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2nd Session

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HOUSE OF REPRESENTATIVES {

REPORT

117-__

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

R E P O R T
OF THE
COMMITTEE ON ETHICS



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

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ONE HUNDRED SEVENTEENTH CONGRESS

U.S. House of Representatives

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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

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APPENDIX A: REPORT OF THE INVESTIGATIVE SUBCOMMITTEE

**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

R E P O R T

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

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.³ 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*.⁴ 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.⁵ 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.⁶ The Committee agrees with the ISC’s findings and recommendations.⁷

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.⁸

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

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

²¹ Comm. on Ethics, *In the Matter of Allegations Relating to Representative David Schweikert*, H. Rept. 116-465, 116th Cong., 2d Sess. 108 (2020) (hereinafter, *Schweikert*). See also Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rept. 112-642, 112th Cong., 2d Sess. (2012).

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.

APPENDIX A

ADOPTED BY THE INVESTIGATIVE SUBCOMMITTEE ON JUNE 9, 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 9, 2022

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

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**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 9, 2022

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

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-implempanel 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."² 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

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]

³ Letter from Chairman Darren Soto and Ranking Member Jackie Walorski, ISC, to Delegate San Nicolas (Jun. 3, 2022).

⁴ See Michael San Nicolas for Congress, Statement of Organization (Feb. 1, 2018).

⁵ ISC Interview of Campaign Manager; ISC Interview of Treasurer 1.

⁶ ISC Interview of Campaign Manager (explaining that Delegate San Nicolas would sit next to him and go through the forms line-by-line before they were filed); ISC Interview of Treasurer 1.

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-ac86-4b9a07e39dfd.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

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 Exhibit 6.

²³ See ISC Interview of Campaign Donor; ISC Interview of Campaign Manager.

²⁴ See ISC Interview of Campaign Manager.

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.²⁶

During the same campaign finance discussion, Campaign Donor offered to prepare a check for the \$10,000 campaign contribution and Delegate San Nicolas requested that the campaign contribution be made in cash.²⁷ 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.²⁸ Campaign Donor believed that, given their roles as a congressional candidate and campaign manager, Delegate San Nicolas and Campaign Manager knew the legality of the requested campaign contribution.²⁹ Indeed, prior to this evening, Delegate San Nicolas and Campaign Manager sat together and went through the FEC handbook for candidates, before Delegate San Nicolas ran in the 2018 election, and both Delegate San Nicolas and Campaign Manager were aware of the applicable FEC limits on campaign contributions, including the separate limits on cash contributions.³⁰

Following his discussion with Delegate San Nicolas 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 \$10,000.³¹ 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.³² 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.³³ Campaign Manager immediately went to Delegate San Nicolas' Senate office and handed him the sealed envelope containing the first portion of Campaign Donor's cash contribution.³⁴

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.³⁵ 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

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 Nicolas who requested the donation be made with cash); ISC Interview of Campaign Manager (Campaign Manager recalled that Delegate San Nicolas 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.³⁶ 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.³⁷ 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 \$10,000.³⁸ 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.³⁹

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.⁴⁰ 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.⁴¹ 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.⁴² The funds were entirely in cash.⁴³ 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.⁴⁴

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.⁴⁵ 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.⁴⁶

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, 2018.⁴⁷ Delegate San Nicolas’ campaign made another deposit of \$7,476 in cash into the campaign bank account on October 29, 2018.⁴⁸ 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.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.

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.”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.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, 2018.⁵²

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.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.”⁵⁴ The individual contribution limit during the 2017-2018 election cycle was \$2,700 per election.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.⁵⁶ FECA further requires campaign treasurers to “file reports of receipts

⁴⁷ See Exhibits 9 and 10.

⁴⁸ See Exhibit 11.

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).

⁵⁰ See ISC Interview of Campaign Donor.

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.

⁵² See Exhibits 12 and 13.

⁵³ 52 U.S.C. § 30116; 52 U.S.C. § 30118.

⁵⁴ 52 U.S.C. § 30101(8)(A); 11 CFR § 100.52(a).

⁵⁵ See *FEC Announces 2017-2018 Campaign Cycle Contribution Limits*, FEC, (Feb. 2, 2017), <https://www.fec.gov/updates/fec-announces-2017-2018-campaign-cycle-contribution-limits/>. See also 11 C.F.R. § 110.1(b) (noting that the contribution limit shall be adjusted by the percent difference in the price index every two-year period).

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

⁵⁷ 52 U.S.C. § 30104(a)(1).

⁵⁸ 52 U.S.C. § 30104(b)(3)(A).

⁵⁹ 52 U.S.C. § 30109(d)(1)(a)(ii),

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.”).

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

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,⁷⁸ 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.”⁷⁹ 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.⁸⁰ She explained that, as a general matter, she never received or asked for underlying documentation in support of the disbursements to Delegate San Nicolas.⁸¹ 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.⁸² Campaign Manager also could not recall any specific instances during the 2018 election cycle in

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.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."⁸⁴ Delegate San Nicolas asked the vendor not to itemize her invoices and told her specific amounts to charge the campaign.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.

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

⁸³ *Id.*

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).

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.

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 *In the Matter of Allegations Relating to Representative David Schweikert*:

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

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

⁸⁶ See Exhibit 17.

⁸⁷ Comm. on Ethics, *In the Matter of Allegations Relating to Representative David Schweikert*, H. Rept. 116-465, 116th Cong., 2d Sess. (2020). See also Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rept. 112-642, 112th Cong., 2d Sess. (2012).

⁸⁸ See Comm. on Ethics, *In the Matter of Allegations Relating to Representative David Schweikert*, H. Rept. 116-465, 116th Cong., 2d Sess. (2020).

⁸⁹ See Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rept. 112-642, 112th Cong., 2d Sess. (2012).

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.⁹⁰ 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.

⁹⁰ See 18 U.S.C. § 3282.

APPENDIX A

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 19-4101

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

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

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.

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

FINDINGS OF FACT AND CITATIONS TO LAW

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 19-4104

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.

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

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.

⁵ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Del. San Nicolas, October 16, 2019.

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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”⁶

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”

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.

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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.”⁷

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).

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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

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.

⁹ Gaynor D. Daleno, *Delegate's former aide details allegations*. The Guam Daily Post, Sep. 3, 2019, https://www.postguam.com/news/local/delegate-s-former-aide-details-allegations/article_16372fa8-cc0f-11e9-ac86-4b9a07e39dfd.html. Daleno, *supra* note 9.

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.

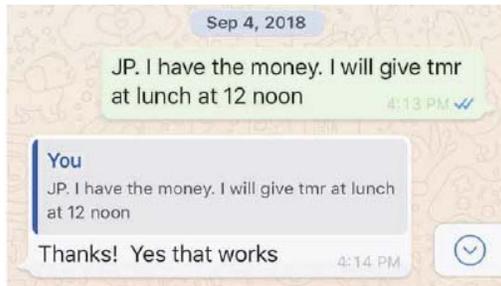
¹⁴ *Id.*

¹⁵ *Id.* at 19-4104_0054.

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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).

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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.²¹ 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.²²
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 \$5,000.²³
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."²⁴
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."²⁵
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.²⁶ 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 \$18,122.00.²⁷ However, according to that report there was only an additional \$250 in unitemized individual contributions received in the interim after August 5, 2018.²⁸ 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.²⁹ The second witness also had firsthand knowledge of the events and confirmed that a cash contribution was made to Del. San

²¹ *Id.* at 19-4104_0068, 72.

²² *Id.* at 19-4104_0068-69.

²³ *Id.*

²⁴ *Id.* at 19-4104_0069.

²⁵ Campaign Manager Transcript I (Ex. 1 at 19-4104_0057).

²⁶ Michael San Nicolas for Congress, 2018 Amended Pre-Primary Rpt. at 3, line 11(a)(ii) (Nov. 2, 2019). The 2018 Pre-Primary Report was amended on November 2, 2019. The original Pre-Primary Report (Aug. 13, 2018) listed a total of \$17,872.00 in unitemized contributions as of August 5, 2018. The April Quarterly and July Quarterly Reports were amended in 2019 as well. While the most up-to-date April Quarterly report (the campaign committee's first regularly filed report) shows a cumulative total of \$16,902.00 in unitemized contributions, the most up-to-date July Quarterly Report shows a cumulative total of \$8,414.00.00 in unitemized contributions. There appears to be an unexplained decrease of \$8,488.00 in the total unitemized contributions between these two consecutive reports.

²⁷ Michael San Nicolas for Congress, 2018 October Quarterly Rpt. at 3 (Oct. 15, 2018).

²⁸ *Id.*

²⁹ The OCE agreed not to name the second witness and to keep confidential the transcript of the interview conducted by OCE staff. The OCE will transmit a copy of the transcript for confidential review by the Committee on Ethics but will not attach the transcript as an exhibit to these findings.

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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.

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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 DISBURSMENTS THAT WERE NOT FOR LEGITIMATE OR VERIFIABLE CAMPAGIN 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

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended in clause 1(b) of rule XXIV, may not expend funds from a campaign account of such individual that are not attributable to bona fide campaign or political purposes.”

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.”³⁷*

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).³⁸

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.”³⁹ 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.

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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].”⁴⁰
48. Contrary to FEC regulations which require itemization of the outlays or advances made by Del. San Nicolas,⁴¹ 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.⁴²
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.⁴³
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.⁴⁴ 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.⁴⁵ The campaign ledger provided to

⁴⁰ See eg. Michael San Nicolas for Congress, 2018 Amended April Quarterly Rpt. at 19 (Sept. 5, 2019).

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.

⁴² See eg. Michael San Nicolas for Congress, 2018 Amended April Quarterly Rpt. at 19 (Sept. 5, 2019).

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.

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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

⁴⁶ Ex. 5 at 19-4104_0081.

⁴⁷ Email from S. Quinn, Nov. 1, 2019 (Ex. 6 at 19-4104_0085).

⁴⁸ Michael San Nicolas for Congress, 2018 Amended Post General 2018 Rpt. at 14-15 (Jan. 31, 2020).

⁴⁹ *Id.* at 25.

⁵⁰ *Id.* at 41.

⁵¹ *Id.* at 27.

⁵² *Id.* at 37.

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made to the Congressman for campaign expenses. The amounts owed to the delegate actually exceed the amounts reimbursed.”⁵³

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.⁵⁴

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.^{55, 56} Campaign Manager alleged that Del. San Nicolas was using campaign funds to pay for vacations with District Director.⁵⁷
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.⁵⁸ 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.⁵⁹

⁵³ Email from Campaign Treasurer, Nov. 18, 2019 (Ex. 7 at 19-4104_0088).

⁵⁴ House Ethics Manual (2008) at 164-165.

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.*

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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.⁶⁰
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.⁶¹
66. Campaign Manager agreed that it is common for Guamanian politicians to obtain campaign sign materials from the Philippines as a cost savings measure.⁶²
67. Receipts and invoices from this trip indicate that Del. San Nicolas did procure campaign sign materials while in the Philippines.⁶³
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.⁶⁴
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."⁶⁵
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.⁶⁶ 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.⁶⁷ 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.⁶⁸
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

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.

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this time, stated that her reason for being there was for a medical purpose.⁶⁹ District Director produced a document that appears to show she did see a doctor while in the Philippines.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.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.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.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."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.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.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.⁷⁷ The purpose of the stay was to further Del. San Nicolas' romantic affair with District Director.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. 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.⁷⁹ Del. San Nicolas produced

⁶⁹ Email from District Director, Oct. 15, 2019 (Ex. 11 at 19-4104_0101).

⁷⁰ St. Luke's Medical Center records (Ex. 12 at 19-4104_0104).

⁷¹ Ex. 8 at 19-4104_0091; Ex. 11 at 19-4104_0101; Transcript of Campaign Manager I (Ex. 1 at 19-4104_0038).

⁷² Ex. 8. at 19-4104_0092.

⁷³ Ex. 10 at 19-4104_0099; Check 109 for "Lodging Exp. For Sign Purchase" (Ex. 13 at 19-4104_0106).

⁷⁴ Transcript of Campaign Manager I (Ex. 1 at 19-4104_0038).

⁷⁵ *Id.*

⁷⁶ *Id.* at 19-4104_0046.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Ex. 8 at 19-4104_0092.

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an invoice for \$3,000 worth of campaign materials he purchased during his February-March 2018 trip to the Philippines,⁸⁰ as well as invoices from a previous purchase with JKT in January 2018 for a total of \$5,750.⁸¹

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."⁸² 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.⁸³
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."⁸⁴
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.⁸⁵ Campaign Manager was not aware whether there was any intent to alter those receipts.⁸⁶
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

⁸⁰ Ex. 9 at 19-4104_0096-97.

⁸¹ January 24, 2018 JKT invoices (Ex. 14 at 19-4104_108-111).

⁸² Transcript of Campaign Manager I (Ex. 1 at 19-4104_0031).

⁸³ *Id.* at 19-4104_0031-32.

⁸⁴ *Id.* at 19-4104_0032.

⁸⁵ *Id.* at 19-4104_0032-34.

⁸⁶ *Id.* at 19-4104_0034.

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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.⁸⁷ 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.⁸⁸

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;

⁸⁷ See *supra* para. 34–36.

