and District Director's reaction to that?

Campaign Manager: So, I saw William first and then I went back to those two and then I told them, "Oh no, Billy," we called him Billy. "Oh no, Billy's here." And so, we sort of dispersed in such a way that we tried to look like we were not together. And then when we got into the plane, we actually sat close to each other. Jennifer sat right next to me and Delegate San Nicolas sat close to us and Billy saw this and what was making, he was making a facial reaction to not, I guess he was quite shocked. Not shocked. I mean – I think he was making a very emotive facial reactions.

Sean Quinn: Okay. Do you know of any other activities other than staying at these resorts that Delegate San Nicolas and District Director would have kind of partaking in together?

Campaign Manager: I mean, like I said, they were often in the storage room of our office.

Sean Quinn: I know, sorry. I meant while they were in the Philippines. Were there any other kind of big activities that you know, that they did?

Campaign Manager: So the big activities, we went to, we had Peking duck, the three of us had Peking duck at a restaurant in Greenbelt. So, Guam and the Philippines.
Sean Quinn: Okay.

Campaign Manager: That's the only thing we did on that first day. And then we just sort of went off to the resort and then I sort of did my own thing, so.

Paul Solis: You know, Sean had asked you too about whether there was any other reason that District Director was in the Philippines and I think you answered no. In fact, Sean had asked about a medical issue and you had brought up to us that she had shared with you that this is the reason she gave her family and that in fact that that wasn't the reason she was there. Are you certain, I mean, can you say with absolute certainty that District Director did not have any medical exams or meetings with doctors while she was there?

Campaign Manager: Say for certainty? I guess I can't say for certainty, no, but in our conversation, she said that she was not going to go see a doctor or anything.

Paul Solis: Okay.

Campaign Manager: I mean I wasn't with them the whole time, so I don't know.

Paul Solis: Okay.

Sean Quinn: Do you have any reason to think that District Director would have some sort of relationship with a doctor in the Philippines where she could falsify records?

Campaign Manager: I don't, but that's, I mean it's the Philippines, you can get anything paid for there.

Sean Quinn: Okay. When you travel in the Philippines, how do you generally spend money? Is it cash or credit card?

Campaign Manager: It's pretty – It's cash usually.

Sean Quinn: Okay. And why is that?

Campaign Manager: Because you don't know, because oftentimes, I mean you're asking who do I spend cash or credit card or,

Sean Quinn: yeah. Is there any particular reason that you spend cash normally in the Philippines?
Campaign Manager: Yeah. Generally, cash because you don't know if your card is going to work. Usually you'll put in a travel notification, but sometimes that works, sometimes that doesn't work and if you don't bring cash, then you're sort of left with nothing really, if your card doesn't work.

Sean Quinn: Okay. But it's common to only spend cash?

Campaign Manager: Correct.

Sean Quinn: Okay. And then how about cell phones? When you go to the Philippines, how does your cell phone work?

Campaign Manager: When you get to the airport, you buy a SIM from one of the two major cell providers, either Smart or Global, and then you purchase a week-long plan or a month-long plan.

Sean Quinn: Okay. And then when you return to Guam and you're using your regular SIM card, all your communications, phone calls and texts are still on the phone that you used, right?

Campaign Manager: Yes. They should still be on the phone that you use, especially if you're using like a, I mean the Congressman frequently used WhatsApp. That's usually the form of communication that the people in Guam use.

Sean Quinn: Okay. Do you know if District Director or the Congressman ever bought separate phones to use in the Philippines?

Campaign Manager: Yes. They both had, I know they both, that Jennifer had at least two phones that I knew of. She had a personal phone, and a work phone, that she would take both with her and I would communicate with her through both phones. The congressmen? No, at the time he only had one phone.

Sean Quinn: District Director used the personal phone and the work phone in Guam and the Philippines?

Campaign Manager: Correct.

Sean Quinn: Okay, so it wasn't like a special, like a Philippines specific phone?

Campaign Manager: No.

Sean Quinn: Okay. And then the Congressman only used one phone the whole time?

Campaign Manager: Correct.
Okay. Let's talk about, I know you also said that you paid for, or you helped book a stay at the Outrigger in Guam, is that correct?

Correct.

Okay. And when was that?

That was in May of 2019.

May, 2018 or 2019?

I'm sorry. 2018 yeah, 2018.

And it was just District Director and the Congressman who stayed there that night?

Correct.

Okay. And what was the purpose of that stay?

They got engaged in sexual relations, I presume.

Okay. But there was no, there's no official or, or campaign related purpose that you're aware of?

No.

Okay. Can you explain how the booking and payment for that hotel worked?

Yes. So, Congressman again gave me cash for the booking, I booked it online. We booked it for two days because they wanted to be there from the morning to the evening. And to do that you have to do it, you know you have book two days. And then I picked up the room key from the hotel, physically went to the hotel and picked up the room key and I gave it to the Congressman and then he asked me to stay in the office that evening, and so I stayed in the office that evening in case his wife called. And she did call.

Okay. And then so he gave you money to book it, you booked it with your card. Do you know whether or not he reimbursed himself with campaign funds?

I don't believe he reimbursed himself with campaign funds.
Sean Quinn: Okay.

Campaign Manager: So, I mean a pure precipitating factor for the reason why he would have to reimburse himself is that his pay was reduced drastically in that third term. Originally the pay for senators in the Guam Legislature was $85,000 and then it was reduced to $55,000 so he took that $30,000 pay cut.

Sean Quinn: And do you think, sorry, when did that pay cut happen?

Campaign Manager: That happened in, towards the beginning of the third term. So that would've been in 2017.

Sean Quinn: And that's when you think he started to use official or campaign funds to reimburse himself for personal uses?

Campaign Manager: Yeah. Yeah, correct. Because yeah, he had taken a huge cut in pay.

Paul Solis: If this relationship with District Director and Delegate San Nicolas had been going on for so long, why are they getting a hotel in Guam for the purposes that you stated?

Campaign Manager: I'm sorry. Why are they getting a hotel?

Paul Solis: Yeah, I mean this relationship, you explained to us had been going on for quite some time. Both individuals live in Guam. Ostensibly, there hadn't been a need for a hotel up to this point. So why, why was there a request made to you to book this hotel in Guam where they both live?

Campaign Manager: I mean, I guess, it would be my presumption, but I mean they're hooking up in our office and when they would hook up in the storage room. I mean our storage room is kind of filthy. I mean it's not a great place.

Paul Solis: That makes sense. That's just your presumption. He never explained this to you?

Campaign Manager: No. Yeah, no, he never explained it to me. But he did explain that it was something that they did regularly before I even knew.

Paul Solis: You mean getting a hotel?

Campaign Manager: Correct.

Paul Solis: Okay. This was the only time that you were part of the booking process though?
Campaign Manager: Correct. This was the only time I was part of the booking process, but they had, even during the campaign there were times where they did get hotel rooms where I wasn't involved at all.

Paul Solis: Okay.

Sean Quinn: Okay. So just to be clear for the Outrigger, Guam in May 2018 you do not think that he reimbursed himself for that stay?

Campaign Manager: Correct. I do not believe he reimbursed himself for that particular stay.

Sean Quinn: So is that,

Paul Solis: And that's something you would have known about?

Campaign Manager: Yes. Generally, at that point he was pretty open with me about everything. And so, he did not, he never told me that he was going to reimburse himself for that stay.

Paul Solis: In contrast to the Philippines hotels and stays?

Campaign Manager: Yeah. In a contrast to all the other times. He was pretty open about what he was doing, with me at least.

Sean Quinn: So, I just want to make sure I understand what you think was wrong about the Outrigger, Guam stay, just because I know that was a trip that you pointed out in some of your conversations with the media. It was just the fact that that was an example of them carrying on the affair?

Campaign Manager: Correct, yeah. That was not, I did not include that in, for example, my Guam Election Commission Complaints so that wasn't part of my use of campaign funds in the conversation with the Guam Election Commission.

Sean Quinn: Okay. So, you talked a little bit about sometimes that you are aware that he reimbursed himself for personal trips or vacations and then also the examples of increasing the invoice amounts. I guess I just want you to help me understand the ways that Delegate San Nicolas was paying himself from the campaign and obscuring that. Were there any other methods other than those two that we just talked to, that you think Delegate San Nicolas used to get cash out of the campaign?

Campaign Manager: Sure. There were other instances. This is one of the things I talked about in my testimony to Guam Election Commission. He would reimburse himself for personal meals, personal gas usage, and he would collate them into one big reimbursement check and just call it marketing expenses.
Paul Solis: How many examples of this sort of mislabeling do you have a knowledge of?

Campaign Manager: In terms of specifically seeing him collate the receipts and writing a check to himself, there was one instance in which I saw him physically putting the receipts together, which he said were personal and then writing a check to himself.

Paul Solis: About what date did this happen?

Campaign Manager: I am not sure exactly which date. I remember it was in a congressional campaign around, it must have been May or June of the campaign. So 2018.

Sean Quinn: And you saw, you saw him write the check?

Campaign Manager: Yes, he was writing the check even though he's not the signatory.

Sean Quinn: And he described the purpose of the check as marketing expenses?

Campaign Manager: Correct.

Paul Solis: And he explained to you as he collated these receipts. “Hey Campaign Manager, these are personal receipts?”

Campaign Manager: Yes, so like meals that he was having with his family, some meal that he was having with Jennifer, pretty much all his gas receipts. Anytime that he would ever buy gas, he'd save the receipt and then reimburse himself for that.

Sean Quinn: Why? Why did he save the receipts for those? I mean if he's falsifying the reason for the reimbursement, what's the purpose of being exact about the receipts or what's being paid for?

Campaign Manager: Well, pretty much all the reimbursements were tied to a receipt. He at least had that level of, you know, that's what he wanted to get. So, everything was tied to a receipt. So even if they were falsified receipts, at least it was a receipt that he felt like you could justify at some point in the future.

Sean Quinn: Okay. And then so why would he call it a marketing expenses though? Because obviously later down the line when somebody tries to match up the receipts and the check, those are clearly not marketing expenses. So was he just bad at doing this?
Campaign Manager: I mean for the most part like auditing here in, the Guam Election Commission is basically nonexistent, unless there is a complaint.

Sean Quinn: Okay. So you just think he had some minimal level of accountability to himself and that just involved keeping track of personal receipts and reimbursing himself for that amount?

Campaign Manager: Yes.

Sean Quinn: Okay.

Paul Solis: So, I had asked you what instances of this mislabeling as an aggregated reimbursement that you have personal knowledge of? You said once, are there any that maybe you didn't witness yourself, but you have knowledge that the same type of process occurred?

Campaign Manager: Yes, he had done this also on during the Senator, his Senatorial campaign particularly, and again, this is something I discussed with the Election Commission. Before he ran for Congress, and he was running for, he thought he was running for reelection for Senator. He raised the money and reimbursed himself, but never reported that money to the Guam Election Commission. So, he filed an organizational report as if he was running for re-election for Senator, raised money for that campaign and then never reported that money.

Paul Solis: And then just took the money for personal purposes?

Campaign Manager: I mean he still reimbursed himself and used receipts in that sense. I know a lot of the funds went to Facebook marketing, but some of that also went to personal reimbursements to himself. Yes. So, I know that's one of the things the Guam Election Commission is looking at, because he never filed any report on that.

Sean Quinn: And what was the date of that, those filings and when he raised that money, that incident?

Campaign Manager: So, this was raised between January of 2017 through October of 2017.

Sean Quinn: Okay.

Campaign Manager: And it was problematic also at that point because we did not have a Treasurer at that point. Leticia had resigned as Treasurer, so he was raising money without a Treasurer, not reporting it and giving a lot of it to himself.
Sean Quinn: Okay. So that's January, October 2017. Were there any other, well, let's see, hold on one second. Yeah, we talked about January and October 2017 when he was sort of laundering that money through the Guam election, that he reported May and June of 2018. We talked about that one check that you witnessed him write. Were there any other periods of time where you think he was reimbursing himself with campaign funds or was it just all the time?

Campaign Manager: Yeah, it was basically all of the time. He set up the finances in such a way so that only he really knew what was going on. The treasurer was sort of walled off. He was the one counting the money. Yeah, there were a lot of, he made it such that he was the only one who really knew the finances.