⁸⁸ 18 U.S.C. §§ 1505, 1512.

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- 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.

EXHIBIT 1

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**Transcript of Interview of Campaign Manager
OCE Review 19-4104
November 18, 2019**

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- 1 Sean Quinn: Now starting the recorder through the application. So just so you know,
2 we're now kind of on the recorded record.
- 3 Campaign Manager: Okay.
- 4 Sean Quinn: And so, I'll note for the record that today is November 18th, 2019, and
5 we're conducting this interview by video teleconference with Mr.
6 Campaign Manager, who's in Guam where it is November 19th. Speaking
7 is Sean Quinn from the Office of Congressional Ethics, and I'm here with
8 Paul Solis as well, who just introduced himself. I've explained the False
9 Statements Act, 18 U.S.C. 1001, to the witness, and he will be signing and
10 returning that acknowledgement. So with that, I think we're all set to kind
11 of just start having a conversation, and we can start with some easy stuff.
12 If you could just tell me a little bit about yourself. Where are you from?
13 Where did you go to school?
- 14 Campaign Manager: My name is Campaign Manager. I grew up here on Guam. I went to
15 school at the University of San Francisco. I am currently the policy analyst
16 for Senator Amanda Shelton of the Guam Legislature.
- 17 Sean Quinn: Okay. And prior to that position with Congressman Shelton, you worked
18 for Delegate San Nicolas, correct?
- 19 Campaign Manager: Yes, I was a chief of staff for then Senator Michael San Nicolas.
- 20 Sean Quinn: Okay.
- 21 Campaign Manager: Now Congressman Michael San Nicolas.
- 22 Sean Quinn: Okay. Let's maybe start at the beginning of that relationship. How did you
23 come to meet Delegate San Nicolas, or at the time, Senator San Nicolas?
- 24 Campaign Manager: I had been the campaign manager for a congressional candidate here on
25 Guam, Mr. Karlo Dizon. And he had lost the primary, but after that, Mr.
26 San Nicolas, who was running for Senator on Guam, had contacted me
27 after the primary, telling me that he had the intention of wanting me on his
28 team. And he did so hire me for his senatorial office, and I served with
29 him for his three terms that he was a Senator in the Guam Legislature.
- 30 Sean Quinn: Okay. And when was that, that he first hired you?
- 31 Campaign Manager: This was in January of 2013.
- 32 Sean Quinn: Okay. And what was that position that you were first hired to?

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- 1 Campaign Manager: The first position I was hired to was Policy Analyst and eventually I
2 became Senior Policy Advisor and then Chief of Staff.
- 3 Sean Quinn: Okay.
- 4 Paul Solis: How long were you Chief of Staff?
- 5 Campaign Manager: I was Chief of Staff for his last term. That was from 2017 and 2018.
- 6 Paul Solis: So basically, one full year, or would that be two years?
- 7 Campaign Manager: One full term, so one full two-year term.
- 8 Paul Solis: Two years?
- 9 Campaign Manager: So, his third term.
- 10 Paul Solis: Okay.
- 11 Sean Quinn: Okay. And so those were your positions with his official staff in the Guam
12 Legislature. Did you also work on his campaigns during that time?
- 13 Campaign Manager: Yes. I worked on his campaign throughout that whole time. For his
14 congressional campaign, he had me be the chairman of that campaign. So
15 chairman is in the papers that were filed with the Guam Election
16 Commission. You have to state a treasurer and chairman. So I was his
17 selected chairman.
- 18 Sean Quinn: Okay. And who was the treasurer for that campaign?
- 19 Campaign Manager: The treasurer was Shelly Vargas Calvo.
- 20 Paul Solis: When did you start on the campaign?
- 21 Campaign Manager: Essentially, I worked at the senatorial campaign pretty much the whole
22 time. I didn't have an official title, but I've managed a lot of the operations
23 of his campaign. Booking the TV ads and radio ads, I'd often be the one to
24 do that, and writing the ads and writing the brochures and things like that.
- 25 Paul Solis: And then you mentioned you were a campaign manager, correct?
- 26 Campaign Manager: Campaign chairman.
- 27 Paul Solis: Campaign chairman.

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- 1 Campaign Manager: We never had anyone who was officially manager.
- 2 Paul Solis: Okay. So campaign chairman, that title applied to the congressional
3 campaign?
- 4 Campaign Manager: Yes. Correct.
- 5 Paul Solis: And that started in what year?
- 6 Campaign Manager: We filed the organizational report for the congressional campaign in
7 January of 2018. However, he did announce that he was running for
8 Congress, I think it was in November.
- 9 Paul Solis: Of 2017?
- 10 Campaign Manager: November, 2017.
- 11 Sean Quinn: Okay.
- 12 Campaign Manager: In [inaudible 00:05:00].
- 13 Sean Quinn: And so at that time the people employed on the congressional campaign
14 were yourself and then Shelly Vargas Calvo. Was there anybody else
15 employed by the campaign or that had like a consistent volunteer position?
- 16 Campaign Manager: The signatory for the campaign account was the congressman's father,
17 Miguel San Nicolas.
- 18 Sean Quinn: Okay.
- 19 Campaign Manager: He had always been the signatory for even the senatorial account. He had
20 previously been the chairman of the Congressman's senatorial campaign
21 for the six years he was senator.
- 22 Sean Quinn: Okay. And so just to clarify, Delegate San Nicolas's father's name is
23 Miguel San Nicolas?
- 24 Campaign Manager: Miguel San Nicolas. He also goes by Mike San Nicolas, so it's a little
25 confusing. But his official name is Miguel San Nicolas.
- 26 Sean Quinn: Okay. And then is Delegate San Nicolas, his official name is Michael San
27 Nicolas, correct?
- 28 Campaign Manager: Correct.

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- 1 Sean Quinn: And Miguel is not any part of his name?
- 2 Campaign Manager: Yes, there's no Miguel in his name.
- 3 Sean Quinn: Okay. And so there's nobody else other than you two and then the
4 signatory, Delegate San Nicolas's father, that worked consistently on the
5 campaign.
- 6 Campaign Manager: His whole senatorial staff worked on his campaign.
- 7 Sean Quinn: Okay.
- 8 Campaign Manager: As is what happens here on Guam. Yeah. Pretty much his campaign team
9 was his office.
- 10 Sean Quinn: Okay. And how big is that staff?
- 11 Campaign Manager: That staff at the time was... There was eight of us.
- 12 Sean Quinn: Eight. Okay. This might be a little bit tedious. Do you mind giving me the
13 names of those people that were on his staff at the time?
- 14 Campaign Manager: Sure. So, there was T'nelta Mori. That is T-apostrophe-N-E-L-T-A.
- 15 Sean Quinn: Mm-hmm (affirmative).
- 16 Campaign Manager: M-O-R-I. T'nelta Mori. She is currently his secretary there in Washington,
17 DC.
- 18 Sean Quinn: Right.
- 19 Campaign Manager: There is also Nelta Aien, who is T'nelta's sister. Her name is spelled N-E-
20 L-T-A, A-I-E-N. And she is the secretary in the Guam office. There's also
21 Benjie Perez. B-E-N-J-I-E. Perez is P-E-R-E-Z. He works in the
22 congressman's Guam office. There is Kenny Leon Guerrero. K-E-N-N-Y.
23 Leon Guerrero, L-E-O-N, G-U-E-R-R-E-R-O. And he also works in the
24 Guam office. I can't even remember more. There was Elizabeth Camacho.
25 E-L-I-Z-A-B-E-T-H, Camacho, C-A-M-A-C-H-O. There was Mr. Jose
26 Crisotomo. J-O-S-E, C-R-I-S-O-T-O-M-O. He currently works in the
27 Guam office, too, so I'm sure you can get his name there.
- 28 Paul Solis: Elizabeth also? Is Elizabeth also on the congressional staff right now?
- 29 Campaign Manager: I'm not entirely sure, but I know that she has done some work for the
30 congressman in the office. She has gone like... They had a thing where

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1 they left his phone number and address door-to-door here on Guam, and I
2 know she participated in that. I don't know if that was like a contracting or
3 if she's permanently on the staff.

4 Paul Solis: Okay, got it.

5 Campaign Manager: There was also Mr. Julian Janssen. J-U-L-I-A-N. Janssen, J-A-N-S-S-E-N.
6 He used to work for the congressman's office here on Guam, but he
7 recently quit a couple of weeks ago. Mr. Christian Valencia, C-H-R-I-S-T-
8 I-A-N. Valencia, V-A-L-E-N-C-I-A. He quit during the senatorial
9 campaign. He now works for a different Senator here on Guam.

10 Sean Quinn: Okay.

11 Campaign Manager: There might be nine.

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

14 Campaign Manager: Correct.

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

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

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

20 Campaign Manager: No.

21 Sean Quinn: No. Okay.

22 Campaign Manager: They did not leave on good terms.

23 Sean Quinn: Okay. Can you explain that?

24 Campaign Manager: The Congressman had always treated him poorly. He has Asperger's,
25 which the Congressman knew about and sort of tolerated it. But Julian had
26 always felt like he was treated poorly in that office, so he had stated that
27 he was the longest employed person in the office. He was there for over
28 six years. But yeah, he was always looking to get out.

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- 1 Sean Quinn: Okay. Do you know if his departure had anything to do with kind of the
2 current allegations that you've discussed with reporters, that we're
3 discussing today?
- 4 Campaign Manager: I'm sorry, can you repeat that question?
- 5 Sean Quinn: Yeah. Do you know if his departure had anything to do with sort of the
6 issues that we're talking about today and that you've spoken with the
7 media?
- 8 Campaign Manager: I don't think that they directly had to do with his departure. He lost a lot of
9 respect for the Congressman through the course of working for him
10 because he was aware of certain things in the office. But I suppose you'd
11 have to ask him. I don't know exactly. I just know that in conversations
12 I've had with him, he was very unhappy about the office.
- 13 Sean Quinn: Okay. Did you have something?
- 14 Paul Solis: I just wanted to confirm something. So T'nelta, Nelta, Benjie, Kenny, and
15 Jose, you can all confirm are currently employed in the congressional
16 official office?
- 17 Campaign Manager: Correct, yes.
- 18 Paul Solis: And only T'nelta is here in DC.
- 19 Campaign Manager: Only T'nelta is there in DC, correct. From the campaign, yes.
- 20 Sean Quinn: Okay. And then you also mentioned that Christian Valencia that... Sorry,
21 that's a male? Christian is a guy.
- 22 Campaign Manager: Yes, male.
- 23 Sean Quinn: He quit during the congressional campaign.
- 24 Campaign Manager: He quit during the congressional campaign, yes.
- 25 Sean Quinn: Okay. And kind of same questions for him. Do you know why he quit?
- 26 Campaign Manager: He was also dissatisfied in the office. He had, shortly before quitting, had
27 seen Ms. Jennifer Winn, who is his district director, in the hallway,
28 building leaving from our office. And I don't know if that had to do with
29 his departure, but that had been shortly before his departure.

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- 1 Sean Quinn: Sorry, what do you mean? Maybe I missed something. He saw her in the
2 office and that upset him, for some reason?
- 3 Campaign Manager: He saw her in the hallway. So she was actually coming out of our storage
4 room, but I don't believe that he saw her coming out of our storage room.
5 He came into our office and said, "Oh, Jennifer was just here. I just saw
6 her in the hallway." And she wasn't in the office. So everyone was like,
7 "Oh no, she wasn't here." But he had seen her in the hallway, which I'm
8 sure was confusing to him. Just so you know, I guess, it had been a
9 frequent topic of conversation in our office. The fact that Senator would,
10 his car would be in the parking lot, which you could see from our office,
11 but he would not be in our office. And so we often wondered, where was
12 he?
- 13 Sean Quinn: Okay.
- 14 Campaign Manager: And so there is a storage room that is adjacent to our office, that is not
15 connected to our office. And this is often where he and his mistress,
16 Jennifer Winn, who is currently his district director, would often meet.
- 17 Paul Solis: And just so we're clear here, at the time, this is during when you and
18 Christian and others that you've mentioned are employed in the Guam
19 Senate office. Correct?
- 20 Campaign Manager: In the senator's office. Yeah, when he was senator.
- 21 Paul Solis: Right. And District Director, did she have a official position at that time
22 with the then Senator?
- 23 Campaign Manager: No, she worked at the Bank of Hawaii.
- 24 Paul Solis: Okay.
- 25 Campaign Manager: She was not with the campaign. She worked at the bank, which was about
26 a block away from the office.
- 27 Sean Quinn: I see. Okay. And so just to put a fine point on it, Christian saw District
28 Director outside near the storage unit and that was confirmation of or
29 upsetting because that was evidence of the affair that Delegate San
30 Nicolas was having with District Director?
- 31 Campaign Manager: Right. As an office, we discussed for a long time what is happening, why
32 he would be parked in our parking lot, which I said you can see from our
33 office, and that he would just not be in our office. And this was a very
34 frequent occurrence.