Paul Solis: So, you mentioned to us that when the idea of hiring District Director came up, you'd had several fights about this throughout 2018 and you had explained to him that you felt this was unethical and it reached sort of heightened levels of concern for you. Did you ever mention to him, so these issues related to reimbursements and spending and some concerns you might've had about the ethics or illegality of that?

Campaign Manager: Yeah, so this April of 2018 I had attempted to resign over them. So, I wrote a resignation letter, told them I was going to resign and because this was illegal basically. And he called me up, it was like three in the morning. He asked me to pick him up from his house and he asked me to stay and that he needed me and that he explained it in the sense of that I was helping him carry a burden on himself and that he needed me to help him carry this burden. And so, I stayed.

Sean Quinn: You said you wrote a resignation letter. Did it explain the reasons including this alleged fraud?

Campaign Manager: No. No. The resignation letter did not express the reason as fraud. It was just said that I was resigning.

Sean Quinn: Okay.

Paul Solis: Do you have this letter?

Campaign Manager: Yes. Yeah. I have the letter. It's right here.

Sean Quinn: Okay. Yeah. Can you include that letter also in the forthcoming production?

Campaign Manager: Sure.
Sean Quinn: Okay. Are there any other sort of methods that Delegate San Nicolas used to siphon cash from the campaign?

Campaign Manager: Great. So, he would get illegal campaign contributions. That was supposed to be one of my things from the ... My complaint with the election commission. He received $10,000 in cash from Campaign Donor, who was a businessman here on Guam.

Sean Quinn: Okay. And you said that was in cash?

Campaign Manager: That was in cash, yes.

Sean Quinn: Okay. We'll talk about that in one second. Are there any others similar cash donations that ... Illegal or cash donations that you can think of, other than the ones from Campaign Donor?

Campaign Manager: No, that's the only one that I know, that I have personal knowledge of.

Sean Quinn: Okay. Let's talk about that for a little bit then. When was that donation made?

Campaign Manager: That was made in two parts in September and October of 2018.

Sean Quinn: Okay.

Campaign Manager: So-

Sean Quinn: Go ahead.

Campaign Manager: Go ahead.

Sean Quinn: Yeah, why don't you just generally tell me about how the congressman came about to receive this donation, and any details surrounding that? Just tell me the story.

Campaign Manager: Sure. So, Campaign Donor and Congressman San Nicolas are just ... They're just friends. Campaign Donor here owns a hotel and some sort of distribution company that distributes food here at Guam. He came to befriend the congressman, maybe a year or two ago. We were having trouble raising funds for the campaign, especially after the primary. Congressman had been spending a lot of his own personal funds or was reporting that he was spending a lot of his own personal funds for the campaign.
And then he had – Campaign Donor offered to give him $10,000.

Campaign Donor had recently come upon a large amount of money. He is the agent for Hanwha Electrical here in Guam, which recently closed the deal here for a power-producing plant, here in Guam.

Sean Quinn: Okay.

Campaign Manager: And so, yeah, Campaign Donor offered to give him $10,000. This was a conversation we had at a bar called Sidelines. It was just the three of us there basically; me, Campaign Donor, and the congressman. Congressman was just lamenting about the fact that he could not raise money. Campaign Donor offered $10,000 to the congressman who said, "Great, but you have to give it to me in cash." And so, Campaign Donor agreed. They shook on it. They were very ... The congressman was very happy about it.

Campaign Manager: And then he had me pick up the money in two separate occasions. Both occasions for $5,000 each. So I'd come up to Campaign Donor's office to pick up the money on two occasions. One of the things I've given the election commissioner were text messages between myself and Campaign Donor. Him saying, "Come pick up the money," and then the second time he said, "I forgot to give the money to Mike. Can you come pick up the money at my office?" Because we had lunch at a certain time.

Campaign Manager: He was supposed to give them money to Mike, he forgot, and then I had to go pick up the money from his office.

Sean Quinn: Okay. Do you recall the dates of those two pick-ups?

Campaign Manager: It would be in the text message that I sent. I'll send you the screenshot of those text messages.

Sean Quinn: The second pick-up, you said you ... Where did these two pick-ups happen?

Campaign Manager: They happened in his office.

Sean Quinn: Both of them?

Campaign Manager: Yes, both of them happened in his office.

Sean Quinn: Okay.

Campaign Manager: The first time that I picked it up from Campaign Donor, he said, "I'm sorry, I have to do this in two separate transactions," because he could not withdraw $10,000 in cash at once. Because I guess it would trigger
something at the bank, so he had to structure it into two separate withdrawals.

Sean Quinn: Okay. Let's go back quickly to the conversation at Sidelines where Campaign Donor offered $10,000. Did the congressman ... Campaign Donor just randomly offered this $10,000, or did the Congressman ask him for the donation?

Campaign Manager: Campaign Donor offered the $10,000. The congressman was saying he was having a really difficult time raising money, and then Campaign Donor offered the $10,000, and then the congressman said, "Thank you, but it has to be in cash."

Sean Quinn: Okay, and why did he want it to be in cash?

Campaign Manager: Because then his intent was to wash it out in low dollar fundraisers; fundraisers that were $10 or $20 so he would not have to report Campaign Donor’s contribution.

Paul Solis: And Delegate San Nicolas explained this over dinner, explained this to you?

Campaign Manager: Yes, yeah.

Paul Solis: He specifically stated to both you and Campaign Donor the reason why he wanted it in cash?

Campaign Manager: Correct, yes.

Paul Solis: Did anybody have a response to that?

Campaign Manager: No. No. We didn't have a response to that.

Sean Quinn: So, he would hold on to the cash and then at smaller fundraising events, I guess, parse it out and give himself smaller amounts under $250 from that final cash

Campaign Manager: As from what I know, I gave him the cash. I gave him two cash payments of $5,000 two separate times. His intent was to wash it into small dollar fundraisers. Whether he did or not or kept the money, I don't know.

Sean Quinn: Okay. Did you count the cash those two times?

Campaign Manager: No, I did not.
Sean Quinn: Okay. So the number of $5,000 was just based on what Campaign Donor told you he was giving you?

Campaign Manager: Yeah. Campaign Donor said what was agreed to at the time initially.

Sean Quinn: Okay. At Skyline, was there any discussion of the $10,000 amount being more than he was allowed to donate to Delegate San Nicolas?

Campaign Manager: So the bar was ... This is a different bar. Sidelines, I know, confusing. This was at a different bar called Sidelines.

Sean Quinn: Sidelines, okay.

Campaign Manager: Was there a discussion that this was over the amount that was allowed? I mean they both knew. They knew it was above the amount allowed. The fact that he had intended to wash it into small dollar fundraisers, I think that makes it clear that he knew it was not allowed, because he was trying to figure out a way to wash it.

Sean Quinn: But as far as you recall the conversation, Campaign Donor didn't ask about the high amount of the contribution?

Campaign Manager: No, he did not.

Sean Quinn: Okay.

Paul Solis: So, you threatened to resign in April based on what you felt to be improper reimbursements. When you hear something like this, which some people might say that it is sort of a far more serious situation with the potential consequences, did you also threatened to resign or say, "I'm not taking part in this." Why did you go through in facilitating this arrangement?

Campaign Manager: Yes. At this point, we had won the primary, which was the thing that everyone told us we could not win. We won the primary at that point. It seemed to create ... And the Republican challenger, though she was formidable, all the polls showed that we were double digits ahead. It just seemed like we were going to win.

Sean Quinn: And so you wanted that position in DC, and so at that point you were willing to turn a blind eye to this stuff?

Campaign Manager: At that point, there were so many things that were happening already that were wrong, and I was like, "Well, this is just another thing to add to the pile." Our arguments continued at this point, I guess even into
Paul Solis: Did anybody at that dinner at Sidelines that night, or in the delivery of the cash thereafter, did anybody mention, either Campaign Donor or Delegate San Nicolas that they considered this to be potentially criminal behavior?

Campaign Manager: Did anyone mention to ... The only people that knew were themselves. I don't think anyone mentioned that it was criminal.

Paul Solis: Or that they were concerned about it being criminal behavior?

Campaign Manager: That they were concerned about it being criminal behavior? Well, the only person who could have said anything was me, right? To either one of them, and I did not mention that to either one of them.

Paul Solis: Okay.

Sean Quinn: It was just the three of you at the bar that night?

Campaign Manager: Correct, yes.

Sean Quinn: Okay. Other than being the congressman's friend, did Campaign Donor donate that money for any other reason? Did he expect anything from Delegate San Nicolas?

Campaign Manager: No. From my understanding, it was only because they were friends. That was it.

Paul Solis: When you delivered the two installments to Delegate San Nicolas, where did you deliver it to? His home? the office?

Campaign Manager: Well, I believe it was the office. Yeah, I believe it was the office because I picked it up during the day at Campaign Donor's place. I don't recall exactly where I gave it to him, but either his house or the office, I don't remember.

Paul Solis: And are we talking bags of money, or are we talking ... How's it packaged? What's it look like? How-

Campaign Manager: Just a sealed envelope. Yeah, sealed envelope.

Paul Solis: Sealed envelope with what you were told to be two installments of $5,000. However, you did not count the money?
Campaign Manager: Correct.

Paul Solis: And then after you handed it to Delegate San Nicolas, do you know what occurred next? What he did with it?

Campaign Manager: I do not. I know that the intention of the conversation that we had was that he would include ... When he would have a small fundraiser, he would add it to the amount of money that we had raised at that fundraiser. A $10 and $20 per person fundraiser, and it would just be added to the amount of money that we saved at that fundraiser.

Paul Solis: And would he assign a donor to the amount, or no? Like come up with a name?

Campaign Manager: I'm sorry, what?

Paul Solis: Would he assign a donor name to the amount, or no?

Campaign Manager: No. So, for those $10 or $20 fundraisers, there was no names taken. We didn't have any names for those fundraisers.

Sean Quinn: He would then deposit that amount into the campaign account, or did he keep the cash?

Campaign Manager: Yes, and then he would then deposit that amount into the campaign account. I don't know if he kept some of the money, or if he put all of the money into the campaign. I'm not sure.

Sean Quinn: When you picked up the two different installments, how quickly did you turn them over to the congressman?

Campaign Manager: Immediately. It was a sealed envelope, so it stayed sealed from the time I got it from Campaign Donor to the congressman. He knew when I was picking them up, so I knew – immediately...I didn't want to hold it, so yeah, immediately.

Sean Quinn: So, both times you just went straight from-

Campaign Manager: His office directly to him. Directly to him.

Paul Solis: You just said you didn't want to hold it. Why didn't you want to hold it?

Campaign Manager: Oh, because it's dirty money. I don't want it either.

Sean Quinn: Was anybody else aware of this donation?
Campaign Manager: No. So only the three of us.

Paul Solis: You've made some reports about this $10,000 amount?

Campaign Manager: Yes. It was part of my complaint to the Guam Election Commission. And so, I had to give testimony. It was, I guess, secret to the Guam Election Commission over the course of two days and, I don't know, like eight or 10 hours of testimony.

Paul Solis: And you named Campaign Donor and this whole circumstance to them?

Campaign Manager: Correct.

Paul Solis: Is their process – their process is confidential?

Campaign Manager: Yes. The Guam election process for determining probable cause is confidential. Once they determine probable cause, they can initiate an investigation, or they may refer the case to the attorney general.

Paul Solis: Do you know if there has been a referral to the attorney general?

Campaign Manager: I believe they are still speaking to people at this point.

Sean Quinn: Couple more things, just quickly. When Delegate San Nicolas spent money that was not in cash, how did he normally spend money? Was it a credit card? How did he spend money?

Campaign Manager: Yes. If he was not spending money in cash, he would spend it ... He would use his credit card. He spent, under the financial disclosures, quite a bit of his own money, apparently, on the campaign. I think it was over 30 or $40,000 of his own money.

Sean Quinn: Do you know where his credit card was from, or what credit card he used?

Campaign Manager: I think he uses Chase Preferred. Yeah, Chase Sapphire Preferred card was generally the card that he used.

Sean Quinn: I know you said he was sort of tight on cash partially because his salary was cut, and also I guess because he was making outlays for the campaign. Do you know if he had any other debts or any other reasons he was tight on money?