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- 1 Sean Quinn: Okay, got you. And so that was a topic of conversation and I know that
2 you said you spoke to Julian Jannsen about some issues that he had with
3 the way that the campaign and the office were being run. Is there anybody
4 else that you remember having a specific conversation with about
5 wrongdoing that you perceived?
- 6 Campaign Manager: With T'nelta and Nelta, as well. We also wondered where he would be, as
7 well. There was an incident in the first term, as well. T'nelta had found a
8 pair of panties on top of a bookshelf as we were moving offices, and she
9 wondered who's those were. I don't know.
- 10 Sean Quinn: Okay.
- 11 Campaign Manager: There was that. The Senator at the time had also installed deadbolt door
12 locks to the doors in the office. So even though we had keys to the office,
13 in the evening, he would deadbolt the doors so that if we were trying to
14 come into the office to work late or something like that, they would be
15 deadbolted. So we would not be able to get in. So I think we've discussed
16 that, too. It was like the purpose to that, and we sort of shrugged it off at
17 the time. There were just things like that.
- 18 Sean Quinn: Okay.
- 19 Campaign Manager: That were happening that were a little confusing.
- 20 Sean Quinn: Okay. So it sounds like you had conversations sort of around the alleged
21 affair. Were there any other sorts of issues that you had discussions with
22 other people about in the office? So for example, any of the spending
23 issues that you've noted or any other issues that you had specific
24 conversations about?
- 25 Campaign Manager: No, he kind of kept the spending stuff and the financial things in silos. He,
26 first of all, just discussed nothing with our treasurers, with our senatorial
27 treasurer, or our congressional treasurer, almost none of the financials
28 were discussed with them. They were never present-
- 29 Sean Quinn: That's with Shelly?
- 30 Campaign Manager: Collecting the money or counting the money or depositing the money.
31 They just kept that away from the treasurers. During the fundraisers when
32 we would collect money for the congressional campaign, we did not count
33 the money. He took all the money home, counted it himself at home, and
34 then he would give it to T'nelta or Nelta to deposit in the bank account.
- 35 Sean Quinn: Okay.

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- 1 Campaign Manager: And then the other thing that he had done, which I did not realize really
2 was the case, was he was signing for all the checks of the campaign.
3 However, later on I discovered that he is not a signatory to either the
4 senatorial or congressional campaign account. He was actually signing on
5 behalf of his father, although his father did not know. So he was forging
6 his father's signature.
- 7 Sean Quinn: Okay. And then the treasurers that you're saying he was keeping
8 information from for the congressional campaign, that was Shelly?
- 9 Campaign Manager: For the congressional campaign? Yes. Shelly Vargas Calvo. For the
10 senatorial campaign, Letitia Lujan.
- 11 Paul Solis: And his father was the signatory on both the senate and the congressional
12 accounts?
- 13 Campaign Manager: Correct. The accounts required two signatures, so his father is the
14 signatory and the treasurer were the other signatories. He somehow
15 worked it out with the treasurers that they would sign a blank book of
16 checks so that he could issue the checks at will, with his father's signature.
- 17 Paul Solis: Do you know why he was not a signatory to his own campaign account?
18 Why was his father?
- 19 Campaign Manager: Yes. Well, he had told me that his wife had asked him as well, why is his
20 father signatory and not himself? And he told me that he said to his wife
21 that so that in case there was any trouble it would be his father who would
22 be in trouble and not himself.
- 23 Paul Solis: So that information was relayed to you by Delegates San Nicolas via a
24 conversation-
- 25 Campaign Manager: This was a conversation that he had with his wife.
- 26 Paul Solis: Okay.
- 27 Sean Quinn: But he told you about that conversation himself?
- 28 Campaign Manager: Yes. I was like, at a certain point, his closest confidant. He had told me
29 about the affair August 2017, and sort of from that point on, he was very
30 open with me about a lot of things that he was doing.
- 31 Paul Solis: And Sean, stop me if you have some other questions, but since we're on
32 this topic, about August '17, what time period, you just mentioned that you

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1 were his closest confidant. About what time period would you say you
2 began to assume this role as his closest confidant?

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

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

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

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

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

23 Campaign Manager: And then August 2017 there is... So the congressman's son has autism, and
24 he would take his family to the Philippines for a month. His wife and his
25 kids would go to the Philippines for a month, and he would stay here on
26 Guam one month out of the year. And this was around that time, August
27 2017. And so he was alone here on Guam, and he was frequently absent
28 from the office that month. He was just basically not at the office at all
29 that whole month. I was his designated driver a lot of times. And so there
30 was a lot more times that month where I would have to pick him up late at
31 night because he was too inebriated to drive home.

32 Campaign Manager: So he had also had a very volatile month. He had an argument with his
33 mother because Nelta is the family's nanny. And so Nelta went to the
34 Philippines with his wife and children while still being paid her
35 government salary. And so his mother thought that that was unethical and
36 told him so. And he was upset because his mother told him that. He yelled
37 at her, made her cry. A couple of days later, it was his brother's bachelor
38 party. His brother was getting married. He invited me to his bachelor

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1 party, as well. And it just became a big argument between him and his
2 brother about their mother crying. And so his brother walked out of his
3 own bachelor party, and Congressman remained at the bachelor party and
4 spent a lot of the bachelor party crying about that argument. And I was
5 talking with him the whole time. That's I guess how we established a very
6 strong friendship. He asked me if we were friends as opposed to just
7 employee/employer. I said, "Sure."

8 Campaign Manager: And it was shortly thereafter that I asked him a personal question. [REDACTED]

9 [REDACTED]
10 [REDACTED] And I had asked him about it. [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] He was dating. He had a girlfriend aside from his wife,
16 so that's how he got to tell me.

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

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

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

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

27 Campaign Manager: I'm sorry, what?

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

30 Campaign Manager: We initially were at this restaurant, a late night diner called King's because
31 I had to pick him up because he was too drunk. But we ate at King's so he
32 sobered up a little. And then I was driving him home [REDACTED]

33 [REDACTED]
34 [REDACTED] And then he said, "Drive around." He lives next to a church, and
35 so there's a loop around the church. He said "Drive around this loop. Let
36 me talk to you about it." So I drove around loop for... It was like a hour,
37 hour and a half. [REDACTED]

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1 [REDACTED] [REDACTED] And then he
2 talked about his relationship currently with Jennifer Winn, who is now his
3 district director.

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

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

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

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

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

16 Campaign Manager: Before that, yes.

17 Sean Quinn: Okay.

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

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

30 Campaign Manager: Yes.

31 Sean Quinn: But you said at that time he told you they had been dating for about three
32 years?

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- 1 Campaign Manager: Yes. Ever since even first term. So, 2014 I think was the start of their
2 relationship. So when they, so that conversation at Skyline they were
3 talking about how they first met, I guess they said that the Congress...The
4 Congressman said that he just messaged her on Facebook, he thought she
5 was attractive, asked to have lunch with her, and then the conversation sort
6 of, I mean the relationship went from there.
- 7 Sean Quinn: Is there anybody besides Benji who has confirmation of the relationship
8 between District Director and Delegate San Nicolas
- 9 Campaign Manager: Yes, so there was one-point Jennifer Winn and I and the Congressman
10 went to the Philippines together and we had a dinner with Jeryl Lujan,
11 who is Leticia's brother. Leticia being the treasurer for the senatorial
12 campaign. Jeryl was his first treasurer when he first ran for Senator.
- 13 Sean Quinn: Gerald, is that the name?
- 14 Campaign Manager: Yeah, Jeryl, J-E-R-Y-L, Lujan, L-U-J-A-N.
- 15 Paul Solis: Specifically, with the former Senate staff and some of which are now in
16 the congressional staff, I guess I'll focus my question. I'll repeat the
17 question, but with those people in mind, besides Benji, is there anybody
18 else you know that has confirmation of this relationship between District
19 Director and Delegate San Nicolas?
- 20 Campaign Manager: No, I mean the only people that he trusted to tell about this relationship
21 was myself and Benji.
- 22 Sean Quinn: Okay. Just since we're on the topic, while we can kind of close out, what
23 do you know about the relationship between District Director and Michael
24 San Nicolas? Do you know . . . the relationship continued through the
25 course of the campaign, is that correct?
- 26 Campaign Manager: Yes. So, through the course of the campaign, so after he told me about
27 their relationship, I mean he just basically started involving me in sort of
28 actively covering up their relationship. So, in the evenings when he would
29 be seeing Jennifer, he'd tell me, "in case my wife calls, tell her that I am
30 with you." And then there were times that they would get a hotel room
31 together. So, I booked the hotel room twice, two different occasions. And
32 since they were at the hotel room, he told me to stay in the office in the
33 evenings in case his wife would call, and his wife did call. So, I had to say
34 that, "oh he's just in the bathroom. He will give you a call right back" and
35 then I'd text him and then he would give her a call on his cell and sums up
36 that. So that's how that went. And then they during the day would often

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1 meet in our storage room. And so sometimes I would have to get lunch for
2 them, leave it in the storage room for them.

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

8 Sean Quinn: Okay. Go ahead, sorry.

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

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

15 Campaign Manager: Correct.

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

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

18 Sean Quinn: Okay.

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

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

23 Campaign Manager: Correct.

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

27 Campaign Manager: Yes. Well not around then. It was I think right after that trip to the
28 Philippines, so that would have been like February or March of 2018 that
29 he had discussed wanting to make Ms. Winn a member of the office. We
30 also had a fundraiser, a high-end fundraiser, at the Duecitanian Hotel. I
31 think this was in April. He was quite inebriated and announced that he was
32 going to have Jennifer Winn as District Director. So, the people there at

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1 the time who heard this were the treasurer, Shelly Vargas Calvo and her
2 husband Paul Calvo.

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

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

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

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

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

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

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

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

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

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

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

30 Campaign Manager: At the end of his term, so I think the end of his senatorial term was
31 January 3rd, and he . . . 'til the very end.

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- 1 Sean Quinn: Okay. Do you know if their relationship continued into the time that
2 Delegate San Nicolas took his seat in Congress?
- 3 Campaign Manager: Right. So you had asked, did I sort of confront him about wanting to hire
4 Jennifer Winn at the time. I did not initially, but sort of over time I did
5 start to point out the unethicalness of that. And so there was a, we would
6 have fights about it. There was like... We had full on fights about it. And
7 so one fight I was telling him about the unethicalness of hiring his mistress
8 to be his district director. He said [inaudible]
- 9 Paul Solis: We just had a train go by, could you repeat that?
- 10 Campaign Manager: Okay. So over time we did start having arguments about the unethicalness
11 of him hiring his mistress to be district director. He said he was looking to
12 hire her and quote, "I'm still going to fuck her."
- 13 Campaign Manager: And I think that has been in media, media has reported that as well.
- 14 Sean Quinn: And when did those conversations start happening where you started to
15 confront him about hiring District Director?
- 16 Campaign Manager: Sort of happening over time. I mean starting in I would say April of 2018
17 and then we would have almost like a monthly fight about it once a month
18 or so.
- 19 Sean Quinn: And those continued up until you left his office?
- 20 Campaign Manager: Yeah, I mean until the end. I mean especially towards the end it was
21 getting very...I mean he was very insistent that he would continue to have
22 this affair with her and continue to hire her first to be district director.
- 23 Paul Solis: Sean had asked you whether or not you have knowledge that their personal
24 relationship, again not their official or sort of congressional relationship,
25 but that official personal relationship continued after he assumed his role
26 as a Congressman.
- 27 Campaign Manager: Okay. Yeah. So not officially, but I mean that was his expression that he
28 intended to. But do I know of any specific, no. I don't know that they
29 specifically did. He just expressed his intention to.
- 30 Paul Solis: Okay. And this relationship, you have confirmation that at least while you
31 had personal knowledge of the relationship, it was a sexual relationship?
- 32 Campaign Manager: Yes. I mean they talked about each other like they loved each other. It was
33 a sexual relationship. I mean, I booked hotel rooms for them. I don't know

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1 what else you would do in the hotel room and not telling your significant
2 others about.

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

7 Campaign Manager: Correct.

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

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

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

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

33 Campaign Manager: Oh, I mean, very clearly because of the way things were going. I was very
34 clearly, I mean, I made it clear that I thought it was wrong that he would
35 hire her. So, yeah, I mean I don't think I could have, I mean before this it
36 was just sort of a personal indiscretion, but upon hiring her it would be
37 unethical even though it'd be like against actual rules.

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- 1 Sean Quinn: Do you know, you said that it was made clear to him that an NDA
2 wouldn't cover the conduct that he was concerned about. Do you know
3 who he consulted about that or where he got that information?
- 4 Campaign Manager: No, that was a presentation that was made to most of the staff and the new
5 members. And so, he referenced that presentation thereafter. I mean we
6 had the conversation so late into the morning that he missed the next day
7 of orientation. He missed the ethics training in the workplace. I forget
8 what it was that last day of the first week of orientation, he missed it. And
9 that was the only time they took attendance because I think they had to
10 make sure that he made the ethics training and he had missed it because he
11 had stayed up 'til five in the morning talking about this.
- 12 Sean Quinn: And he was, I assume that there was a lot of drinking involved, he was
13 hung over the next day?
- 14 Campaign Manager: Yes. I still went to the orientation, I don't drink, which is why I was
15 frequently his designated driver. But yeah, he did drink. He was not able
16 to.
- 17 Paul Solis: Why did you make your way to D.C. with him? I mean, was he
18 anticipating you would join as staff, that's why you came to the
19 orientation?
- 20 Campaign Manager: I think. Yeah. Because you know, the orientation came in two sections.
21 Right. So, the first section I think he was still anticipating, or still thinking
22 about it at the very least, and brought me to orientation, and then during
23 the orientation we decided that would not be the case. The second week of
24 orientation I told him you should bring someone else to orientation, you
25 should bring T'Nelta to orientation because he was pretty sure he was
26 going to prepare T'Nelta for the D.C. office. But he said, I mean he still
27 wanted me to go to the second week of orientation, even though at that
28 point it had already been decided that I wouldn't be in his office. So, that
29 second week of orientation as well, he had me interview potential chiefs of
30 staff and legislative directors with him. So, we interviewed Mr. Matthew
31 Herman, who used to be Chief of Staff for Delegate Bordallo. We
32 interviewed Chet Bullock who would also work for Delegate Bordallo.
33 And we interviewed John Witt who had also been on chief of staff to
34 Delegate Bordallo.
- 35 Sean Quinn: Together?
- 36 Paul Solis: So at this point, after you've been informed you're not going to be coming
37 to D.C., I understand you explained that you also had a family issue to

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- 1 attend to with your father, but are you upset, angry, at this time that this
2 decision's been made that you're not coming to D.C.?
- 3 Campaign Manager: I was I guess upset about the circumstance, the circumstance being that he
4 wanted to do something that was unethical and I said that's unethical and
5 he still wants to do something that's unethical. So it just seemed wrong
6 because I felt like I was giving the correct advice to not hire his mistress to
7 be district director. But of course, after my father died, that was sort of, I
8 had other things on my mind.
- 9 Sean Quinn: You mentioned that you all interviewed some of Bordallo's former staff.
10 Delegate San Nicolas does not have a Chief of Staff right now, is that
11 right?
- 12 Campaign Manager: My understanding is that he does not have a Chief of Staff, he does not
13 have a Legislative Director.
- 14 Sean Quinn: And do you know why that is? Why he –
- 15 Campaign Manager: So he did not end up hiring anybody interviewed, yeah.
- 16 Sean Quinn: Do you know why he ended up not hiring a Chief of Staff or LD?
- 17 Campaign Manager: I mean anything I would say would be presumptive, I guess, I don't know
18 exactly why he would, my guess is that he has trust issues now because I
19 was the person he trusted the most. He already had a lot of trust issues
20 beforehand. He specifically did not want to hire people who he felt like
21 might have additional, I don't know, questioning him basically.
- 22 Sean Quinn: Okay. So during the orientation he told you that he wasn't going to be
23 hiring you on, and then you all return to Guam and I guess you finished
24 out your time on his Guam legislature staff?
- 25 Campaign Manager: So he told me he wasn't going to hire me in orientation. We went back to
26 Guam and then we went back to orientation together.
- 27 Sean Quinn: Right.
- 28 Campaign Manager: And then we came back to Guam, and then yes, we finished out the term.
- 29 Sean Quinn: Okay. And you said that your last day with him was on, you think, January
30 3rd?

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- 1 Campaign Manager: Yes, so the last day of his term. So that would've been, I think January 3rd.
2 I think he had to resign because the end of term was officially January 7th,
3 so January 3rd was the last official day.
- 4 Sean Quinn: And did you continue contact with him or did you continue to have
5 conversations about the District Director issue or about his going to D.C.
6 after you returned from D.C. that second time?
- 7 Campaign Manager: Yes, I mean during that month of December, I had to train Jen. He had me
8 train Jennifer on all the things I learned at orientation. So, I spent a full, I
9 think 10 hours training her over the course of a day. Her and T'Nelta Mori.
10 So together. Just going over the things that we went over at orientation,
11 and then as it was getting close to Christmas and things like that, he was
12 just preparing to move to D.C. basically. And there wasn't a lot of time.
13 He talked to me a lot about how he was stressed about the fact that I
14 wasn't going to be part of his office anymore. I mean I think he understood
15 the fact that if I thought this was wrong and I wasn't going to be in his
16 office, which meant he had no control over the situation, I think it made
17 him very nervous.
- 18 Paul Solis: Why did you take part in the training of District Director if you felt this
19 was an unethical situation?
- 20 Campaign Manager: Well, he's still going to be the one Delegate that we had from Guam, there
21 were still very important issues that needed to be done. So, I mean, things
22 needed to be still done.
- 23 Sean Quinn: I take it you're not in contact with, or are you in contact with Delegate San
24 Nicolas now?
- 25 Campaign Manager: I am not. I mean after that we were in contact for some time. I had
26 breakfast with him, he asked me to breakfast with him in February. So, we
27 did have breakfast together in February. When my father died, he had
28 expressed condolences. His parents came to my father's rosary and
29 donated money towards the funeral. And yeah. So, I mean the last time I
30 saw him personally was that breakfast that we had in February. The last
31 communication I had with him was about one of his current employees
32 slash family members was threatening me. And so, I told him about it and
33 he said that he would try to get it to stop.
- 34 Sean Quinn: Who was it that was threatening you?
- 35 Campaign Manager: Tomas Calvo, who is his sister's baby daddy, I guess. And he works in his
36 office there in Washington, D.C. He worked here initially in Guam,
37 moved to Washington D.C. with the Congressman. I mean, when the

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1 congressman's family, when they moved in the summer. So, they moved, I
2 think around July.

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

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

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

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

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

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- 1 Paul Solis: When did all this happen?
- 2 Campaign Manager: I'm sorry, what?
- 3 Paul Solis: When did all this happen?
- 4 Campaign Manager: This was in March of this year.
- 5 Sean Quinn: So, the fund-
- 6 Campaign Manager: That was pretty much the last time that I talked to him.
- 7 Sean Quinn: The fundraiser was in March, but you said that Delegate San Nicolas was
8 not at the fundraiser?
- 9 Campaign Manager: I'm sorry, what?
- 10 Sean Quinn: The fundraiser was in March, where you had the conversation with
11 District Director that started all of this, but you said the Delegate was not
12 at the fundraiser?
- 13 Campaign Manager: Originally the Delegate was not at the fundraiser. He and Jennifer came to
14 the fundraiser later. I saw Jennifer outside of her bar and I was outside the
15 bar...
- 16 So he was inside [inaudible 01:00:34].
- 17 Sean Quinn: We seem to be having some issues with the network. Can you hear me
18 okay still?
- 19 Campaign Manager: Okay. Is that better? Yeah, I can hear you okay. Can you hear me?
- 20 Sean Quinn: Yeah, I can hear you. So, let's just go back. So just to confirm, the
21 fundraiser that we're talking about was in March.
- 22 Campaign Manager: I have to check specifically when, but February or March, yeah.
- 23 Sean Quinn: Okay. So, you were still in contact and it seems like had a reasonably good
24 relationship with Delegate San Nicolas up through February. You had
25 breakfast with him. Was there something that changed that led you to go
26 to the media or to post the Facebook post that you did about his conduct?
- 27 Campaign Manager: Yeah. Certain things changed. One was that he had contacted two, I don't
28 know how to describe them, political operatives here on Guam and offered
29 to somewhat hire them I guess. And these operatives are known to be sort

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1 of the attack operatives on Guam. One runs a sort of online, somewhat
2 new service called Kandit News. His name is Troy Torres. The other runs
3 a blog. His name is Romeo Carlos. It's called Guam Blog. And both are
4 just sort of attack operations. Romeo is actually a good friend of mine, so
5 Romeo messaged me while the Congressman was giving him an offer and
6 said to me that the Congressman was offering both to him and to Troy
7 Torres, some kind of contract where they would work for him. And I took
8 that as, I mean, they are very aggressive, and they're known to be very
9 personal in their attacks.

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

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

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

26 Paul Solis: Okay.

27 Campaign Manager: Because, Troy runs Candidate News, which is ostensibly a news site, and,
28 Romeo runs the blog, which is a blog, which is, theoretically, [inaudible
29 00:00:33].

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

35 Campaign Manager: Oh, no. Yeah. No, nobody told me about that. I just know these people.
36 Troy is very, Troy and Romeo, are very well known in Guam, as being
37 those types of people.

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- 1 Paul Solis: Did Romeo explain to you, in any way, that Delegate San Nicolas, said to
2 him, "We're going to go after Campaign Manager."
- 3 Campaign Manager: No, no, no.
- 4 Sean Quinn: And, what was Romeo's last name, again?
- 5 Campaign Manager: Carlos. C-A-R-L-O-S.
- 6 Paul Solis: And, Campaign Manager, you were mentioning, after you learned about
7 these potential hires, you reached out to Delegate San Nicolas, you cut out
8 a little bit there. Could you explain, again, what happened?
- 9 Campaign Manager: Right. So, Romeo told me about the offer as the Congressman was making
10 him the offer, during their conversation. So, I messaged the Congressman,
11 just one word, the word "interesting," to him, to let him know, I knew
12 what was going on. And then, he canceled his potential contract with
13 Romeo. I don't know if he continued his contract with Troy, but Troy has
14 been going after me. Yeah, Troy has been going after me.
- 15 Sean Quinn: And, how did Romeo describe the contract to you, when he told you about
16 it?
- 17 Campaign Manager: The contract was to be, like an advertising contract, for Guam Blog, and,
18 for Kandit News. He worked the Congressional office budget. Can you
19 hear me?
- 20 Sean Quinn: Yep. Yeah, I can hear you. The videos breaking up a little bit, but the
21 audio is still fine. Hello?
- 22 Campaign Manager: Okay. Yes. So, it was supposed to come out of the congressional office
23 budget, from my understanding from Romeo. And that, it was supposed to
24 be an advertising contract, because, the candidate has an online news
25 program, that they do. And then, Romeo has a blog, and I think, Romeo
26 said that the intent was that they would have, he would advertise town
27 halls, and things like that. On the news services and so on.
- 28 Sean Quinn: Okay. If you can hold it on for one second, we're going to see if we can-
- 29 Campaign Manager: But, I don't know.
- 30 Sean Quinn: Hello? Can you hear us?
- 31 Campaign Manager: Yeah, it's breaking it up, but I can hear you.

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- 1 Sean Quinn: Okay. Hold on one second. Should we see if-
- 2 Paul Solis: We're going to pause the recording, real quick.
- 3 Okay, we're back on the record, here.
- 4 Sean Quinn: Okay. So, you were explaining to us, it was breaking up a little bit, but,
5 that you had heard from Romeo Carlos, that the contract was an
6 advertising contract, that was going to be handled through Delegate San
7 Nicolas's official office, but, that you suspected that, really, the underlying
8 reason might be that the Delegate wanted to have these guys attack you,
9 on their news outlets and blogs. Is that correct?
- 10 Campaign Manager: Yes. Correct. Okay. That's again, that's correct.
- 11 Sean Quinn: Okay. And then, was there anything else, any other triggers that led you to
12 start addressing the media, and the public, about some of these
13 allegations?
- 14 Campaign Manager: Oh, the fact that Tomas Calvo moved to Washington, D.C.
- 15 Sean Quinn: Okay.
- 16 Campaign Manager: That he was no longer physically present in Guam.
- 17 Sean Quinn: And, why did that lead you to start making these allegations public?
- 18 Campaign Manager: Because, Tomas had threatened me. So, the fact that he was not on island
19 anymore, and, in Washington, D.C.
- 20 Sean Quinn: Oh, you mean you didn't feel physically threatened anymore, so now, you
21 felt safe to go public?
- 22 Campaign Manager: Correct.
- 23 Sean Quinn: Okay. And then, you said that Tomas Calvo was hired by Delegate San
24 Nicolas?
- 25 Campaign Manager: Yes. Yeah. He works for the Congressman.
- 26 Sean Quinn: Do you know what his position with the Congressman is?
- 27 Campaign Manager: I don't know what his official title is. He worked in the Guam office, and
28 then, he moved to Washington, D.C. with the Congressman's sister in July,
29 I believe.

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- 1 Sean Quinn: And, the Congressman's sisters, is that Campaign Treasurer?
- 2 Campaign Manager: Faith, yes. His treasurer for his campaign.
- 3 Paul Solis: About what time did you have this conversation with Romeo? You saw
4 the text message?
- 5 Campaign Manager: Yeah. Hold on a second, this hotel WI-FI, it doesn't, it isn't working.
6 [Speaking to somebody in background].
- 7 Paul Solis: We can even – About May, 2019?
- 8 Campaign Manager: What was that?
- 9 Paul Solis: May, 2019?
- 10 Speaker 1: Yes.
- 11 Paul Solis: Okay.
- 12 Campaign Manager: I did, also, have subsequent contact with his office, for official purposes of
13 my blog. He invited my boss, and myself, to Washington DC to lobby for
14 a bill. And so, my boss ended up going, but not myself. But I had to
15 arrange that invitation. So, I arranged that with his office. But I did not
16 talk to him directly.
- 17 Paul Solis: And, when was this?
- 18 Campaign Manager: I did send an invitation, you know and everything.
- 19 Paul Solis: When was this?
- 20 Campaign Manager: They went, this was in, the contract started in June, and then, my boss
21 ended up going in July.
- 22 Sean Quinn: Okay. So, just to round that out, anything else that preceded you going and
23 making these allegations public? It was just the two guys, that might've
24 been hired, Troy and Romeo, and then also-
- 25 Campaign Manager: And then, aside from that, it had been something I had been talking to the
26 elders, at my congregation a lot. And so, I think that also helped spur me
27 to say something.