Campaign Manager: He has four mortgages. His four houses, he has four mortgages on.
Sean Quinn: Okay. Do you know if he had a lot of credit card debt? Did he ever talk to you about that?

Campaign Manager: Yes, because he put a lot of his ... Almost all of the campaign on credit cards. He did continually have a lot of credit card debt on those.

Sean Quinn: Okay. You talked about how he would wash the money through small donor fundraising. Were you involved in the FEC reporting around any of those donations?

Campaign Manager: I would type out some of the reports at his direction. We would stay in the evening and he would say ... We would go through his bank statements and then we would put in just what was in the bank statements, basically.

Sean Quinn: Okay. His personal bank account?

Campaign Manager: No, from the campaign account.

Sean Quinn: Okay. Did anybody else work on that FEC reporting?

Campaign Manager: Just himself and I.

Paul Solis: Any other instances like the one described with Campaign Donor where there was an excessive, or a campaign contribution in cash exceeding limits, where there was an intent to then distribute it in lower dollar amounts? was there any other circumstances like that?

Campaign Manager: No, that was the only specific one that I was aware of.

Paul Solis: Okay.

Sean Quinn: We've talked about the Guam Election Commission investigation. Have you had conversations with anybody else about any other investigations about these issues?

Campaign Manager: Well, I've been planning to file a federal election commission complaint, but my understanding is there's no quorum in the commission. So, I had that complaint written, but I have not filed it because I don't know where that would even go.

Paul Solis: Have you been contacted? So independent of your desire to file anything, have you been contacted by any government agencies; state, local, federal, other than us?

Campaign Manager: No. So, just Guam Election Commission, and you guys.
Paul Solis: Any communication with the Committee on Ethics; the House Committee on Ethics?

Campaign Manager: No.

Sean Quinn: Do you know anything about an ongoing FBI investigation?

Campaign Manager: I heard about that in the media, and I had known about it through Sahara Defensor who works in the congressman's office. She had reported to Mr. Carlo Branch, who was at the time the executive director of the legislature, who told me about it. Carlo Branch, the executive director of the legislature had also ... He was a friend of mine and I had also told him about the affair with Miss Winn. Sahara had also known about the affair with Miss Winn before she worked in the congressman's office.

And so, Sahara had told Carlo, who told me, that the congressman had initiated a FBI investigation to try to discredit people that he knew might know about the affair.

Sean Quinn: And who else ... Who was that FBI investigation targeted at? Do you know?

Campaign Manager: Mr. Branch. Mr. Carlo Branch, who is now the senior policy advisor for the Governor of Guam.

Sean Quinn: Okay. Sahara Defensor works in the congressman's office, and you said she was aware of the affair before she started working there?

Campaign Manager: Correct.

Sean Quinn: Okay. And how do you know that?

Campaign Manager: Because she mentioned to Mr. Branch about rumors that she had heard, and then Mr. Branch had confirmed with her rumors that he had heard, and they were [inaudible] out together, that presently, he was having an affair with Jennifer Winn. So, Sahara Defensor knows Alana Tori, Mrs. Winn's daughter. So, after Alana had worked in our office, she was going to get her master's degree at Emerson University in Boston, which is where Sahara lived.

And so, the congressman contacted Sahara and said, "I know this girl was coming to Boston. Can you take care of her?" And so that's how she knows Alana. She knew Alana and Jen before they worked together through that, because the congressman had asked Sahara to take care of Alana, Jennifer Winn's daughter.
Sean Quinn: When she was in Boston?

Campaign Manager: When she was in Boston.

Sean Quinn: When was that?

Campaign Manager: This was after Alana was our intern, so this would have been like 2016 or so that she started – like she was getting her master's there.

Sean Quinn: Okay. And then, do you know when Sahara was hired by Delegate San Nicolas?

Campaign Manager: Hired from the beginning of the term, so January 2019.

Sean Quinn: Is that just she was hired because that's somebody that the congressman trusts?

Campaign Manager: Yes, I presume so, yes. And she was a lawyer.

Sean Quinn: Okay. Do you know how they know each other?

Campaign Manager: What was that?

Sean Quinn: Do you know how Sahara and the congressman know each other?

Campaign Manager: Oh, they've been friends for a long time. Originally, she was supposed to be the treasurer for his campaign when he wanted to originally run in 2010. He did not end up running for senator in 2010, but there are stickers that they had produced with her name as treasurer on the sticker.

Sean Quinn: Okay.

Paul Solis: Have you ever taken any files from Delegate San Nicolas' campaign or personal office without his consent?

Campaign Manager: No. We had a system in which I kept a copy of the receipts and he kept a copy of the receipts. As we were moving out of the ... And these were kept in the senatorial office. As we were leaving the senatorial office, I left those receipts with the other boxes, that they were supposed to move into the congressional office. They left that box, and they just didn't bring it with them. So they left it and it was locked in that storage room for a while.

And then the Senator who took over that office, Senator James Moylan, called me to pick up that box. And then I picked it up and then in our
breakfast that we had in February, the congressman asked for that box. So
I said, "Yes," and then of course, "I mean, you are the people that left it.
You were supposed to take it." And so, I provided it to Eli and Nelta. They
came to the Guam legislature and they picked it up from my car.

Paul Solis: So, February 2019, did you make any copies of any of those documents to
retain for yourself?

Campaign Manager: No. They were all given to the congressman. So, he should have his copy
as well as all of my copies.

Sean Quinn: Okay. Have you talked to anybody else about this interview today?

Campaign Manager: Just the elders in my congregation.

Paul Solis: Okay. We're just going to ask you, from here on out, to please keep this
confidential. Please don't share the nature of our questions with anybody
or what you've told us today. It's just important that we protect the
integrity of the review, and that we make sure this is confidential as
possible to protect the interests of all those involved. So please try to
respect that.

Campaign Manager: Yes.

Paul Solis: And in no way does that diminish your ability to speak to a lawyer or to
fulfill any other rights you have, of course.

Campaign Manager: Okay.

Sean Quinn: Well, like I said at the beginning of the interview, in the next few minutes,
I'm going to email you a copy of the false statements act that we talked
about and the acknowledgement form. So, if you can just sign that and
have that scanned and sent back to me. You can send that along with the
production that you're going to make, and let's just go over the importance
of getting those documents again one more time. Today, do you think
you're going to be able to produce those?

Campaign Manager: Yes.

Sean Quinn: Okay. All right. Well then, I will look out for that production and the
signed acknowledgement form, and I will receive those tomorrow.

Campaign Manager: Okay. All right.
Paul Solis: Okay. Well, I think that's everything we have for you. If there's anything else, Sean will be in contact with you. So, thank you very much for your time Campaign Manager.

Campaign Manager: Great. Thank you.

Sean Quinn: Yup. We appreciate it. Thank you.
EXHIBIT 2
Transcript of Interview of Campaign Manager
OCE Review 19-4104
December 6, 2019
Sean Quinn: All right. So, I just turned on the recorder. This is, as I explained, just kind
of a follow-up supplemental interview to add to a couple of things that we
talked about in the first interview. Today is December 5th in DC and
December 6th in Guam. And this is Sean Quinn speaking to Campaign
Manager. So, Campaign Manager, I just wanted to ask you, we talked
about when you picked up the money from Campaign Donor's office, you
said you picked it up from him, and then can you describe to me what you
did with that money?

Campaign Manager: Oh, I immediately gave it to Mr. San Nicolas. I went from Campaign
Donor's office, back to our office, the senatorial office, and gave the money
to Mr. San Nicolas.

Sean Quinn: Okay. And so, you did that the same day that you picked it up from
Campaign Donor?

Campaign Manager: Yeah, immediately, yes. It immediately went from Campaign Donor's
office, and then back to our office, and gave it to Mr. San Nicolas.

Sean Quinn: Okay. And do you remember what time of day that was?

Campaign Manager: Well, there were two occasions, and I believe both were in the afternoon.

Sean Quinn: Okay. Right. Two occasions, okay. And just remind me once again, if you
can remember the dates of those two separate occasions.

Campaign Manager: I can't remember off the top of my head, but I believe I sent you a
screenshot of, yeah, the two different occasions where he said, "Come pick
up the money." I think the dates are on those two screenshots.

Sean Quinn: Right. And so, let's talk real quick. Can you go over again how was the
money packaged when you received it?

Campaign Manager: It was in an envelope, a sealed envelope.

Sean Quinn: Okay. And then did you ever open that envelope?

Campaign Manager: I did not.

Sean Quinn: Okay. And so, both times immediately you took it to Delegate San Nicolas
in the senatorial office?

Campaign Manager: Correct.

Sean Quinn: And that is a different office than your campaign office?
Campaign Manager: We had no campaign office, so it was like essentially one in the same.

Sean Quinn: Okay. And where was the senatorial office?

Campaign Manager: The senatorial office was in the DNA Building, Suite 407.

Sean Quinn: Okay. And what did Senator San Nicholas, now Delegate San Nicolas say when you handed him the envelope? Or what was his reaction?

Campaign Manager: What did he say? I don't recall exactly what he said. He was expecting the money, so he just received it and-

Sean Quinn: And why was he-

Campaign Manager: And that was that. I don't recall any specific thing that he said.

Sean Quinn: Okay. And why was he expecting the money?

Campaign Manager: He was expecting the money because I was present when they had arranged with, Campaign Donor and Mr. San Nicolas arranged, that he would receive the money that Campaign Donor would give a $10,000 cash donation to Mr. San Nicolas. So, he was expecting it. He was expecting the money.

Sean Quinn: Okay. Was he expecting it on that day?

Campaign Manager: Was he expecting it on that day? So, the two separate occasions... So, he knew that Campaign Donor was going to give the money eventually. Campaign Donor said at the time that they had made the deal that Campaign Donor would give the money, that it would take Campaign Donor some time to get that money together. And so that'd be the first day that it happened, and I picked up the money from Campaign Donor. Mr. San Nicolas was aware that I was going to go get the money.

Sean Quinn: Okay. Did you have conversations with Delegate San Nicolas before you went to go pick up the money on either occasion, like the day of?
Campaign Manager: Did I have conversations with Delegate San Nicolas? I mean, conversations about going to pick up the money?

Sean Quinn: Yeah. For example, on the day of either occasion did you say, "Hey, I'm going to get the money right now. I'll be to your office in an hour or two,"?

Campaign Manager: So, the first occasion, yes, because I believe that he knew, I mean he knew the first occasion, I believe he knew I was going to go get the money. So, he did know at the time. And then the second time when they had had lunch together, he knew he was going to get the money on that day. It's just that Campaign Donor forgot to give it to him during lunch.

Sean Quinn: Okay.

Campaign Manager: So, he was aware of it at the time.

Sean Quinn: Okay. And we'll do this for both occasions, but on the second occasion, which I can remind you the date is October 5th. That was the day that he had lunch with Delegate San Nicolas and then forgot the money, and then you went and picked it up. Do you have a specific recollection of handing over the money to Delegate San Nicolas on that day?

Campaign Manager: Oh yes. Yeah, of course. Yeah.

Sean Quinn: And can you tell me how did that happen? Did you walk into his office and hand him the envelope? Did you put it on his desk?

Campaign Manager: No, I gave it to him directly in person, yeah.

Sean Quinn: Okay. So, hand to hand delivery, and then what was Delegate San Nicolas's reaction when you handed him the envelope?

Campaign Manager: He was expecting it. So he immediately took it and he opened it.

Sean Quinn: He opened it in front of you?

Campaign Manager: Yeah, he opened it and counted the money and, yeah. And then that was that.

Sean Quinn: Did he tell you how much money was in the second envelope?

Campaign Manager: The second time? Yes. $5,000 and we specifically talked about it, because Campaign Donor said that there would be $4,000 in it. And then he counted it and was like, "Oh no, this is five." And Campaign Donor was saying something about how he was only getting, four at the time, so he would not
reach the $10,000, he couldn't get the $10,000, but then when he counted it
he said, "No, this is five," so it's five.

Sean Quinn: Okay. So, the second time is a sealed envelope that you gave him. He
opened the envelope and counted out $5,000 and then verbally confirmed
to you that it was $5,000?

Campaign Manager: Yeah.

Sean Quinn: Okay. And then do you know what he did with the... Like did you see him
do anything with the money after that?

Campaign Manager: There is a hiding place that he has, a library attached to his office, so he
went to go put it into his little hiding place.

Sean Quinn: Okay. And can you describe that hiding place?

Campaign Manager: It's the ceiling tile, the corner ceiling tile of his library. I guess he just puts
it in the ceiling.

Sean Quinn: Okay. And then let's go back to the first occasion. Do you have a specific
memory of handing him the envelope at that time?

Campaign Manager: Yes. Yes.

Sean Quinn: Okay. And what happened that time? Can you describe the whole scene for
me?

Campaign Manager: Yeah. Again, I believe… Okay my recollection of that, of the first time is a
little hazier. I think, I believe it was in the office and I gave him the money,
but I know both times I was very specific about, "I don't want to hold on
this money," so I went directly from Campaign Donor's office to here.

Sean Quinn: Okay. The first time, did he count the money like he did the second time?

Campaign Manager: No, I did not see him count the money the first time.

Sean Quinn: Okay, so you're not exactly sure how much money was in the envelope the
first time?

Campaign Manager: No.

Sean Quinn: Okay. And then-
Campaign Manager: Well, except that the second time when he counted the money, he said, "Yes, this is $5,000. The total was $10,000," he said.

Sean Quinn: Okay. And then the first time, did he do the same thing with the envelope? Did you see him put it in that ceiling tile or did he do something else?

Campaign Manager: The first time, I don't remember, no. I don't remember exactly what he did.

Sean Quinn: Okay. Okay, take a second to kind of think about each time you handed it over to him, any other kind of details you can tell me about both those times that you handed the money over to him? Anything that stands out in your mind or anything you remember about those days?

Campaign Manager: No, it felt very routine.

Sean Quinn: Okay.

Campaign Manager: Yeah. There's nothing particularly special. Oh, when I picked up the money from Campaign Donors the second time, I noticed that my cousin, Michelle, works in Campaign Donors office.

Sean Quinn: Okay.

Campaign Manager: So that's what I talked about with Campaign Donor. I was like, "Oh that's my cousin Michelle. She is my cousin."

Sean Quinn: Okay.

Campaign Manager: [inaudible 00:11:26].

Sean Quinn: And nobody else knew that you had delivered the money to Delegate San Nicolas, right?

Campaign Manager: Yeah, correct. No one knows but me.

Sean Quinn: Okay. I think that is probably all that I have for you. Let me just pause this. Well, let me pause the recorder for one minute and just look at a couple of things and make sure I don't have anything else, because I don't want to have to call you twice, but hold on one second.

Campaign Manager: Sure.

Sean Quinn: So the recorder is back on. Was there any reason that Delegate San Nicolas never thanked Campaign Manager for the money? Or are you aware of him thanking him for the money?
Campaign Manager: No. Yeah, no, he was profusely thankful for the money.

Sean Quinn: But I mean, did he like send a note to Campaign Manager, or did he call him up and say, "Thanks so much for the $10,000 donation," any thank you to Campaign Manager like that?

Campaign Manager: I mean, they were friends, they hung out. So, I don't recall any situation in which I was present in which he did that. But yeah, I mean, they hung out every so often.

Sean Quinn: Okay. So, you know in general Delegate San Nicolas was thankful, but you don't know of any specific instance or no call or email where he said thank you?

Campaign Manager: Yeah, I was not present for any specific instance of thanking.

Sean Quinn: Okay. And then I think we might've gone over this a little bit, so you don't remember the exact date of the first pickup, right?

Campaign Manager: Yeah. I don't recall the exact date of it. I think the screenshot of texts I sent you had two separate instances and two separate dates.

Sean Quinn: Yeah. Did Campaign Manager have like a thank you lunch for, or host a thank you lunch at his restaurant, the Churrasco for San Nicolas and his staff? Do you remember that?

Campaign Manager: Yes. Yeah. Yeah.

Sean Quinn: Okay.

Campaign Manager: He did.

Sean Quinn: And I think that was on September 5th, so a month before the second pickup. Is that where you picked up the money the first time?

Campaign Manager: I think that's right.

Sean Quinn: At lunch?

Campaign Manager: I think so, yeah.

Sean Quinn: Okay. So not in his office the first time?

Campaign Manager: The first time was a little bit... I have a very specific recollection of the second time. The first time, yeah, is a little hazier.
Sean Quinn: Okay, so the first time, you're not sure where it was that you picked it up?

Campaign Manager: Yeah. I mean, now that you mentioned the lunch, I do recall having an envelope during lunch, but I think [inaudible 00:14:55].

Sean Quinn: You recall it, sorry, can you repeat that?

Campaign Manager: Now that you mentioned the lunch, I recall him having some kind of envelope during lunch, I think. So, I think [inaudible 00:15:06].

Sean Quinn: Yeah, that last little bit was garbled. You said, you think you recall him having an envelope at lunch, but?

Campaign Manager: Yeah, but again, the first time he got the money is a little hazier in my mind than the second time. I have a very specific recollection of the second time. But the first time, yeah, I...

Sean Quinn: Okay. Alright. And I guess just since we're talking about that lunch, do you know why Campaign Manager hosted that lunch?

Campaign Manager: Yeah, he was, like I said, he was a friend of Mr. San Nicolas, so he often did gifts like that. Like for example, also during the bachelor party for Mr. San Nicolas's brother, he donated several cases of lobster as well. So, he was just very generous to Mr. San Nicolas.

Sean Quinn: Okay.

Campaign Manager: And then the Churrasco, I mean whenever we would eat at that restaurant and then Campaign Donor happened to be there, he always comped our meal.

Sean Quinn: Okay. And then just when you drove to pick up the, let's talk about the second one, since you remember that more, when you drove to pick it up, do you use your personal car or do you have a car you use for work?

Campaign Manager: No, just a personal car.

Sean Quinn: Personal car, okay. And is that what you drove that day?

Campaign Manager: Yes, yeah.

Sean Quinn: Okay. Okay, all right. I think that's all that I have for you. I, again, I appreciate you getting on the phone so early with me.

Campaign Manager: No problem.
Sean Quinn: And I'm going to stop the recorder now.
EXHIBIT 3
December 4, 2019

Dear [Name],

Please find in good faith that I am writing to remedy the probability that the prior campaign manager of the Committee for Michael San Nicolas for Congress may have received campaign contributions in error and would like to settle this inadvertent matter as soon as possible.

On the 11th day of September 2019, the Committee for Michael San Nicolas for Congress received a copy of a filed complaint from the Guam Election Commission submitted by the committee's former campaign manager, Mr. John Paul Manuel.

It is noted on the report filed by Mr. Manuel that "Mr. San Nicolas received a $10,000 cash donation from [Name], however, Mr. San Nicolas did not receive any cash from you. I am seeking your response in writing to confirm this inadvertent cash contribution handled by Mr. Manuel, so that we can remedy this issue to properly reflect your good faith. With your written confirmation we will have 30 days to reimburse you and fully resolve these circumstances appropriately.

It was the responsibility of the former committee treasurer and campaign manager to ensure that all contributions are permissible under the Federal Election Campaign Act, whether received from an authorized agent or not, and is no fault of yours when proper guidance is not provided which is apparent in this case.

As the new Campaign Manager, I am committed to ensuring that your good faith actions are made whole by taking the steps available under existing law to remedy the matter for you. Attached please find a draft letter that would satisfy any inadvertent contribution and allow us to officially reimburse you and close any concerns.

Please know that we value your contributions and shared commitment to improving the quality of life for the people of Guam. We apologize for any inconvenience and duress this may have caused. We are confident in resolving this matter and look forward to hearing from you soon.

Please send a signed copy or signed pdf of the attached language for processing so we may vacate this matter for you expeditiously. We can receive this via email at [Email Address] or you may contact me at the number provided below.

Sincerely,

Jennifer Wigm
Campaign Chairwoman
Committee of Michael San Nicolas for Congress
Committee of Michael San Nicolas for Congress  
Attn: Jennifer Winn – Campaign Manager

Hafa Adai Mrs. Winn,

Thank you for your letter regarding the $10,000 inadvertent contribution to the Committee for Michael San Nicolas for Congress, which was handled by the previous campaign manager Mr. John Paul Manuel.

As stated in your letter, no cash was provided to Congressman San Nicolas and no guidance was received from Mr. Manuel who received the funds.

Please allow this letter to confirm and so request the reimbursement in accordance with federal law as you so advised to remedy the matter regarding this inadvertent contribution.

Thank you for your notification and assistance in ensuring full compliance as that is always my intent.

Sincerely,
EXHIBIT 4
January 21, 2020

VIA EMAIL to [Redacted]

Michael San Nicolas for Congress

[Redacted]

Re: Request for Contribution Refund

To Whom It May Concern:

By this letter, I request that the Michael San Nicolas for Congress Campaign Committee return to me a $9,000 contribution that I made to a representative of the Michael San Nicolas for Congress campaign in 2018.

Prior to making the contribution, I was informed by the San Nicolas campaign that it would be entirely lawful. My understanding now is that may not be the case. I therefore request a refund be made via check to me at the above address.

Thank you for your prompt attention to this matter.

Sincerely,

[Redacted]
EXHIBIT 5
Exhibit B
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<td>Ex D</td>
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<td>Receipts</td>
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<td>$1,666.36</td>
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<td>Aug-19</td>
<td>$1,029.93</td>
<td>$1,666.36</td>
<td>$1,800.00</td>
<td>$2,000.00</td>
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</tbody>
</table>

Net to Candidate $14,934.07
EXHIBIT 6
Faith,

That’s great thanks. And I have another related follow up: looking at your Exhibit B spreadsheet can you please provide details on the reimbursements to Delegate San Nicolas made with Checks 141, 144, and 145? Please identify which specific loans he was being reimbursed for and what the underlying charges were (along with receipts or supporting documents for those charges).

For example, Check 144 for $4,840.49 appears to be reimbursing Delegate San Nicolas for four “loans” or advances that Delegate made and reported on FEC reports (a $1,451.07 loan incurred on 4/30/2018, a 340.41 loan incurred on 8/5/2018, a $1,503.79 incurred on 5/31/2018, and a $1,545.22 loan incurred on 6/30/18). Please provide supporting documents or receipts for those four transactions. Please also do the same for checks 141 and 145.

And lastly, your Exhibit D was a subset of checks from the campaign banking account. Please produce all of the other checks (checks both to Delegate San Nicolas and checks directly to vendors).

Once I get those items from you, I think that will be everything we need from you as for as document production goes.

Best,
Sean

Sean M. Quinn
Investigative Counsel
Office of Congressional Ethics
U.S. House of Representatives
425 3rd St. SW, Suite 1110
Washington, DC 20024
Fax: 202-226-0997
Thanks for gathering those documents. One follow up item: I see that you’ve provided the Facebook charges in the attached Exhibit F. Can you please provide documentation showing that those were all charged directly to Delegate San Nicolas, and to what card or bank account?

Thanks,
Sean

Sean M. Quinn

Investigative Counsel

Office of Congressional Ethics
U.S. House of Representatives

425 3rd St. SW, Suite 1110
Washington, DC 20024

Fax: 202-226-0997

Hi Sean,
Thank you for your patience as I was able to gather the information requested. You can find them attached. Please email me if you need anything else.
EXHIBIT 7
Hi Sean,

The checks for 141, 144, & 145 are not dollar for dollar reimbursements. All "loans" are reimbursements made to the Congressman for campaign expenses. The amounts owed to the delegate actually exceed the amounts reimbursed. Let me know how I can help with this.

As for Exhibit D checks, see all checks paid out from the account to the delegate and vendors.

Thanks.

On Fri, Nov 15, 2019 at 3:35 PM Quinn, Sean <...> wrote:

Faith,

Thanks for your response. Can you tell me what is holding up the production? If you have some documents, but not all of what I have requested, please send what you already and send the rest when you’re able.

Sean

Sean M. Quinn
Investigative Counsel
Office of Congressional Ethics
U.S. House of Representatives
425 3rd St. SW, Suite 1110
Washington, DC 20024
Fax: 202-226-0997
Hi Sean,

I did not forget about you. Please give me a little more time as I gather your requests. Thank you. I will update you soon.