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- 1 Sean Quinn: Okay. And then, where was the first time that you made these allegations
2 public? When, where?
- 3 Campaign Manager: This was first, publicly, online? Privately, I would say that, I told a lot of
4 people in politics already, about the situation. Just, I thought that it was
5 just unethical. So, I told a few people in politics already, but, publicly, I
6 did not make them until, I forget, I even forget when that was. When this
7 first happened was in August, or so.
- 8 Paul Solis: And. Were those, that was the Facebook? Through Facebook?
- 9 Campaign Manager: Correct. Yeah.
- 10 Sean Quinn: Okay. And, have you had any contact with Delegate San Nicolas, since
11 you made, first started making these allegations public?
- 12 Campaign Manager: No. I have not.
- 13 Paul Solis: Anybody on behalf of delegate San Nicolas contacted you, and your
14 lawyers, or staff people, in reference to your allegations?
- 15 Campaign Manager: No.
- 16 Paul Solis: Okay.
- 17 Campaign Manager: I have seen members of his staff. I've seen Nelta a couple of times, but, we
18 did not talk about it, specifically.
- 19 Sean Quinn: Okay. Let's talk about the, some of the trips a little bit, make sure that I
20 understand all the trips that you've discussed. There's a trip to the
21 Philippines in February, or March, of 2018, is that right?
- 22 Campaign Manager: Correct, yes.
- 23 Sean Quinn: Okay. And, were there any other trips, outside of Guam, that you know of,
24 that you think delegate San Nicolas was using to carry on his affair?
- 25 Campaign Manager: Yeah. So, I don't know the specific trips. Their relationship had gone on
26 for quite some time, but, when we met with Jeryl in the Philippines, they
27 mentioned a previous time, in which Jeryl had covered for them. I guess
28 the Congressman had said that he was going to visit Jeryl, but instead, he
29 was actually there with Jennifer. So, they had talked about that when we
30 were there, in the Philippines.
- 31 Sean Quinn: Okay. And, does Jeryl live, or, did he at the time, live in the Philippines?

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- 1 Campaign Manager: At the time he lived in the Philippines. He previously had lived in Guam,
2 and, was the treasurer of his senatorial campaign.
- 3 Sean Quinn: But, you don't know when that trip was, the previous one?
- 4 Campaign Manager: I don't know when that previous trip was. Oh also, Jeryl's fiancé, he was
5 also there at this meeting. I don't know his name, but, he's Jeryl's fiancé.
- 6 Sean Quinn: And, that was the dinner that you had with them, during the
7 February/March trip to the Philippines?
- 8 Campaign Manager: Correct. It was at a restaurant called Chupa Copper. It was a Mexican
9 restaurant, sold street tacos.
- 10 Sean Quinn: Okay. And so, Jeryl and his fiancé, then knew about Delegate San Nicolas
11 and District Director's, relationship?
- 12 Campaign Manager: Correct.
- 13 Sean Quinn: How... What is Jeryl, and, Delegate San Nicolas' relationship like now?
14 Does Jeryl still work for the Delegate?
- 15 Campaign Manager: No, Jeryl runs Budget Rent a Car in the Philippines. His family owns the
16 franchise for Budget Rent a Car. So, he's General Manager for Budget
17 Rent a Car. Jeryl's family also owned the building, where we rented out
18 the senatorial office in Guam. So, Jeryl and Letitia's father owned that
19 building. So, we rented it out from them.
- 20 Sean Quinn: Okay. Let's talk a little bit about that dinner. Was it – Who was at that
21 dinner?
- 22 Campaign Manager: So, at dinner was myself, Jennifer Winn, Congressman San Nicolas, Jeryl
23 Lujan, and Jeryl's fiancé, who was an employee of his.
- 24 Sean Quinn: Okay. And, what'd you guys talk about at dinner?
- 25 Campaign Manager: We talked about the fact that he got engaged, and, that was the first time
26 they had met his fiancé. And, we talked about how they had met, and, he
27 had asked, his fiancé's parents for his hand in marriage. They dressed up
28 goats, there's traditionally, in the Philippines, a dowry of goats. So, they
29 dressed up goats in little costumes, and, he showed us pictures of it. And,
30 that's what was presented to his fiancé's family. So, we mostly talked
31 about that. And, it was briefly mentioned, about the previous time that
32 they had been to the Philippines, and that, they said that, he was supposed

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1 to be, he had told his family, he told us staff that he was going to see Jeryl,
2 and instead, he was actually seeing Jennifer.

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

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

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

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

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

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

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

30 Paul Solis: And, how do you know this?

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

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

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- 1 Campaign Manager: Correct.
- 2 Paul Solis: Because, we're talking now, about the congressional campaign, correct?
- 3 Campaign Manager: Correct.
- 4 Paul Solis: So, how many times in the congressional campaign, would you say, he
5 would do this? Or, he would ask the vendor to add on costs?
- 6 Campaign Manager: This was standard every time that he would go to get materials from the
7 vendor.
- 8 Sean Quinn: And, for the congressional campaign, how many times did that happen?
- 9 Campaign Manager: Before the congressional campaign?
- 10 Sean Quinn: No. For the purposes of the congressional campaign.
- 11 Campaign Manager: Oh, for the purposes of the congressional campaign. I can't even count. I
12 think we did maybe, there were five trips or so.
- 13 Paul Solis: And, can you spell the name of this individual again?
- 14 Campaign Manager: Jodi, J-O-D-I. Topacio, T-O-P-A-C-I-O. So, Jodi is also the buyer for the
15 campaign of the Governor of Guam. And so, I know one of the people
16 who was in contact with Jodi. She did the Governor's campaign. She told
17 me that the Congressman has recently contacted Jodi to rewrite receipts
18 for him.
- 19 Paul Solis: When, okay, let's unwrap this a little bit. You know somebody who works
20 with Jodi?
- 21 Campaign Manager: So I know somebody. So, her name is Ina Carillo. She's a member of the
22 Governor's cabinet. She had worked in the Governor's campaign. She was,
23 originally, the person who introduced Jodi and the Congressman together,
24 six years ago.
- 25 Paul Solis: Okay. Ina, who?
- 26 Campaign Manager: Carrillo, C-A-R-I-L-L-O. she is the head of PBS in Guam.
- 27 Sean Quinn: Is it Ina, or Ida? How do you spell that?
- 28 Campaign Manager: Ina, I-N-A.

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- 1 Sean Quinn: Ana? Okay. So, she's-
- 2 Campaign Manager: Ina, I'm sorry, I-N-A.
- 3 Paul Solis: She's currently the head of PBS, Public Broadcasting Service?
- 4 Campaign Manager: Correct.
- 5 Paul Solis: And, she's no longer in government?
- 6 Campaign Manager: No, she is.
- 7 Paul Solis: Okay. Yeah. Sorry about that. That's correct. So, she's currently, still
8 working for the Governor?
- 9 Campaign Manager: Correct. She's a member of the Governor's cabinet.
- 10 Paul Solis: Okay.
- 11 Campaign Manager: The head of PBS is a member of the Governor's cabinet.
- 12 Paul Solis: Right. And, this person introduced Jodi and the Congressman?
- 13 Campaign Manager: Correct. This was a long time ago. This was six, or, seven years ago.
- 14 Paul Solis: Okay. So, now you've recently spoken to Ina?
- 15 Campaign Manager: I have recently spoken to Ina.
- 16 Paul Solis: How long ago?
- 17 Campaign Manager: Huh?
- 18 Paul Solis: How long ago?
- 19 Campaign Manager: This was maybe a month or two ago.
- 20 Paul Solis: And, over telephone, text message, email?
- 21 Campaign Manager: No, just in person.
- 22 Paul Solis: Where?
- 23 Campaign Manager: We were in a bar. We were in the Venue. The name of the bar is Venue.

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- 1 Paul Solis: In Guam?
- 2 Campaign Manager: In Guam, yes.
- 3 Paul Solis: Okay. So, you and Ina, are in a bar talking a month or two ago, and then,
4 she explains to you, that Delegate Bordallo, or sorry, excuse me, Delegate
5 San Nicolas, recently reached out to her. And then, what did she relate to
6 you about that conversation?
- 7 Campaign Manager: Recently reached out to Jodi, and, asked Jodi to reproduce certain receipts,
8 from the congressional campaign
- 9 Paul Solis: And, did Delegate San Nicolas say why?
- 10 Campaign Manager: No. I don't know why.
- 11 Paul Solis: So, this information is going to Jodi, then Jodi tells Ina, the Ina tells you,
12 correct?
- 13 Campaign Manager: Correct.
- 14 Sean Quinn: And, you just said that that Jodi was going to reproduce receipts for
15 Delegate San Nicolas?
- 16 Campaign Manager: Correct.
- 17 Sean Quinn: Was she going to alter those receipts?
- 18 Campaign Manager: I don't know.
- 19 Paul Solis: And, did Ina share with you either her own assumption about why this was
20 happening, or Jodi's assumption about why this was happening?
- 21 Campaign Manager: Yes. Publicly in the media, the Congressman has reported that he has lost
22 a majority of his receipts from the congressional campaign.
- 23 Paul Solis: Okay. So – Okay.
- 24 Campaign Manager: And so, Jennifer Winn, who is now the Chairperson of his campaign,
25 wrote the letter to the Guam Election Commission. This was reported in
26 the media publicly that they were going to recreate the documents or the
27 finances for their campaign. Which I think confused a lot of people
28 because, what does that mean?

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- 1 Sean Quinn: Okay. Can we go back, and talk about some of the specific instances,
2 where you think Delegate San Nicolas asked this person Jodi, to falsify
3 receipts, and to increase the amount? You said you believe that's happened
4 four or five times.
- 5 Campaign Manager: Correct? Yeah. Every time that he would go to the Philippines to make an
6 order, this was his standard practice, in order to recover the cost of, I don't
7 know what, but, in order to increase the amount of money that he would
8 be reimbursed.
- 9 Sean Quinn: Can you recall any specific dates, or incidences, where this happened?
- 10 Campaign Manager: Well, I knew this happened on the trip that we went to, in late February
11 and March. There was a trip that we went to, in late December of 20, was
12 it 17? Yeah, 2017. So, we went the day after Christmas, 2017 till
13 December 31, just he and I, to the Philippines, in order to get campaign
14 materials. And then-
- 15 Sean Quinn: And, that time you know that he had Jodi increase the amount on the
16 invoice?
- 17 Campaign Manager: Correct.
- 18 Paul Solis: By about how much, typically?
- 19 Campaign Manager: I don't know. I don't know exactly how much he would have increased by.
- 20 Paul Solis: And, is he sharing the actual receipt with you, or, how are you able to
21 know this is occurring?
- 22 Campaign Manager: Oh, I'm with them while they're having, well, they're negotiating, and then,
23 he provides, then I get a copy of the receipt, and then, he keeps a copy of
24 the receipt as well.
- 25 Paul Solis: So, it works like, the vendor Jodi, produces the cost, labor, whatever,
26 comes up with the receipt. Does Delegate San Nicolas then pay for it? And
27 then, asks for another receipt, that's larger?
- 28 Campaign Manager: No. He asked just for one receipt. So, we just get one receipt. It's not
29 itemized, it's just a total amount of money.
- 30 Paul Solis: Okay.
- 31 Sean Quinn: And, that's for the larger amount, but he actually pays some smaller
32 amount?

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- 1 Campaign Manager: Correct.
- 2 Sean Quinn: Did you ever-
- 3 Campaign Manager: Yes, that's correct.
- 4 Sean Quinn: Did you ever see that specific transaction happen, where he paid less than
5 the amount that was on the invoice?
- 6 Campaign Manager: Yes. I was frequently there when he was, he was giving the amount of
7 money. Yes.
- 8 Sean Quinn: Okay. And, you say you were frequently there, but there's only two times
9 that you recall specifically from the congressional campaign?
- 10 Campaign Manager: Yes. I'd have to look at it. When... Other times that we had gone on trips
11 together, but there were other times that we had gone on trips together.
- 12 Paul Solis: Did you ever, in your time working for the congressional campaign, did
13 you ever get signs, or, campaign materials from anywhere other than the
14 Philippines?
- 15 Campaign Manager: We would get certain things produced on Guam. We would get certain
16 brochures produced on Guam. I think, that's a brochure. Yeah, I think
17 that's it, just for that certain brochures on Guam. But, the majority of the
18 things were the Philippines.
- 19 Paul Solis: Okay. Was that-
- 20 Campaign Manager: That's pretty standard amongst Guam campaigns, essentially.
- 21 Sean Quinn: Okay. Are there other campaigns, so you said, the Governor also uses this
22 Jodi?
- 23 Campaign Manager: Correct.
- 24 Sean Quinn: Topacio? Okay. And, it's standard practice for folks to get large campaign
25 signs or campaign material made in the Philippines?
- 26 Campaign Manager: Correct.
- 27 Sean Quinn: Are some of the incidences, the four or five times that you remember this
28 happening those might've been connected with his Senate races,
29 previously?