On Mon, Oct 14, 2019 at 8:33 PM Faith San Nicolas wrote:

Hi Sean,
Thank you for your patience as I was able to gather the information requested. You can find them attached. Please email me if you need anything else.

Thank you.

--

Senseramente,
Faith A.Q. San Nicolas

--

Senseramente,
Faith A.Q. San Nicolas
EXHIBIT 8
October 3, 2019

Omar S. Ashmawy
Staff Director and Chief Counsel
Office of Congressional Ethics
425 3rd Street SW
Suite 1110
Washington, DC 20024

Subj: Response to REQUEST FOR INFORMATION Review No. 19-4104

---

Review No. 19-4104 Question 1:
All documents and communications related to your trip to the Nurture Wellness Village in the Philippines in or around February 2018, as well as the name and contact information of anybody that accompanied you on that trip

Review No. 19-4104 Question 2:
All documents and communications related to your trip to the Shangri-La hotel in the Philippines in 2018, as well as the name and contact information of anybody that accompanied you on that trip.

RESPONSE to Question 1 and Question 2:

1) My trip to the Nurture Wellness Village and the Shangri-La hotels in the Philippines was one part of a multi-day stay in the Philippines to procure campaign materials for my congressional race (Exhibit A1). Due to planning constraints my travel required me to stay at various locations on this particular trip because of limited availability and effort to contain costs. On Guam candidates for office oftentimes procure their campaign collateral materials from the Philippines as the cost of travel, accommodations, and procurement is lower than sourcing the same products on Guam due to the limited amount of service providers. The reply to this inquiry will illustrate repeated legitimate campaign purchases in the Philippines, as well as the substantial cost containment such action provides on a net basis.

   a. My air travel to the Philippines was not incurred nor accrued with campaign funds and was made possible with the utilization of personal travel rewards points as indicated in Exhibit A1. Additionally, indicated in Exhibit A1 is my travel booking as an individual.

   b. Due to planning constraints my travel during the period from February 24th to March 4th required me to stay at various locations because of limited availability. My accommodations are as follows:

      i. KL Serviced Residences – 117 Gamboa St. Legaspi Village, Makati, Manila 1229 Philippines. One night stay from February 24th to February 25th (Exhibit A1)
1. This stay was NOT expensed to nor incurred with campaign funds as illustrated in Exhibit B. Personal funds were used for this cost.

   1. This stay was NOT expensed to nor incurred with campaign funds as illustrated in Exhibit B. Personal funds were used for this cost.

iii. Shangri-La at the Fort – Manila (OCE Question 2). 2 night stay from the evening of March 1 to March 3. This stay was a continuance of my total trip from February 24th to March 4th. (Exhibit A1)
   1. This stay was expensed to the campaign (Exhibit B) as it was the stay in which I took receipt of the $3,000.00 in ordered goods (Exhibit A1).

iv. Travel concluded on March 4th due to a late evening air travel departure on March 3rd, returning early March 4th as indicated in Exhibit A1.

c. My campaign materials were procured from my graphic designer, buyer, and aggregator Mrs. Jodi K. Topacio who is based in the Philippines and provided the following onsite services:
   i. Feb 24th to Feb 25th – collateral material layout approval by candidate and prepare for proofing
   ii. Feb 25th to Feb 26th – Proofing approval by candidate and authorization for full order printing
   iii. Feb 26th to March 2nd – Printing and drying; order aggregation
      1. Note: tarpaulin printing in the Philippines requires a drying process in order to prevent product damage as a result of folding and shipping. For this particular order, due to the size of the order and the dimensions of certain items this duration was necessary and is not inconsistent with other durations indicated in Exhibit A2.
   iv. March 2nd to March 3rd – Packaging, delivery, and weight validation
   v. Due to weight limitations additional packaging work was required and an additional baggage charge was incurred (Exhibit A1)
   vi. Receipt for campaign materials purchase is attached (Exhibit A1). Mrs. Topacio can be reached at 02 7198205

d. I was not accompanied on my trip to the Nurture Wellness Village nor to the Shangri-La. I did receive a guest during my stays there and no additional official expenses were incurred or accrued by the campaign on their behalf as illustrated in all Exhibits contained in this response.

e. Exhibit A2 contains other records of previous procurements from the Philippines and is also accrued to my campaign. This illustrates the common
nature of travel to and procurement from the Philippines for legitimate political campaign purposes.
f. Exhibit A3 is a recent quote from a Guam-based supplier for the same campaign materials order that precipitated my trip that included the necessary duration of my total stay to include the Nurture Wellness Village and the Shangri-La (Ex A1). This Exhibit A3 clearly illustrates that my travel-based procurement of campaign materials resulted in a significant cost savings to Guam-based procurement, inclusive of hotel accommodations and air travel. Plainly, Exhibit A3 costed the same procurement at $19,240 versus full monetization of my Ex A1 procurement trip to the Philippines at $4,939.34. A savings of $14,300.66. Because only my stay at the Shangri-La, the extra baggage cost, and the cost of goods was expensed with campaign resources the savings to my campaign for procuring these materials exceeded 400%.

Review No. 19-4104 Question 3:

All documents and communications related to your visit to the Outrigger Guam Resort in or around May of 2018 as well as the name and contact information of anybody that accompanied you on that trip.

RESPONSE to Question 3:

I have no documents or communications in my possession regarding any visit to the Outrigger Guam Resort in or around May of 2018. Neither my campaign transactions nor my personal transactions indicate any visit to the Outrigger Guam Resort in or around May of 2018, nor are there any official accruals outstanding to my campaign for any such visit as indicated in Exhibit B.

Review No. 19-4104 Question 4:

All documents and communications related to repayments to you of loans made to your campaign committee, Michael San Nicolas for Congress, and all documents and communications related to the underlying loans for which you were receiving repayment. This request includes, but is not limited to, documents and communications related to the following loan repayments to you, as well as the associated loans for which you were receiving repayment: (list follows original correspondence

RESPONSE to Question 4:

Regarding the specific transactions requested by the OCE any available detail is contained in Exhibits B through Exhibit G.

My new Campaign Manager and Treasurer both share the OCE’s concerns regarding our FEC disbursement filings, as do I. Both the previous Campaign Manager and Treasurer have been replaced in my campaign organization after reviewing their last filing for the period covered in this OCE inquiry.
To date we continue working actively with the FEC to remedy the circumstances; the prior Campaign Manager was also the Custodian of Records, and mishandled campaign finance records egregiously. The prior Campaign Manager has since become an adverse party.

As we work with the FEC to remedy our filing I have suspended receiving any additional reimbursements for expenses I incurred on behalf of the campaign and will not be receiving any until such time that our filings are fully compliant with FEC standards.

Specific to the OCE inquiry please find as follows:

1. Exhibit A1 – Various charges for costs related to campaign material procurement from the Philippines
2. Exhibit A2 – Various charges for costs related to campaign material procurement from the Philippines
3. Exhibit B – a full outlay of all candidate loans and reimbursements from November 2017 to August 2019,
4. Exhibit C – a copy of all available receipts or statements to validate candidate loans in Exhibit B
5. Exhibit D – a copy of all checks disbursed to the candidate as loan repayments from the campaign
6. Exhibit E – a copy of the campaign bank statement illustrating all deposits and disbursements
7. Exhibit F – a copy of all Facebook campaign advertising receipts for expenses incurred by the candidate and accrued to the campaign
8. Exhibit G – a copy of all NationBuilder campaign website receipts for expenses incurred by the candidate and accrued to the campaign.

These exhibits clearly illustrate that on a net basis the campaign has an accrued liability to the candidate and has had an accrued liability consistently, resulting in no net benefit to the candidate from campaign proceeds during any period of the campaign.

---

While the period referenced in the OCE inquiry appears to illustrate inaccurate campaign finance filings the campaign has taken action to replace the Campaign Manager/Custodian of Records, and the Campaign Treasurer, in order to properly remedy the issue.

The campaign is working closely with the FEC to address filing issues and will be happy to, upon dismissal of this inquiry, continue to update the OCE if it so desires on an ongoing basis until achieved.

Respectfully,

Michael F.Q. San Nicolas
Respondent to Review No. 19-4104
EXHIBIT 9
BILL TO: RESPONSIBLE GUAM FOR CONGRESS
C/O MR. MICHAEL SAN NICOLAS
GUAM

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<td>Prints</td>
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<td>Prints</td>
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<tr>
<td>Prints</td>
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<tr>
<td>Professional Fee</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Subtotal $3,000

NOTES:
Payments may be made via
Cash, Bank Deposit and
Paypal to: jkttopacio@yahoo.com

Thank you for your business!

139 J Ruiz Street San Juan 1500  02 7198205  jodi.topacio@gmail.com
BILL TO: RESPONSIBLE GUAM FOR CONGRESS

C/O MR. MICHAEL SAN NICOLAS GUAM

<table>
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Subtotal: P147,800

NOTES:
Payments may be made via
Cash, Bank Deposit and
Paypal to: jktopacio@yahoo.com

Thank you for your business!

Confirmed and Accepted By:

J. Topacio

0 139 J Ruiz Street San Juan 1500 02 7198205 jodi.topacio@gmail.com
EXHIBIT 10
Mr Michael San Nicolas  
Street 408  
DNA Building  
Hagatna 96910  
Guam

Shangri-La at the Fort, Manila 03/03/18 10:56

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Total: 30,734.95  CREDITS: 30,734.95
Balance: 0.00 PHP

As a Golden Circle Member, you could have earned an estimated 98 GC Award Points for this stay. Join Golden Circle now. Thank you for staying with us and we look forward to welcoming you back. We would appreciate if you could share your experience at www.tripadvisor.com.
EXHIBIT 11
Hafa Adai, Sean.

I am writing in response to a request for information, Review No. 19-4104.

1) I visited the Philippines in February 2018 for medical purposes. I am unable to find any record of my flight itinerary. I recall redeeming miles on my credit card but I am not able to confirm at this time. I usually pay for most items in cash when in the Philippines.

I do not have any record of nor did I pay for any stays at the Nurture Wellness Village, the Shangri-La hotel, or any other lodging.

2) I do not have any record of stays or visits for the Outrigger Hotel or expenses made for other purposes at the hotel in May of 2018.

3) I do not have any documents related to the trips as I was not accompanied by anyone on this trip. I met a few friends but do not have record of communications as I used a SIM card and discarded it and no longer have the cellphone that I used at the time in my possession.

I reviewed the campaign committee expenses and reimbursements for lodging in February and May and the only reimbursement made to Michael San Nicolas was for the stay at the Shangri-La Hotel. This was coupled with expenses for campaign materials. I have attached for your review along with my signed certification.

Please let me know if you may require additional information or documentation.

Thank you,

Jennifer Winn

Sent from Yahoo Mail for iPhone

On Wednesday, September 25, 2019, 4:53 AM, Quinn, Sean wrote:

Hi Jennifer,

Thank you for taking the time to speak with me earlier today. As we discussed, you have been identified as a third party witness with potentially relevant information to a review currently authorized by the Board of the Office of Congressional Ethics. To that end, I am attaching the following:
1. A Request for Information (“RFI”);
2. An Acknowledgment of Receipt of this RFI (please return this to me at your earliest convenience);
3. An RFI Certification form; and
4. The OCE’s Data Delivery Standards.

If you have any questions about this RFI after you’ve had a chance to read through the documents, please do not hesitate to contact me at this email or the number below. Please acknowledge receipt of this email.

Regards,

Sean

Sean M. Quinn

Investigative Counsel

Office of Congressional Ethics

U.S. House of Representatives

425 3rd St. SW, Suite 1110

Washington, DC 20024

Direct: 

Fax: 202-226-0997

[Redacted]
EXHIBIT 13
Amount: -617.00
Description: CHECK
Check Number: 109
Posted Date: 4/29/2018
Transaction Type: History
EXHIBIT 14
an Juan City, Manila 1500

Date

24/1/18

Amount $750.00

Seven Hundred Fifty and NO/100

Responsible Guam

Responsible Guam Campaign

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MICHAEL SAN NICOLAS FOR CONGRESS
198 W. SANTA BARBARA AVE
Dededo, GU 96929-5303

DATE 02/13/2018

PAY TO THE ORDER OF
Michael San Nicolas
Seven Hundred Fifty Dollars

Dec 29,Collected 1st Mkt

Total $750.00

$750.00

19-4104_0108
# INVOICE

**Invoice ID** | 0031  
**Issue Date** | 01/22/18  
**Subject** | Responsible Guam for Congress

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<tbody>
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</tr>
<tr>
<td>Design</td>
<td>Artwork Fee</td>
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<td>Service</td>
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</table>

**Amount Due** | $5000.00

---

Thank you for your business!