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- 1 Campaign Manager: No. I mean four or five times for the congressional race. There were other
2 times we had gone on trips for the senatorial race, but specifically for the
3 congressional race I believe we went to the Philippines four or five times.
- 4 Sean Quinn: Okay. Were there other vendors other than Jodi Topacio, I don't know if
5 I'm saying that right, but other than Jodi, that Delegate San Nicolas would
6 do this? Where he'd increase the invoice amount, but pay a lesser amount?
- 7 Campaign Manager: Just Jodi. He trusted Jodi because they had had a working relationship for
8 six years, already, at that point.
- 9 Sean Quinn: Okay. So, that's the only one on the Philippines. Was there anybody in
10 Guam that he would – he had this practice with?
- 11 Campaign Manager: No, it's just Jodi.
- 12 Sean Quinn: Okay. Is there anybody else that knew about this arrangement?
- 13 Campaign Manager: No, not as far as I know. No.
- 14 Sean Quinn: Like Jeryl, would Jeryl know about that?
- 15 Campaign Manager: I don't know that Jeryl knew, specifically. No.
- 16 Sean Quinn: Okay. Do you have any more questions on that, specifically?
- 17 Paul Solis: I do not.
- 18 Sean Quinn: Okay. So, going back to the trip, generally as I understand it, it was you,
19 the Congressman, District Director, and Jeryl that went on the trip?
- 20 Campaign Manager: No, Jeryl was already living in the Philippines.
- 21 Sean Quinn: Okay. So, it was just the three of you that went to the Philippines together?
- 22 Campaign Manager: Correct.
- 23 Paul Solis: And, did District Director have any campaign responsibilities on these
24 trips? Or the one trip?
- 25 Campaign Manager: No, only in the sense that, I think, all the campaign material ended up
26 being six luggages. And so, each of us were allowed two luggage. So, it
27 took up pretty much all of her luggage. When we came back.
- 28 Sean Quinn: Did he ever ship the campaign signs back separately?

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- 1 Campaign Manager: No, it was always brought back as luggage, and sometimes it was more
2 than two luggages, so sometimes it would be we would have to pay for the
3 extra luggage, essentially. Sometimes it would not be him. Sometimes his
4 parents would bring back the campaign materials. He would purchase it
5 and then if he didn't have enough space, his parents would go at a later
6 date and pick up the materials.
- 7 Paul Solis: So, your flight to the Philippines was purchased by the campaign?
- 8 Campaign Manager: No. So, my flights was always purchased by myself. He only ever
9 reimbursed himself.
- 10 Paul Solis: So, you flew to the Philippines for the campaign purpose of picking up
11 these signs, but you were not reimbursed by the campaign?
- 12 Campaign Manager: Correct.
- 13 Paul Solis: Okay.
- 14 Sean Quinn: Why?
- 15 Paul Solis: Why did you agree to do that? Why did you do that?
- 16 Campaign Manager: Because, picking up the campaign materials, and stuff is just, it's a 30-
17 minute transaction to order them and they will deliver it to the hotel. So,
18 it's for the length of the trip, it's not much of the trip. So, for the most part
19 then, we would just be actually on vacation.
- 20 Sean Quinn: So, in your mind you are taking the trip and it was a vacation and that's
21 why you agreed to pay for the vacation yourself?
- 22 Campaign Manager: Correct.
- 23 Paul Solis: The flight for District Director, how was that paid for?
- 24 Campaign Manager: I believe she paid for it on her own
- 25 Paul Solis: And Delegate San Nicolas, how was his flight paid for?
- 26 Campaign Manager: I know that he paid for it on his own. I am not sure if he had his trip
27 reimbursed. I don't know if he had his trip reimbursed. I believe it was his
28 hotel that he had himself reimbursed.
- 29 Paul Solis: And you booked the hotel?

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- 1 Campaign Manager: So, there were three places that they stayed in the Philippines on that trip.
2 So, one day at an Airbnb in Manila and then three days at a place called
3 Nurture Valley Wellness Resort in Tagaytay, which is a couple of hours
4 outside of Manila. I booked that online, on Expedia and then they came
5 back to the Philippines and stayed at the Shangri-La Hotel. I reserved that
6 online, but he paid for it at the hotel.
- 7 Paul Solis: When you booked the Wellness Resort, did you use the Campaign Card or
8 how did you pay for that?
- 9 Campaign Manager: The Congressman gave me cash. I paid for it with my card and I gave him
10 a receipt for it, and I believe that he paid himself back for that amount of
11 money.
- 12 Paul Solis: From the campaign account?
- 13 Campaign Manager: From the campaign account, yes.
- 14 Paul Solis: Do you know how much that cost?
- 15 Campaign Manager: It was like \$500, something, five-hundred dollars, something like that.
- 16 Sean Quinn: So, you were reimbursed, you actually paid for it and then Delegate San
17 Nicolas took the receipt and then also reimbursed himself for that?
- 18 Campaign Manager: So no, so Congressman San Nicolas gave me the cash to book the, gave
19 me cash, so I deposited it into my debit account. I booked the hotel on
20 Expedia and paid for it with my debit card with that money that was given
21 to me by Delegate San Nicolas. I gave him the receipt because obviously
22 he's noted to be the guest on the receipt. I mean it's my account that's
23 paying for it, but he's the guest listed on the receipt, and then he
24 reimbursed himself for that amount of money.
- 25 Paul Solis: Okay. So, I was just about to ask, do you know if the amount he
26 reimbursed himself from the campaign was the exact amount that you paid
27 for the retreat, what the cost was?
- 28 Campaign Manager: Yes. He pretty much matched reimbursements to receipts. So, you know
29 the receipt whatever the receipt said.
- 30 Paul Solis: Was the Airbnb paid for, how was that paid for?
- 31 Campaign Manager: The Airbnb he booked himself and he paid for himself. I don't believe that
32 he reimbursed himself for that one.

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- 1 Paul Solis: And what about the Shangri-La?
- 2 Campaign Manager: The Shangri-La, I reserved it and then he had to pay for it in cash. And
3 then he also had room service at the Shangri-La and he reimbursed himself
4 for the cost of that hotel and that room service.
- 5 Paul Solis: How do you know this?
- 6 Campaign Manager: He told me and then also I have his receipt for the room service at the
7 hotel.
- 8 Paul Solis: I assume this is part of the collection of documents that my colleague Sean
9 has been asking for from you for quite some time.
- 10 Campaign Manager: Yes. Yeah, so I gave it to the Guam Election Commission, but I.
- 11 Paul Solis: Yeah, yeah, so I know Sean's been asking you about this, but we
12 definitely, even today when you go back home, as soon as you as possible
13 can get these documents to us that'd be great.
- 14 Campaign Manager: Sure.
- 15 Paul Solis: Okay.
- 16 Sean Quinn: We have seen those Shangri-La receipts from other sources, on the
17 receipts or on the invoice there are two guests listed.
- 18 Campaign Manager: Correct.
- 19 Sean Quinn: Or it's just a number, there are not names associated with that? Is that
20 because you indicated that two people would be staying at the Shangri-La?
- 21 Campaign Manager: Yes. Yeah, because two people were going to be staying at the Shangri-
22 La.
- 23 Sean Quinn: Okay. And you understood that, that it was going to be Delegate San
24 Nicolas and District Director.
- 25 Campaign Manager: Correct.
- 26 Paul Solis: Did he, with regard to the Wellness Resort,
- 27 Campaign Manager: I'm sorry. And also for the Nurture Valley wellness resort, I put him as the
28 guest and two guests. I had to call Expedia and give the name of the
29 second guest.

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- 1 Sean Quinn: On the Expedia documents that you have, does it for the Nurture Wellness
2 ...
- 3 Campaign Manager: No, it only says his name, but I had to call in Expedia and give the second
4 name. It's not in the document, but Expedia, I called them, so I don't know.
5 They should have a record of that.
- 6 Paul Solis: Okay. And both the Wellness Resort and the Shangri-La that you booked,
7 did you book those at the direction of Delegate San Nicolas?
- 8 Campaign Manager: Correct, yes.
- 9 Sean Quinn: And then, sorry, you said that for the Shangri-La, the Congressman paid
10 for that in cash?
- 11 Campaign Manager: Correct.
- 12 Paul Solis: And reimbursed himself from the campaign?
- 13 Campaign Manager: Correct.
- 14 Paul Solis: Do you know that amount?
- 15 Campaign Manager: I don't know.
- 16 Paul Solis: He's got the receipt there.
- 17 Campaign Manager: Wait, I have the reservation so I know how much it would be if this
18 intranet works.
- 19 Paul Solis: Okay. We, I think we have that documented and it's publicly available, so
20 it's –
- 21 Campaign Manager: Okay.
- 22 Sean Quinn: Do you know if District Director had any other reason for being in the
23 Philippines at that time?
- 24 Campaign Manager: She, I believe, had told her family that she was going for a medical reason.
- 25 Sean Quinn: Okay. And do you know if she actually saw a doctor while she was in the
26 Philippines?
- 27 Campaign Manager: No. No, I don't think she did.

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- 1 Sean Quinn: Okay. And were you with them the whole time?
- 2 Campaign Manager: No, I was not with them the whole time. We discussed that she had no
3 intention of going to a doctor.
- 4 Sean Quinn: Okay. So, you had a conversation with District Director, where she told
5 you that that's what she was telling her family, but she didn't actually
6 intend to go see a doctor?
- 7 Campaign Manager: Correct.
- 8 Sean Quinn: And when did you have that conversation?
- 9 Campaign Manager: This was part of our conversation we had at Chupacabra.
- 10 Paul Solis: The restaurant in Manila?
- 11 Campaign Manager: Correct.
- 12 Sean Quinn: And so that was in the presence of the Congressman and also Jeryl and the
13 fiancé?
- 14 Campaign Manager: Correct. So, I guess another thing, I don't know how relevant this will be,
15 in the Philippines, they were taken around by a driver because in the
16 Philippines you don't drive your own car. So, they had rented a car
17 through Jeryl, through Budget Rent-A-Car and there was a driver with
18 them the whole time so, that works for Jeryl.
- 19 Sean Quinn: And you don't know who the driver is?
- 20 Campaign Manager: Yeah, I don't know what the driver is.
- 21 Paul Solis: How long did you stay in the Philippines on that trip? The whole time they
22 were there?
- 23 Campaign Manager: Yes. The whole time they were there.
- 24 Paul Solis: You just stayed in Manila or did you did you have your own itinerary?
- 25 Campaign Manager: I had my own itinerary. I had friends from the States who I met up with.
26 That week was actually my birthday, so I met up with them and we took
27 over a trip.
- 28 Sean Quinn: So you were doing, in addition to hanging out with the Congressman and
29 District Director you were also doing birthday activities with friends?

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- 1 Campaign Manager: Correct.
- 2 Sean Quinn: Okay. And was District Director, she was on the flight out with you and
3 also on the return flight, did you all fly together?
- 4 Campaign Manager: Yes, we flew together to the Philippines and back to Guam.
- 5 Sean Quinn: I know you've told me before that, in addition to Jeryl there was another, I
6 think you said somebody who's employed in the Guam State Legislature
7 that was either at the airport with you or saw you all. Who was the other
8 witness to this trip?
- 9 Campaign Manager: Right. So on the flight back, we ran into Mr. William Iglesias, who was a
10 Chief of Staff to Senator Frank Aguan, who was actually running against
11 the current governor, they were running against, they were running for
12 governor against each other, current governor against Senator Frank
13 Aguan. They were running against each other for governor. And so, his
14 Chief of Staff, William Iglesias, saw us on the flight back from the
15 Philippines. And that caused us quite a bit of concern because Mr. Iglesias
16 had already at that point actually suspected that Jennifer was his mistress
17 already at that point.
- 18 Sean Quinn: Okay. And what was Delegate San Nicolas and District Director's reaction
19 to that?
- 20 Campaign Manager: So, I saw William first and then I went back to those two and then I told
21 them, "Oh no, Billy," we called him Billy. "Oh no, Billy's here." And so,
22 we sort of dispersed in such a way that we tried to look like we were not
23 together. And then when we got into the plane, we actually sat close to
24 each other. Jennifer sat right next to me and Delegate San Nicolas sat
25 close to us and Billy saw this and what was making, he was making a
26 facial reaction to not, I guess he was quite shocked. Not shocked. I mean –
27 I think he was making a very emotive facial reactions.
- 28 Sean Quinn: Okay. Do you know of any other activities other than staying at these
29 resorts that Delegate San Nicolas and District Director would have kind of
30 partaking in together?
- 31 Campaign Manager: I mean, like I said, they were often in the storage room of our office.
- 32 Sean Quinn: I know, sorry. I meant while they were in the Philippines. Were there any
33 other kind of big activities that you know, that they did?
- 34 Campaign Manager: So the big activities, we went to, we had Peking duck, the three of us had
35 Peking duck at a restaurant in Greenbelt. So, Guam and the Philippines.