---

From | Jodi Topacio  
San Juan, Manila  
Philippines 1500

For | Responsible Guam

Paid Check # 102
RECEIPT

San Juan City, Manila 1500

Date 
No. 24/1/18

Amount $5,000.00

Amount in words Five Thousand and NO/100

Payment Purpose Responsible Guam Campaign

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REMITTANCE

Customer Name: Responsible Guam  Amount Due: $5,000.00
Date: 24/1/18  Amount Enclosed: 
## INVOICE

**From:** Jodi Topacio  
San Juan, Manila  
Philippines 1500

**For:** Responsible Guam

**Invoice ID** 0031  
**Issue Date:** 01/22/18  
**Subject:** Responsible Guam for Congress

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<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Prints</td>
<td>Brochures, Bumper Stickers, Banners, Shirts</td>
<td></td>
<td></td>
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<tr>
<td>Design</td>
<td>Artwork Fee</td>
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</tr>
<tr>
<td>Service</td>
<td>Professional fee, Packaging, Delivery</td>
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MICHAEL SAN NICOLAS FOR CONGRESS  
190 W. SANTA BARBARA AVE  
DEDELO, GU 96925-5309

PAY TO THE ORDER OF  
Michael San Nicolas  
FOR THIS BILL  
$5,000.00

DATE 02/13/2018

Thank you.

Jodi Topacio  
Phone: 02 2380151  
jodi.topacio@gmail.com  
19-4104_0111
APPENDIX B
GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

Your VOTE is your voice. BOTA ya un nia kuenta.

Administrative Complaint Form
Please Type or Print all of the information on this form.

Section 1 - Your Personal Information

Last name: ___________________________ First Name: ___________________________ M.I.: __________

Address: ___________________________

City: ___________________________ State: ___________________________ Zip Code: __________

Day Phone: ___________________________ Evening Phone: ___________________________ Fax No: ___________________________

Section 2 - Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

☐ I was not allowed to vote in private.

☐ I was not allowed to turn in my absentee ballot.

☐ I was not allowed to ask questions or ask for assistance.

☐ I was not allowed to vote, even though I was standing in line before the polls closed.

☐ I was not able to vote because I was not given assistance to accommodate my disability.

☐ I was not able to vote because I was not given assistance in my own language.

☐ I was not provided election materials in my own language.

☐ My voter registration information was altered.

☐ Other Guam Law violation: ___________________________

☐ See attached

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

☐ I was not allowed to vote using a provisional ballot.

☐ Required voting information was not publicly posted in a polling place on Election Day.

☐ Other Federal Law Violation: ___________________________

☐ Provisions regarding verification at new voter registration were not followed.

☐ I was not able to determine whether my provisional ballot was counted.

414 W. Solomon Ave. • GCIC Bldg. Ste. 200 • Hagåtña, Guam 96910
671.477.9791 (tel) • 671.477.1893 (fax)
vote@gec.guam.gov (e-mail) • http://gec.guam.gov (website)

COE.SANNICOLAS.000231
Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

See attached

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 9/6/19 at: Hagåtña, GU

(Date) (City / State or Territory)

Signature of Person Filing Complaint

If your complaint is a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

Guam

SS

On: 9/6/19 before me, Thomas San Agustin

(Date) (Name of Notary)

personally appeared ________________________________

(Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

(Notary Seal)

(Notary Signature)

Returning this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagåtña, Guam 96910

THOMAS H. SAN AGUSTIN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: APRIL 08, 2020
P.O. Box 22772 Hagåtña, Guam 96921

COE.SANNICOLAS.000232
September 6, 2019

Maria Pangelinan
Guam Election Commission
414 West Soledad Avenue
Hagatna, GU 96910

Dear Ms. Pangelinan:

This letter is a formal complaint under 3 G.C.A. § 17121, detailing the violations Mr. Michael San Nicolas committed during his 2018 campaign for Delegate to the United States House of Representatives.

I worked for Mr. San Nicolas for six years, from 2012 to 2018. By 2018, I was the most senior member of his senatorial office and served as his de facto Chief of Staff. When Mr. San Nicolas ran for Congress, I served as his campaign committee Chairman and campaign manager.

Guam’s campaign finance laws prohibit a candidate from making any expenditures for any purpose other than those directly related to his or her own campaign. 3 G.C.A. § 17110(a)(I)(A). During his congressional campaign, Mr. San Nicolas instructed me—under threat of my employment’s termination—to facilitate activities that violated the above rule. Those activities included:

- From February 25, 2018 to March 1, 2018, he stayed at the Nurture Wellness Resort in Tagaytay, Philippines, which cost $633.19. That booking is provided here as Attachment A.
- In March 3, 2018, he stayed at the Shangri-La Hotel in Donifacio Global City, Manila, which cost PHP 6,217.38. He paid for that room in cash, then reimbursed himself with campaign funds. That booking is supported here with Attachment B.
- Mr. San Nicolas also paid for personal expenses with his credit cards, then used campaign funds to pay his credit card balances.
- To conceal the activities above, Mr. San Nicolas kept his FEC campaign finance records vague. Often, he disbursed campaign funds to himself and intentionally did not identify a purpose, as those forms required. As the FEC records will show—including here as an attachment—the FEC already has identified questionable entries in his filings with the tag, “Memo Code: False.”
- Mr. San Nicolas received a $10,000 donation from Mr. [REDACTED], President of the Korean Chamber of Commerce. Mr. San Nicolas conducted multiple small-dollar fundraisers to circumvent the rule that requires campaigns to issue receipts and keep records of contributions of more than $250. 3 G.C.A. §17109(d). A chat conveying that transaction is attached here as Attachment C.
- At multiple instances, Mr. San Nicolas forged his father’s signature on checks without his father’s knowledge or permission.

I respectfully request that the GEC conduct a full investigation of Mr. San Nicolas’s 2018 campaign finance records. During that investigation, GEC will find Mr. San Nicolas will not be
able to provide appropriate documentation for his expenses—put simply, he will not have receipts for many of the amounts in his filings because he spent that money on personal affairs.
# AT一颗ALMENT A

## Receipt for Hotel in Tagaytay

**Expedia**

**Receipt for Hotel in Tagaytay**  
Feb 23, 2018 - Feb 28, 2018  
Itinerary #: 732236148552

<table>
<thead>
<tr>
<th>Items</th>
<th>Cost Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel: Nurture Wellness Village</td>
<td><strong>Booked Date:</strong> Jan 14, 2018</td>
</tr>
<tr>
<td>Pulong Sagingan, Barangay Mahimii</td>
<td>Room Price $491.23</td>
</tr>
<tr>
<td>West Carlton</td>
<td>3 nights $130.31 avg./night</td>
</tr>
<tr>
<td>Tagaytay, Luzon</td>
<td>Sun, Feb 25 $137.34</td>
</tr>
<tr>
<td></td>
<td>Mon, Feb 26 $131.02</td>
</tr>
<tr>
<td></td>
<td>Tue, Feb 27 $131.02</td>
</tr>
<tr>
<td></td>
<td>Taxes &amp; Fees $91.65</td>
</tr>
<tr>
<td>Check-in: 2/25/2018</td>
<td>Subtotal: $491.23</td>
</tr>
<tr>
<td>Check-out: 2/28/2018</td>
<td>1,881 Expedia Rewards points used - $13.44</td>
</tr>
<tr>
<td>room: 3 nights</td>
<td>Trip Total: $477.79</td>
</tr>
</tbody>
</table>

**Traveler Information**  
Michael San Nicolas  
Room 1: Suite (Regal 5th)

All prices quoted in USD.
# Receipt for Hotel in Tagaytay

**Feb 28, 2018 - Mar 1, 2018**

**Hotel:** Nurture Wellness Village

**Address:** Pulong Sagingan, Barangay Mahir Dini, West Cavite, Tagaytay, Luzon 120

**Check-in: 2/28/2018**
**Check-out: 3/1/2018, 1 night**

## Booked Items

<table>
<thead>
<tr>
<th>Room Price</th>
<th>Total: $155.40</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 night</td>
<td></td>
</tr>
</tbody>
</table>

## Cost Summary

- **Room Price:** $155.40
- **Taxes & Fees:** $29.06

**Total:** $155.40

Collected by Expedia

**Paid:** $155.40

All prices quoted in USD

## Traveler Information

Michael San Nicolas
Room 1 Suite (Jhigan Spa)
<table>
<thead>
<tr>
<th>DATE</th>
<th>TEXT</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>06/08/18</td>
<td>In Room Dining Lunch</td>
<td>3,805</td>
</tr>
<tr>
<td>06/09/18</td>
<td>In Room Dining Lunch + VAT</td>
<td>3,800</td>
</tr>
<tr>
<td>06/10/18</td>
<td>In Room Dining - Brunch</td>
<td>150</td>
</tr>
<tr>
<td>06/11/18</td>
<td>In Room Dining + Fruit</td>
<td>112.50</td>
</tr>
<tr>
<td>06/12/18</td>
<td>Cash</td>
<td>42.00</td>
</tr>
</tbody>
</table>

**Total:** 10,780
SEPTEMBER 4, 2018

I have the money. I will give tmr at lunch at 12 noon

Thanks! Yes that works

OCTOBER 1, 2018

I will have the remaining amount ready by the end of this week.

thank you! I will get with you then

Sounds good

OCTOBER 5, 2018

Oi. I just had lunch with Mike but I forgot to bring out the money. Can you stop by my office around 330? Or pick up on Monday?

Lol ok. I can come by the office at 330.
EXHIBIT 2
You are cordially invited to a

37th BIRTHDAY DINNER

in honor of

Senator Michael F.Q. San Nicolas
CANDIDATE FOR CONGRESS

Tuesday, January 30, 2018
6:00pm to 10:00pm
Sea Grill Restaurant, Tumon, Guam

$500.00

Please RSVP with [Redacted] at [Redacted]

RESPONSIBLE FOR CONGRESS 2018
EXHIBIT 4
EXHIBIT 5
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Message</th>
<th>Recipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/30/2018</td>
<td>11:35:46 AM</td>
<td>Where and what time u guys meeting up tonight?</td>
<td></td>
</tr>
<tr>
<td>8/30/2018</td>
<td>11:36:12 AM</td>
<td>730 benkay (:u,)</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>11:36:19 AM</td>
<td>At nikko</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>11:37:37 AM</td>
<td>Aite. I’ll be a little late but not that late</td>
<td></td>
</tr>
<tr>
<td>8/30/2018</td>
<td>11:38:14 AM</td>
<td>🙄🙄🙄</td>
<td></td>
</tr>
<tr>
<td>8/30/2018</td>
<td>6:56:38 PM</td>
<td>Heading up</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:31:02 PM</td>
<td>Just got here</td>
<td></td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:31:42 PM</td>
<td>Inside</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:32:04 PM</td>
<td>I gonna leave the meeting in 10 mins.</td>
<td></td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:32:16 PM</td>
<td>😊😊😊</td>
<td></td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:32:27 PM</td>
<td>Gawd today was stressful</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:35:11 PM</td>
<td>Did you have dinner?</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:36:41 PM</td>
<td>Not really. Just muchin on finger food</td>
<td></td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:37:08 PM</td>
<td>Ok</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:37:10 PM</td>
<td>Us too</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:40:00 PM</td>
<td>Just left. On my way</td>
<td></td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:57:37 PM</td>
<td>This is champ calvo next to us</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:57:38 PM</td>
<td>And joey crisostomo cars plus</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>7:57:38 PM</td>
<td>And milton morinaga who runs all the ken corps hotels</td>
<td>MSN</td>
</tr>
<tr>
<td>8/30/2018</td>
<td>10:13:58 PM</td>
<td>Last call here is 10:30</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Time</td>
<td>User</td>
<td>Message</td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>-------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>8/31/2018</td>
<td>12:52:06 AM</td>
<td>Sidelines</td>
<td>MSN, [redacted]</td>
</tr>
<tr>
<td>8/31/2018</td>
<td>12:52:24 AM</td>
<td>Aite</td>
<td>[redacted]</td>
</tr>
<tr>
<td>8/31/2018</td>
<td>12:52:31 AM</td>
<td>[redacted]</td>
<td>MSN</td>
</tr>
<tr>
<td>8/31/2018</td>
<td>1:07:42 AM</td>
<td>[redacted]</td>
<td>I had so much fun!</td>
</tr>
</tbody>
</table>
## Statement of Account

**Bank of Guam**

**STATEMENT OF ACCOUNT**

**MICHAEL SAN NICOLAS**

**CONGRESS**

**DEMAND NON-PROFIT**

<table>
<thead>
<tr>
<th>Previous Balance</th>
<th>Debit</th>
<th>Credit</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11,373.48</td>
<td></td>
<td>11,373.48</td>
</tr>
<tr>
<td>+ Deposit/Credit</td>
<td>3,536.00</td>
<td></td>
<td>11,573.48</td>
</tr>
<tr>
<td>- Withdrawal/Debit</td>
<td>10,000.00</td>
<td></td>
<td>1,573.48</td>
</tr>
<tr>
<td>Service Charge</td>
<td>5.00</td>
<td></td>
<td>1,578.48</td>
</tr>
<tr>
<td>- Interest Paid</td>
<td>500.00</td>
<td></td>
<td>1,178.48</td>
</tr>
<tr>
<td>Current Balance</td>
<td></td>
<td></td>
<td>1,178.48</td>
</tr>
</tbody>
</table>

**Account Activity**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Debit</th>
<th>Credit</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/24/18</td>
<td>BEGINNING BALANCE</td>
<td></td>
<td></td>
<td>11,373.48</td>
</tr>
<tr>
<td>08/08/18</td>
<td>CHECK #119</td>
<td>1,500.00</td>
<td></td>
<td>12,873.48</td>
</tr>
<tr>
<td>08/13/18</td>
<td>CUSTOMER DEPOSIT</td>
<td>1,500.00</td>
<td>3,030.00</td>
<td>11,530.48</td>
</tr>
<tr>
<td>08/15/18</td>
<td>CHECK #20</td>
<td>1,500.00</td>
<td></td>
<td>11,030.48</td>
</tr>
<tr>
<td>08/15/18</td>
<td>CHECK #20</td>
<td>1,500.00</td>
<td></td>
<td>9,530.48</td>
</tr>
<tr>
<td>08/15/18</td>
<td>SERVICE CHG SYS-GEN</td>
<td>20.00</td>
<td></td>
<td>9,550.48</td>
</tr>
<tr>
<td>08/22/18</td>
<td>CUSTOMER DEPOSIT</td>
<td>1,500.00</td>
<td></td>
<td>11,050.48</td>
</tr>
<tr>
<td>08/22/18</td>
<td>CHECK #21</td>
<td>1,500.00</td>
<td></td>
<td>12,550.48</td>
</tr>
<tr>
<td>08/22/18</td>
<td>CHECK #21</td>
<td>1,500.00</td>
<td></td>
<td>14,050.48</td>
</tr>
<tr>
<td>08/24/18</td>
<td>CHECK #22</td>
<td>1,500.00</td>
<td></td>
<td>15,550.48</td>
</tr>
<tr>
<td>08/27/18</td>
<td>CHECK #25</td>
<td>1,500.00</td>
<td></td>
<td>17,050.48</td>
</tr>
<tr>
<td>08/27/18</td>
<td>CHECK #25</td>
<td>1,500.00</td>
<td></td>
<td>18,550.48</td>
</tr>
</tbody>
</table>

**INCLUSIONS: 7**

**END OF STATEMENT**
EXHIBIT 7
I have the money. I will give tmr at lunch at 12 noon.

Thanks! Yes that works.

I will have the remaining amount ready by the end of this week.

Thank you! I will get with you then.

Sounds good.

Oi. I just had lunch with Mike but I forgot to bring out the money. Can you stop by my office around 330? Or pick up on Monday?

Lol ok. I can come by the office at 330.
<table>
<thead>
<tr>
<th>Oct. 5, 2018</th>
<th>Time</th>
<th>Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/5/2018</td>
<td>1:25:55 PM</td>
<td>Oi. I just had lunch with Mike but I forgot to bring out the money. Can you stop by my office around 3:30? Or pick up on Monday?</td>
</tr>
<tr>
<td>10/5/2018</td>
<td>1:26:22 PM</td>
<td>Lol ok. I can come by the office at 3:30.</td>
</tr>
<tr>
<td>10/5/2018</td>
<td>1:26:47 PM</td>
<td>Cool. Thanks</td>
</tr>
<tr>
<td>10/5/2018</td>
<td>2:13:21 PM</td>
<td>I'm back at the office so you can come by anytime</td>
</tr>
<tr>
<td>10/5/2018</td>
<td>3:02:18 PM</td>
<td>Omw</td>
</tr>
</tbody>
</table>
EXHIBIT 9
### Report Summary

<table>
<thead>
<tr>
<th>Report</th>
<th>Fundraiser</th>
<th>Date of Contribution / Loan / Advance</th>
<th>Amount</th>
<th>Date of Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 April 15 Quarterly Report</td>
<td>House of Chin Fe Birthday Fundraiser</td>
<td>01/27/18</td>
<td>$8,584.00</td>
<td>02/05/18</td>
</tr>
<tr>
<td>2018 April 15 Quarterly Report</td>
<td>Happy Hour Fundraiser</td>
<td>01/27/18</td>
<td>$8,108.00</td>
<td>02/05/18</td>
</tr>
<tr>
<td>2018 April 15 Quarterly Report</td>
<td>Sea Grill Restaurant Fundraiser</td>
<td>01/30/18</td>
<td>$8,850.00</td>
<td>02/05/18</td>
</tr>
<tr>
<td>2018 July 15 Quarterly Report</td>
<td>$10 Fundraiser - Detour Grill</td>
<td>04/28/18</td>
<td>$1,641.00</td>
<td>04/30/18¹</td>
</tr>
<tr>
<td>2018 July 15 Quarterly Report</td>
<td>Skyline Fundraiser</td>
<td>04/29/18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2018 Dhus Thani Fundraiser</td>
<td>06/28/18</td>
<td>$6,525.00</td>
<td>07/06/18</td>
<td></td>
</tr>
<tr>
<td>2018 July 15 Quarterly Report</td>
<td>Dusit Thani Fundraiser²</td>
<td>06/28/18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2018 July 15 Quarterly Report</td>
<td>$20 Fundraiser - Tsibugan Grill</td>
<td>06/29/18</td>
<td>$5,608.00</td>
<td>07/06/18</td>
</tr>
<tr>
<td>2018 October 15 Quarterly Report</td>
<td>$25 Fundraiser - O-Beer Time Lounge</td>
<td>09/28/18</td>
<td>$13,543.00</td>
<td>10/01/18</td>
</tr>
<tr>
<td>2019 April 15 Quarterly Report</td>
<td>$25 Fundraiser at Gudtyme's</td>
<td>03/23/19</td>
<td>$5,015.00</td>
<td>03/29/19</td>
</tr>
<tr>
<td>2019 July 15 Quarterly Report</td>
<td>Sea Grill Restaurant Fundraiser</td>
<td>04/24/19</td>
<td>$2,000.00</td>
<td>04/29/19</td>
</tr>
<tr>
<td>2019 October 15 Quarterly Report</td>
<td>Sonoma DC Fundraiser</td>
<td>07/30/19</td>
<td>$2,000.00</td>
<td>08/07/19</td>
</tr>
</tbody>
</table>

¹ The deposit total of $1,641.00 is a combined total of contributions for the $10 Detour Grill and Skyline Fundraisers.

² We believe this to be a duplicate entry.
September 4, 2020
Page 3

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>Date</th>
<th>Amount</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020 April 15</td>
<td>Gudtymes - Gate Fundraiser under $50.00</td>
<td>02/18/20</td>
<td>$2,028.00</td>
<td>02/19/20</td>
</tr>
</tbody>
</table>

Finally, we again note that Congressman San Nicolas expressly reserves his right to object to the ISC’s request for records concerning conduct occurring before he assumed office on January 3, 2019. Neither this correspondence nor the records produced herewith waive, or is intended to waive, any rights or privileges of the Congressman and his staff with respect to this matter, including any attorney-client, work product, or other applicable privilege. Please let us know if you have any questions.

Sincerely,

Stan M/Brand

Stanley E. Woodward Jr.
EXHIBIT 10
Amount: 13543.00
Description: CUSTOMER DEPOSIT
Posted Date: 9/30/2018
Transaction Type: History
EXHIBIT 11
Amount: 7476.00
Description: CUSTOMER DEPOSIT
Posted Date: 10/29/2018
Type: Credit
Status: Posted
EXHIBIT 12
FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS
For An Authorized Committee

1. NAME OF COMMITTEE (in full)
   TYPE OR PRINT ▼
   Example: If typing, type over the lines.

   MICHAEL SAN NICOLAS FOR CONGRESS

   ADDRESS (number and street)
   ▼
   Check if different than previously reported. (ACO)

   198 W. SANTA BARBARA AVE.

   DEDEDLO
   CITY ▲
   GU ▲
   96929

   STATE ▲

2. FEC IDENTIFICATION NUMBER ▼
   C00668335

3. IS THIS REPORT □ NEW (N) OR □ AMENDED (A)

4. TYPE OF REPORT (Choose One)
   (a) Quarterly Reports:

   ≤ April 15 Quarterly Report (Q1)
   · July 15 Quarterly Report (Q2)
   ◐ October 15 Quarterly Report (Q3)
   · January 31 Year-End Report (YE)
   ◐ Termination Report (TER)

   (b) 12-Day PRE-Election Report for the:

   ≤ Primary (12P)
   · General (12G)
   ◐ Runoff (12R)
   ≤ Convention (12C)
   · Special (12S)

   Election on
   M M / D D / Y Y Y Y
   in the State of

   (c) 30-Day POST-Election Report for the:

   ≤ General (30G)
   · Runoff (30R)
   ◐ Special (30S)

   Election on
   M M / D D / Y Y Y Y
   in the State of

5. Covering Period

   M M / D D / Y Y Y Y
   through
   M M / D D / Y Y Y Y

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

San Nicolas, Faith, , ,
Type or Print Name of Treasurer

San Nicolas, Faith, , ,
Signature of Treasurer

[Electronically Filed] Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

FEC FORM 3
(Revised 05/2016)

Office Use Only
## SCHEDULE A (FEC Form 3)

### ITEMIZED RECEIPTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

### NAME OF COMMITTEE (In Full)

**MICHAEL SAN NICOLAS FOR CONGRESS**

### A. Park, Andrew, ...

- **Mailing Address**: PO Box 8801
- **City**: Tamuning
- **State**: GU
- **Zip Code**: 96951
- **FEC ID number of contributing federal political committee**: [ ]
- **Name of Employer**: Pacific Produce
- **Occupation**: Vice President
- **Receipt For**: 2018
- **Primary**: [ ]
- **General**: [ ]
- **Contribution**: [ ]
- **Other (specify)**
- **Amount of Each Receipt this Period**: 5000.00
- **Date of Receipt**: 09/05/2018
- **Transaction ID**: SA11AI5598

### B. Ramos, Renerio, ...

- **Mailing Address**: PO Box 11864
- **City**: Tamuning
- **State**: GU
- **Zip Code**: 96951
- **FEC ID number of contributing federal political committee**: [ ]
- **Name of Employer**: Madpharm Group
- **Occupation**: General Manager
- **Receipt For**: 2018
- **Primary**: [X]
- **General**: [ ]
- **Other (specify)**
- **Amount of Each Receipt this Period**: 1000.00
- **Date of Receipt**: 08/19/2018
- **Transaction ID**: SA11AI4381

### C. Tajalle, Thomas, ...

- **Mailing Address**: 1B2 16 Santa Monica Ave
- **City**: Dededo
- **State**: GU
- **Zip Code**: 96929
- **FEC ID number of contributing federal political committee**: [ ]
- **Name of Employer**: Guam Music Inc.
- **Occupation**: President of Operations
- **Receipt For**: 2018
- **Primary**: [X]
- **General**: [ ]
- **Other (specify)**
- **Amount of Each Receipt this Period**: 2700.00
- **Date of Receipt**: 09/18/2018
- **Transaction ID**: SA11AI4440

### SUBTOTAL of Receipts This Page (optional)

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### TOTAL This Period (last page this line number only)

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FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS
For An Authorized Committee

1. NAME OF COMMITTEE (in full)
   TYPE OR PRINT ▼
   Example: If typing, type over the lines.
   MICHAEL SAN NICOLAS FOR CONGRESS

ADDRESS (number and street) ▼
   Check if different than previously reported. (ACC)
   198 W. SANTA BARBARA AVE.