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- 1 Sean Quinn: Okay.
- 2 Campaign Manager: That's the only thing we did on that first day. And then we just sort of
3 went off to the resort and then I sort of did my own thing, so.
- 4 Paul Solis: You know, Sean had asked you too about whether there was any other
5 reason that District Director was in the Philippines and I think you
6 answered no. In fact, Sean had asked about a medical issue and you had
7 brought up to us that she had shared with you that this is the reason she
8 gave her family and that in fact that that wasn't the reason she was there.
9 Are you certain, I mean, can you say with absolute certainty that District
10 Director did not have any medical exams or meetings with doctors while
11 she was there?
- 12 Campaign Manager: Say for certainty? I guess I can't say for certainty, no, but in our
13 conversation, she said that she was not going to go see a doctor or
14 anything.
- 15 Paul Solis: Okay.
- 16 Campaign Manager: I mean I wasn't with them the whole time, so I don't know.
- 17 Paul Solis: Okay.
- 18 Sean Quinn: Do you have any reason to think that District Director would have some
19 sort of relationship with a doctor in the Philippines where she could falsify
20 records?
- 21 Campaign Manager: I don't, but that's, I mean it's the Philippines, you can get anything paid for
22 there.
- 23 Sean Quinn: Okay. When you travel in the Philippines, how do you generally spend
24 money? Is it cash or credit card?
- 25 Campaign Manager: It's pretty – It's cash usually.
- 26 Sean Quinn: Okay. And why is that?
- 27 Campaign Manager: Because you don't know, because oftentimes, I mean you're asking who do
28 I spend cash or credit card or,
- 29 Sean Quinn: yeah. Is there any particular reason that you spend cash normally in the
30 Philippines?

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- 1 Campaign Manager: Yeah. Generally, cash because you don't know if your card is going to
2 work. Usually you'll put in a travel notification, but sometimes that works,
3 sometimes that doesn't work and if you don't bring cash, then you're sort
4 of left with nothing really, if your card doesn't work.
- 5 Sean Quinn: Okay. But it's common to only spend cash?
- 6 Campaign Manager: Correct.
- 7 Sean Quinn: Okay. And then how about cell phones? When you go to the Philippines,
8 how does your cell phone work?
- 9 Campaign Manager: When you get to the airport, you buy a SIM from one of the two major cell
10 providers, either Smart or Global, and then you purchase a week-long plan
11 or a month-long plan.
- 12 Sean Quinn: Okay. And then when you return to Guam and you're using your regular
13 SIM card, all your communications, phone calls and texts are still on the
14 phone that you used, right?
- 15 Campaign Manager: Yes. They should still be on the phone that you use, especially if you're
16 using like a, I mean the Congressman frequently used WhatsApp. That's
17 usually the form of communication that the people in Guam use.
- 18 Sean Quinn: Okay. Do you know if District Director or the Congressman ever bought
19 separate phones to use in the Philippines?
- 20 Campaign Manager: Yes. They both had, I know they both, that Jennifer had at least two
21 phones that I knew of. She had a personal phone, and a work phone, that
22 she would take both with her and I would communicate with her through
23 both phones. The congressmen? No, at the time he only had one phone.
- 24 Sean Quinn: District Director used the personal phone and the work phone in Guam
25 and the Philippines?
- 26 Campaign Manager: Correct.
- 27 Sean Quinn: Okay, so it wasn't like a special, like a Philippines specific phone?
- 28 Campaign Manager: No.
- 29 Sean Quinn: Okay. And then the Congressman only used one phone the whole time?
- 30 Campaign Manager: Correct.

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- 1 Sean Quinn: Okay. Let's talk about, I know you also said that you paid for, or you
2 helped book a stay at the Outrigger in Guam, is that correct?
- 3 Campaign Manager: Correct.
- 4 Sean Quinn: Okay. And when was that?
- 5 Campaign Manager: That was in May of 2019 .
- 6 Sean Quinn: May, 2018 or 2019?
- 7 Campaign Manager: I'm sorry. 2018 yeah, 2018.
- 8 Sean Quinn: And it was just District Director and the Congressman who stayed there
9 that night?
- 10 Campaign Manager: Correct.
- 11 Sean Quinn: Okay. And what was the purpose of that stay?
- 12 Campaign Manager: They got engaged in sexual relations, I presume.
- 13 Sean Quinn: Okay. But there was no, there's no official or, or campaign related purpose
14 that you're aware of?
- 15 Campaign Manager: No.
- 16 Sean Quinn: Okay. Can you explain how the booking and payment for that hotel
17 worked?
- 18 Campaign Manager: Yes. So, Congressman again gave me cash for the booking, I booked it
19 online. We booked it for two days because they wanted to be there from
20 the morning to the evening. And to do that you have to do it, you know
21 you have book two days. And then I picked up the room key from the
22 hotel, physically went to the hotel and picked up the room key and I gave
23 it to the Congressman and then he asked me to stay in the office that
24 evening, and so I stayed in the office that evening in case his wife called.
25 And she did call.
- 26 Sean Quinn: Okay. And then so he gave you money to book it, you booked it with your
27 card. Do you know whether or not he reimbursed himself with campaign
28 funds?
- 29 Campaign Manager: I don't believe he reimbursed himself with campaign funds.

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- 1 Sean Quinn: Okay.
- 2 Campaign Manager: So, I mean a pure precipitating factor for the reason why he would have to
3 reimburse himself is that his pay was reduced drastically in that third term.
4 Originally the pay for senators in the Guam Legislature was \$85,000 and
5 then it was reduced to \$55,000 so he took that \$30,000 pay cut.
- 6 Sean Quinn: And do you think, sorry, when did that pay cut happen?
- 7 Campaign Manager: That happened in, towards the beginning of the third term. So that
8 would've been in 2017.
- 9 Sean Quinn: And that's when you think he started to use official or campaign funds to
10 reimburse himself for personal uses?
- 11 Campaign Manager: Yeah. Yeah, correct. Because yeah, he had taken a huge cut in pay.
- 12 Paul Solis: If this relationship with District Director and Delegate San Nicolas had
13 been going on for so long, why are they getting a hotel in Guam for the
14 purposes that you stated?
- 15 Campaign Manager: I'm sorry. Why are they getting a hotel?
- 16 Paul Solis: Yeah, I mean this relationship, you explained to us had been going on for
17 quite some time. Both individuals live in Guam. Ostensibly, there hadn't
18 been a need for a hotel up to this point. So why, why was there a request
19 made to you to book this hotel in Guam where they both live?
- 20 Campaign Manager: I mean, I guess, it would be my presumption, but I mean they're hooking
21 up in our office and when they would hook up in the storage room. I mean
22 our storage room is kind of filthy. I mean it's not a great place.
- 23 Paul Solis: That makes sense. That's just your presumption. He never explained this to
24 you?
- 25 Campaign Manager: No. Yeah, no, he never explained it to me. But he did explain that it was
26 something that they did regularly before I even knew.
- 27 Paul Solis: You mean getting a hotel?
- 28 Campaign Manager: Correct.
- 29 Paul Solis: Okay. This was the only time that you were part of the booking process
30 though?

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- 1 Campaign Manager: Correct. This was the only time I was part of the booking process, but they
2 had, even during the campaign there were times where they did get hotel
3 rooms where I wasn't involved at all.
- 4 Paul Solis: Okay.
- 5 Sean Quinn: Okay. So just to be clear for the Outrigger, Guam in May 2018 you do not
6 think that he reimbursed himself for that stay?
- 7 Campaign Manager: Correct. I do not believe he reimbursed himself for that particular stay.
- 8 Sean Quinn: So is that,
- 9 Paul Solis: And that's something you would have known about?
- 10 Campaign Manager: Yes. Generally, at that point he was pretty open with me about everything.
11 And so, he did not, he never told me that he was going to reimburse
12 himself for that stay.
- 13 Paul Solis: In contrast to the Philippines hotels and stays?
- 14 Campaign Manager: Yeah. In a contrast to all the other times. He was pretty open about what
15 he was doing, with me at least.
- 16 Sean Quinn: So, I just want to make sure I understand what you think was wrong about
17 the Outrigger, Guam stay, just because I know that was a trip that you
18 pointed out in some of your conversations with the media. It was just the
19 fact that that was an example of them carrying on the affair?
- 20 Campaign Manager: Correct, yeah. That was not, I did not include that in, for example, my
21 Guam Election Commission Complaints so that wasn't part of my use of
22 campaign funds in the conversation with the Guam Election Commission.
- 23 Sean Quinn: Okay. So, you talked a little bit about sometimes that you are aware that
24 he reimbursed himself for personal trips or vacations and then also the
25 examples of increasing the invoice amounts. I guess I just want you to
26 help me understand the ways that Delegate San Nicolas was paying
27 himself from the campaign and obscuring that. Were there any other
28 methods other than those two that we just talked to, that you think
29 Delegate San Nicolas used to get cash out of the campaign?
- 30 Campaign Manager: Sure. There were other instances. This is one of the things I talked about in
31 my testimony to Guam Election Commission. He would reimburse himself
32 for personal meals, personal gas usage, and he would collate them into one
33 big reimbursement check and just call it marketing expenses.

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- 1 Paul Solis: How many examples of this sort of mislabeling do you have a knowledge
2 of?
- 3 Campaign Manager: In terms of specifically seeing him collate the receipts and writing a check
4 to himself, there was one instance in which I saw him physically putting
5 the receipts together, which he said were personal and then writing a
6 check to himself.
- 7 Paul Solis: About what date did this happen?
- 8 Campaign Manager: I am not sure exactly which date. I remember it was in a congressional
9 campaign around, it must have been May or June of the campaign. So
10 2018.
- 11 Sean Quinn: And you saw, you saw him write the check?
- 12 Campaign Manager: Yes, he was writing the check even though he's not the signatory.
- 13 Sean Quinn: And he described the purpose of the check as marketing expenses?
- 14 Campaign Manager: Correct.
- 15 Paul Solis: And he explained to you as he collated these receipts. "Hey Campaign
16 Manager, these are personal receipts?"
- 17 Campaign Manager: Yes, so like meals that he was having with his family, some meal that he
18 was having with Jennifer, pretty much all his gas receipts. Anytime that he
19 would ever buy gas, he'd save the receipt and then reimburse himself for
20 that.
- 21 Sean Quinn: Why? Why did he save the receipts for those? I mean if he's falsifying the
22 reason for the reimbursement, what's the purpose of being exact about the
23 receipts or what's being paid for?
- 24 Campaign Manager: Well, pretty much all the reimbursements were tied to a receipt. He at least
25 had that level of, you know, that's what he wanted to get. So, everything
26 was tied to a receipt. So even if they were falsified receipts, at least it was
27 a receipt that he felt like you could justify at some point in the future.
- 28 Sean Quinn: Okay. And then so why would he call it a marketing expenses though?
29 Because obviously later down the line when somebody tries to match up
30 the receipts and the check, those are clearly not marketing expenses. So
31 was he just bad at doing this?

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- 1 Campaign Manager: I mean for the most part like auditing here in, the Guam Election
2 Commission is basically nonexistent, unless there is a complaint.
- 3 Sean Quinn: Okay. So you just think he had some minimal level of accountability to
4 himself and that just involved keeping track of personal receipts and
5 reimbursing himself for that amount?
- 6 Campaign Manager: Yes.
- 7 Sean Quinn: Okay.
- 8 Paul Solis: So, I had asked you what instances of this mislabeling as an aggregated
9 reimbursement that you have personal knowledge of? You said once, are
10 there any that maybe you didn't witness yourself, but you have knowledge
11 that the same type of process occurred?
- 12 Campaign Manager: Yes, he had done this also on during the Senator, his Senatorial campaign
13 particularly, and again, this is something I discussed with the Election
14 Commission. Before he ran for Congress, and he was running for, he
15 thought he was running for reelection for Senator. He raised the money
16 and reimbursed himself, but never reported that money to the Guam
17 Election Commission. So, he filed an organizational report as if he was
18 running for re-election for Senator, raised money for that campaign and
19 then never reported that money.
- 20 Paul Solis: And then just took the money for personal purposes?
- 21 Campaign Manager: I mean he still reimbursed himself and used receipts in that sense. I know
22 a lot of the funds went to Facebook marketing, but some of that also went
23 to personal reimbursements to himself. Yes. So, I know that's one of the
24 things the Guam Election Commission is looking at, because he never
25 filed any report on that.
- 26 Sean Quinn: And what was the date of that, those filings and when he raised that
27 money, that incident?
- 28 Campaign Manager: So, this was raised between January of 2017 through October of 2017.
- 29 Sean Quinn: Okay.
- 30 Campaign Manager: And it was problematic also at that point because we did not have a
31 Treasurer at that point. Leticia had resigned as Treasurer, so he was raising
32 money without a Treasurer, not reporting it and giving a lot of it to
33 himself.