DEDEDTO ▼
   CITY ▲
   GU ▲
   96929 ▲

2. FEC IDENTIFICATION NUMBER ▼
   C ▲
   C00688335 ▲

3. IS THIS REPORT NEW (N) OR AMENDED (A)

4. TYPE OF REPORT (Choose One)
   (a) Quarterly Reports:
      April 15 Quarterly Report (Q1)
      July 15 Quarterly Report (Q2)
      October 15 Quarterly Report (Q3)
      January 31 Year-End Report (YE)

   (b) 12-Day PRE-Election Report for the:
      Primary (12P)
      General (12G)
      Runoff (12R)
      Convention (12C)
      Special (12S)

   Election on
      M / M / Y Y Y Y
      11 / 06 / 2018

   in the State of GU

   (c) 30-Day POST-Election Report for the:
      General (30G)
      Runoff (30R)
      Special (30S)

   Election on
      M / M / Y Y Y Y

   in the State of

5. Covering Period
   M / M / Y Y Y Y
   10 / 01 / 2018

   through

   M / M / Y Y Y Y
   10 / 17 / 2018

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Signature of Treasurer

San Nicolas, Faith, . ,

[Electronically Filed]  Date

M / M / Y Y Y Y
10 / 26 / 2020

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office Use Only

FEC FORM 3
(Revised 05/2016)
### SCHEDULE A (FEC Form 3)
#### ITEMIZED RECEIPTS

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#### NAME OF COMMITTEE (In Full)
**MICHAEL SAN NICOLAS FOR CONGRESS**

**A.**

**Full Name (Last, First, Middle Initial):** Park, Andrew, ...

- **Mailing Address:** PO Box 8801
- **City:** Tamuning
- **State:** GU
- **Zip Code:** 96951
- **FEC ID number of contributing federal political committee:**

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#### B.**

**Full Name (Last, First, Middle Initial):** Ramos, Renerio, ...

- **Mailing Address:** PO Box 11864
- **City:** Tamuning
- **State:** GU
- **Zip Code:** 96931
- **FEC ID number of contributing federal political committee:**

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#### C.**

**Full Name (Last, First, Middle Initial):** San Nicolas, Michael, ...

- **Mailing Address:** 198 W. Santa Barbara Ave.
- **City:** Dededo
- **State:** GU
- **Zip Code:** 96929
- **FEC ID number of contributing federal political committee:** HGU01020

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**Memo Item:** Candidate Advance; Event Expenses; Eco Bags

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**Memo Item:**

- **Transaction ID:** SA11AL5599
- **Transaction ID:** SA11AL4411
- **Transaction ID:** SA11AL6688

**FEC Schedule A (Form 3) (Revised 03/2016)**
EXHIBIT 14
December 4, 2019

Mr. 

Dear Mr. 

Please find in good faith that I am writing to remedy the probability that the prior campaign manager of the Committee for Michael San Nicolas for Congress may have received campaign contributions in error and would like to settle this inadvertent matter as soon as possible.

On the 11th day of September 2019, the Committee for Michael San Nicolas for Congress received a copy of a filed complaint from the Guam Election Commission submitted by the committee's former campaign manager, Mr. 

It is noted on the report filed by Mr. that "Mr. San Nicolas received a $10,000 cash donation from Mr. however, Mr. San Nicolas did not receive any cash from you. I am seeking your response in writing to confirm this inadvertent cash contribution handled by Mr. so that we can remedy this issue to properly reflect your good faith. With your written confirmation we will have 30 days to reimburse you and fully resolve these circumstances appropriately.

It was the responsibility of the former committee treasurer and campaign manager to ensure that all contributions are permissible under the Federal Election Campaign Act, whether received from an authorized agent or not, and is no fault of yours when proper guidance is not provided which is apparent in this case.

As the new Campaign Manager, I am committed to ensuring that your good faith actions are made whole by taking the steps available under existing law to remedy the matter for you. Attached please find a draft letter that would satisfy any inadvertent contribution and allow us to officially reimburse you and close any concerns.

Please know that we value your contributions and shared commitment to improving the quality of life for the people of Guam. We apologize for any inconvenience and duress this may have caused. We are confident in resolving this matter and look forward to hearing from you soon.

Please send a signed copy or signed pdf of the attached language for processing so we may vacate this matter for you expeditiously. We can receive this via email at yournewemail@gmail.com or you may contact me at the number provided below.

Sincerely,

Campaign Chairwoman
Committee of Michael San Nicolas for Congress

[Signature]
Committee of Michael San Nicolas for Congress
Attn: [Redacted] – Campaign Manager

Hafa Adai Mrs. [Redacted]

Thank you for your letter regarding the $10,000 inadvertent contribution to the Committee for Michael San Nicolas for Congress, which was handled by the previous campaign manager Mr. [Redacted].

As stated in your letter, no cash was provided to Congressman San Nicolas and no guidance was received from Mr. [Redacted] who received the funds.

Please allow this letter to confirm and so request the reimbursement in accordance with federal law as you so advised to remedy the matter regarding this inadvertent contribution.

Thank you for your notification and assistance in ensuring full compliance as that is always my intent.

Sincerely,

[Redacted]
Dear Sir/Madam:

Please see the attached letter from Mr. Michael San Nicolas to the Michael San Nicolas for Congress Committee.

Richard Johnson

BLAIR STERLING JOHNSON & MARTINEZ
A Professional Corporation
238 Archbishop F.C. Flores Street
Suite 1008 DNA Building
Hagåtña, Guam 96910-5205
Telephone: (671) 477-7857
Facsimile: (671) 472-4290
Mobile: [REDACTED]
E-mail: [REDACTED]
www.bsjmlaw.com

NOTICE: Please update your address book to reflect my new e-mail address: [REDACTED]. Thank you.

Confidentiality Notice: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify us immediately at [REDACTED] or by telephone at (671) 477-7857 and destroy all copies of the message.

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CONFIDENTIAL
COE.SANNICOLAS.003415

MSN_BRAND_WOODWARD_001648
January 21, 2020

VIA EMAIL to ***********@gmail.com

Michael San Nicolas for Congress

Re: Request for Contribution Refund

To Whom It May Concern:

By this letter, I request that the Michael San Nicolas for Congress Campaign Committee return to me a $9,000 contribution that I made to a representative of the Michael San Nicolas for Congress campaign in 2018.

Prior to making the contribution, I was informed by the San Nicolas campaign that it would be entirely lawful. My understanding now is that may not be the case. I therefore request a refund be made via check to me at the above address.

Thank you for your prompt attention to this matter.

Sincerely,

***********
EXHIBIT 16
Jan 21, 2018

Michael San Nicolas

I am going to need an invoice and receipt for the two orders we got so far.

Michael San Nicolas 1/21/2018 9:37:41 PM

Just put the items and services but don't itemize them.

Michael San Nicolas 1/21/2018 9:37:58 PM

For first invoice and receipt (6 banners) make it for $750.00

Michael San Nicolas 1/21/2018 9:38:35 PM

For second make it for $5,000

Michael San Nicolas 1/21/2018 9:38:42 PM

1/21/2018 9:38:54 PM

I also will be sending you $100 us as a thank you =)

Michael San Nicolas 1/21/2018 9:38:59 PM

Email invoices and receipts to [email]

Michael San Nicolas 1/21/2018 9:39:19 PM

1/21/2018 9:39:26 PM

Ok sir

1/21/2018 9:39:45 PM

Many Thanks 😊
Congressman San Nicolas,

I write to make clear the consequences of declining to cooperate with our investigation and suggest that you reconsider. Also, attached please find a formal notice regarding non-cooperation.

The Committee is bound to release the OCE’s report to the public under certain circumstances regardless of whether you cooperate with both entities or only the Committee. If you choose not to cooperate with the OCE, any report will identify you as noncooperative, and the Board will have to weigh the facts of this matter without the benefit of your testimony, which may contradict or explain unfavorable testimony we have received from other witnesses. Moreover, as explained in the attached letter, should you choose not to cooperate with the OCE review, our Board may opt to take a negative inference against you, that is, presume that you are not cooperating because you are unable to refute the allegations that have been made against you.

Please feel free to reach out if you have any questions or would like to reconsider your decision not to cooperate.

Best,
Sean

Sean M. Quinn
Investigative Counsel
Office of Congressional Ethics
U.S. House of Representatives
425 3rd St. SW, Suite 1110
Washington, DC 20024
Direct: 
Fax: 202-226-0997

From: Responsible Guam <noemail@noaddress.com>
Sent: Tuesday, December 3, 2019 8:50 PM
To: Quinn, Sean <noemail@noaddress.com>
Subject: Re: Confirming Interview with OCE Tomorrow

Hello Sean,

Thank you for the clarification.

While the assertion that the Board level and Committee level processes are "separate and distinct" is correct, it is also correct that the Board is subordinate to the Committee in terms of outcome determination, and serves an advisory role on whether the Committee should take up a matter, unless it were to dismiss a matter that is under its sole purview.

While the Board may dismiss a matter in its process based on its findings, it can not cause the Committee to so dismiss. Therefore regardless of the outcome of the current Board determination, the Committee will have to make a separate determination and undergo its "separate and distinct" process as well, now that it has officially taken up the matter.
It is my desire to bring this issue to closure as soon as possible, as I am confident all evidence affirms my assertions thus far in this process, and further evidence I may provide to the Committee will do likewise.

With that, I do not wish to further delay this in a Board level inquiry that is unable at this juncture to bring the matter to closure. In line with my desire for the most expeditious outcome, I will happily engage and cooperate fully with an official investigative Subcommittee of the Ethics Committee that is capable of initiating my desired closure in this matter.

Thank you for your time.

Michael F.Q. San Nicolas

On Tue, Dec 3, 2019, 8:16 PM Quinn, Sean, <mailto:quinn.sean@mail.house.gov> wrote:

Congressman San Nicolas,

The Committee’s investigation and our review are separate and distinct. Your interview tomorrow is with the OCE. To be considered cooperative in our final report, we require that you sit for an interview.

As for the review timeline, you’ll see that our rules allow for a 14 day extension of the second phase, and our Board voted to authorize that.

I’m always available to answer any questions you have about the review process, and I am happy to discuss any other matters with you tomorrow in person.

Best,
Sean

On Dec 3, 2019, at 7:37 PM, Responsible Guam <mailto:responsibleguam@gmail.com> wrote:

Hello Sean,

I wanted to clarify, is this still an OCE Board level interview or is this an investigative subcommittee interview of the Full Committee?

My understanding is that the OCE process concluded on Nov 27 as per Rules Timelines and I have not been noticed of any extension. Also the Committee officially announced it has taken on the matter at its elevated level.

Given the aforementioned, the interview for tomorrow is at the Investigative Subcommittee level, correct?

Mike SN

On Tue, Dec 3, 2019, 10:52 AM Quinn, Sean, <mailto:quinn.sean@mail.house.gov> wrote:

Congressman San Nicolas,

I am writing to confirm the interview with you tomorrow at 4pm in our offices at 425 3rd St. SW, Suite 1110. Please confirm and let me know if you have any questions.

Best,
Sean
Sean M. Quinn
Investigative Counsel
Office of Congressional Ethics
U.S. House of Representatives
425 3rd St. SW, Suite 1110
Washington, DC 20024
Direct: [redacted]
Fax: 202 226 0997
[redacted]@mail.house.gov