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- 1 Sean Quinn: Okay. So that's January, October 2017. Were there any other, well, let's
2 see, hold on one second. Yeah, we talked about January and October 2017
3 when he was sort of laundering that money through the Guam election,
4 that he reported May and June of 2018. We talked about that one check
5 that you witnessed him write. Were there any other periods of time where
6 you think he was reimbursing himself with campaign funds or was it just
7 all the time?
- 8 Campaign Manager: Yeah, it was basically all of the time. He set up the finances in such a way
9 so that only he really knew what was going on. The treasurer was sort of
10 walled off. He was the one counting the money. Yeah, there were a lot of,
11 he made it such that he was the only one who really knew the finances.
- 12 Paul Solis: So, you mentioned to us that when the idea of hiring District Director
13 came up, you'd had several fights about this throughout 2018 and you had
14 explained to him that you felt this was unethical and it reached sort of
15 heightened levels of concern for you. Did you ever mention to him, so
16 these issues related to reimbursements and spending and some concerns
17 you might've had about the ethics or illegality of that?
- 18 Campaign Manager: Yeah, so this April of 2018 I had attempted to resign over them. So, I
19 wrote a resignation letter, told them I was going to resign and because this
20 was illegal basically. And he called me up, it was like three in the
21 morning. He asked me to pick him up from his house and he asked me to
22 stay and that he needed me and that he explained it in the sense of that I
23 was helping him carry a burden on himself and that he needed me to help
24 him carry this burden. And so, I stayed.
- 25 Sean Quinn: You said you wrote a resignation letter. Did it explain the reasons
26 including this alleged fraud?
- 27 Campaign Manager: No. No. The resignation letter did not express the reason as fraud. It was
28 just said that I was resigning.
- 29 Sean Quinn: Okay.
- 30 Paul Solis: Do you have this letter?
- 31 Campaign Manager: Yes. Yeah. I have the letter. It's right here.
- 32 Sean Quinn: Okay. Yeah. Can you include that letter also in the forthcoming
33 production?
- 34 Campaign Manager: Sure.

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

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

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

8 Campaign Manager: That was in cash, yes.

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

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

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

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

16 Sean Quinn: Okay.

17 Campaign Manager: So-

18 Sean Quinn: Go ahead.

19 Campaign Manager: Go ahead.

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

23 Campaign Manager: Sure. So, Campaign Donor and Congressman San Nicolas are just ...
24 They're just friends. Campaign Donor here owns a hotel and some sort of
25 distribution company that distributes food here at Guam. He came to
26 befriend the congressman, maybe a year or two ago. We were having
27 trouble raising funds for the campaign, especially after the primary.
28 Congressman had been spending a lot of his own personal funds or was
29 reporting that he was spending a lot of his own personal funds for the
30 campaign.

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1 And then he had – Campaign Donor offered to give him \$10,000.
2 Campaign Donor had recently come upon a large amount of money. He is
3 the agent for Hanwha Electrical here in Guam, which recently closed the
4 deal here for a power- producing plant, here in Guam.

5 Sean Quinn: Okay.

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

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

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

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

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

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

27 Campaign Manager: They happened in his office.

28 Sean Quinn: Both of them?

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

30 Sean Quinn: Okay.

31 Campaign Manager: The first time that I picked it up from Campaign Donor, he said, "I'm
32 sorry, I have to do this in two separate transactions," because he could not
33 withdraw \$10,000 in cash at once. Because I guess it would trigger

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- 1 something at the bank, so he had to structure it into two separate
2 withdrawals.
- 3 Sean Quinn: Okay. Let's go back quickly to the conversation at Sidelines where
4 Campaign Donor offered \$10,000. Did the congressman ... Campaign
5 Donor just randomly offered this \$10,000, or did the Congressman ask
6 him for the donation?
- 7 Campaign Manager: Campaign Donor offered the \$10,000. The congressman was saying he
8 was having a really difficult time raising money, and then Campaign
9 Donor offered the \$10,000, and then the congressman said, "Thank you,
10 but it has to be in cash."
- 11 Sean Quinn: Okay, and why did he want it to be in cash?
- 12 Campaign Manager: Because then his intent was to wash it out in low dollar fundraisers;
13 fundraisers that were \$10 or \$20 so he would not have to report Campaign
14 Donor's contribution.
- 15 Paul Solis: And Delegate San Nicolas explained this over dinner, explained this to
16 you?
- 17 Campaign Manager: Yes, yeah.
- 18 Paul Solis: He specifically stated to both you and Campaign Donor the reason why he
19 wanted it in cash?
- 20 Campaign Manager: Correct, yes.
- 21 Paul Solis: Did anybody have a response to that?
- 22 Campaign Manager: No. No. We didn't have a response to that.
- 23 Sean Quinn: So, he would hold on to the cash and then at smaller fundraising events, I
24 guess, parse it out and give himself smaller amounts under \$250 from that
25 final cash
- 26 Campaign Manager: As from what I know, I gave him the cash. I gave him two cash payments
27 of \$5,000 two separate times. His intent was to wash it into small dollar
28 fundraisers. Whether he did or not or kept the money, I don't know.
- 29 Sean Quinn: Okay. Did you count the cash those two times?
- 30 Campaign Manager: No, I did not.

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- 1 Sean Quinn: Okay. So the number of \$5,000 was just based on what Campaign Donor
2 told you he was giving you?
- 3 Campaign Manager: Yeah. Campaign Donor said what was agreed to at the time initially.
- 4 Sean Quinn: Okay. At Skyline, was there any discussion of the \$10,000 amount being
5 more than he was allowed to donate to Delegate San Nicolas?
- 6 Campaign Manager: So the bar was ... This is a different bar. Sidelines, I know, confusing. This
7 was at a different bar called Sidelines.
- 8 Sean Quinn: Sidelines, okay.
- 9 Campaign Manager: Was there a discussion that this was over the amount that was allowed? I
10 mean they both knew. They knew it was above the amount allowed. The
11 fact that he had intended to wash it into small dollar fundraisers, I think
12 that makes it clear that he knew it was not allowed, because he was trying
13 to figure out a way to wash it.
- 14 Sean Quinn: But as far as you recall the conversation, Campaign Donor didn't ask about
15 the high amount of the contribution?
- 16 Campaign Manager: No, he did not.
- 17 Sean Quinn: Okay.
- 18 Paul Solis: So, you threatened to resign in April based on what you felt to be
19 improper reimbursements. When you hear something like this, which
20 some people might say that it is sort of a far more serious situation with
21 the potential consequences, did you also threatened to resign or say, "I'm
22 not taking part in this." Why did you go through in facilitating this
23 arrangement?
- 24 Campaign Manager: Yes. At this point, we had won the primary, which was the thing that
25 everyone told us we could not win. We won the primary at that point. It
26 seemed to create ... And the Republican challenger, though she was
27 formidable, all the polls showed that we were double digits ahead. It just
28 seemed like we were going to win.
- 29 Sean Quinn: And so you wanted that position in DC, and so at that point you were
30 willing to turn a blind eye to this stuff?
- 31 Campaign Manager: At that point, there were so many things that were happening already that
32 were wrong, and I was like, "Well, this is just another thing to add to the
33 pile." Our arguments continued at this point, I guess even into

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- 1 congressional orientation. And so, yeah. Again, it's not something I'm
2 proud of, but it did seem like we were going to win and I wanted to win.
- 3 Paul Solis: Did anybody at that dinner at Sidelines that night, or in the delivery of the
4 cash thereafter, did anybody mention, either Campaign Donor or Delegate
5 San Nicolas that they considered this to be potentially criminal behavior?
- 6 Campaign Manager: Did anyone mention to ... The only people that knew were themselves. I
7 don't think anyone mentioned that it was criminal.
- 8 Paul Solis: Or that they were concerned about it being criminal behavior?
- 9 Campaign Manager: That they were concerned about it being criminal behavior? Well, the only
10 person who could have said anything was me, right? To either one of
11 them, and I did not mention that to either one of them.
- 12 Paul Solis: Okay.
- 13 Sean Quinn: It was just the three of you at the bar that night?
- 14 Campaign Manager: Correct, yes.
- 15 Sean Quinn: Okay. Other than being the congressman's friend, did Campaign Donor
16 donate that money for any other reason? Did he expect anything from
17 Delegate San Nicolas?
- 18 Campaign Manager: No. From my understanding, it was only because they were friends. That
19 was it.
- 20 Paul Solis: When you delivered the two installments to Delegate San Nicolas, where
21 did you deliver it to? His home? the office?
- 22 Campaign Manager: Well, I believe it was the office. Yeah, I believe it was the office because I
23 picked it up during the day at Campaign Donor's place. I don't recall
24 exactly where I gave it to him, but either his house or the office, I don't
25 remember.
- 26 Paul Solis: And are we talking bags of money, or are we talking ... How's it
27 packaged? What's it look like? How-
- 28 Campaign Manager: Just a sealed envelope. Yeah, sealed envelope.
- 29 Paul Solis: Sealed envelope with what you were told to be two installments of \$5,000.
30 However, you did not count the money?

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- 1 Campaign Manager: Correct.
- 2 Paul Solis: And then after you handed it to Delegate San Nicolas, do you know what
3 occurred next? What he did with it?
- 4 Campaign Manager: I do not. I know that the intention of the conversation that we had was that
5 he would include ... When he would have a small fundraiser, he would add
6 it to the amount of money that we had raised at that fundraiser. A \$10 and
7 \$20 per person fundraiser, and it would just be added to the amount of
8 money that we saved at that fundraiser.
- 9 Paul Solis: And would he assign a donor to the amount, or no? Like come up with a
10 name?
- 11 Campaign Manager: I'm sorry, what?
- 12 Paul Solis: Would he assign a donor name to the amount, or no?
- 13 Campaign Manager: No. So, for those \$10 or \$20 fundraisers, there was no names taken. We
14 didn't have any names for those fundraisers.
- 15 Sean Quinn: He would then deposit that amount into the campaign account, or did he
16 keep the cash?
- 17 Campaign Manager: Yes, and then he would then deposit that amount into the campaign
18 account. I don't know if he kept some of the money, or if he put all of the
19 money into the campaign. I'm not sure.
- 20 Sean Quinn: When you picked up the two different installments, how quickly did you
21 turn them over to the congressman?
- 22 Campaign Manager: Immediately. It was a sealed envelope, so it stayed sealed from the time I
23 got it from Campaign Donor to the congressman. He knew when I was
24 picking them up, so I knew – immediately...I didn't want to hold it, so
25 yeah, immediately.
- 26 Sean Quinn: So, both times you just went straight from-
- 27 Campaign Manager: His office directly to him. Directly to him.
- 28 Paul Solis: You just said you didn't want to hold it. Why didn't you want to hold it?
- 29 Campaign Manager: Oh, because it's dirty money. I don't want it either.
- 30 Sean Quinn: Was anybody else aware of this donation?

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- 1 Campaign Manager: No. So only the three of us.
- 2 Paul Solis: You've made some reports about this \$10,000 amount?
- 3 Campaign Manager: Yes. It was part of my complaint to the Guam Election Commission. And
4 so, I had to give testimony. It was, I guess, secret to the Guam Election
5 Commission over the course of two days and, I don't know, like eight or
6 10 hours of testimony.
- 7 Paul Solis: And you named Campaign Donor and this whole circumstance to them?
- 8 Campaign Manager: Correct.
- 9 Paul Solis: Is their process – their process is confidential?
- 10 Campaign Manager: Yes. The Guam election process for determining probable cause is
11 confidential. Once they determine probable cause, they can initiate an
12 investigation, or they may refer the case to the attorney general.
- 13 Paul Solis: Do you know if there has been a referral to the attorney general?
- 14 Campaign Manager: I believe they are still speaking to people at this point.
- 15 Sean Quinn: Couple more things, just quickly. When Delegate San Nicolas spent
16 money that was not in cash, how did he normally spend money? Was it a
17 credit card? How did he spend money?
- 18 Campaign Manager: Yes. If he was not spending money in cash, he would spend it ... He would
19 use his credit card. He spent, under the financial disclosures, quite a bit of
20 his own money, apparently, on the campaign. I think it was over 30 or
21 \$40,000 of his own money.
- 22 Sean Quinn: Do you know where his credit card was from, or what credit card he used?
- 23 Campaign Manager: I think he uses Chase Preferred. Yeah, Chase Sapphire Preferred card was
24 generally the card that he used.
- 25 Sean Quinn: I know you said he was sort of tight on cash partially because his salary
26 was cut, and also I guess because he was making outlays for the campaign.
27 Do you know if he had any other debts or any other reasons he was tight
28 on money?
- 29 Campaign Manager: He has four mortgages. His four houses, he has four mortgages on.

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- 1 Sean Quinn: Okay. Do you know if he had a lot of credit card debt? Did he ever talk to
2 you about that?
- 3 Campaign Manager: Yes, because he put a lot of his ... Almost all of the campaign on credit
4 cards. He did continually have a lot of credit card debt on those.
- 5 Sean Quinn: Okay. You talked about how he would wash the money through small
6 donor fundraising. Were you involved in the FEC reporting around any of
7 those donations?
- 8 Campaign Manager: I would type out some of the reports at his direction. We would stay in the
9 evening and he would say ... We would go through his bank statements
10 and then we would put in just what was in the bank statements, basically.
- 11 Sean Quinn: Okay. His personal bank account?
- 12 Campaign Manager: No, from the campaign account.
- 13 Sean Quinn: Okay. Did anybody else work on that FEC reporting?
- 14 Campaign Manager: Just himself and I.
- 15 Paul Solis: Any other instances like the one described with Campaign Donor where
16 there was an excessive, or a campaign contribution in cash exceeding
17 limits, where there was an intent to then distribute it in lower dollar
18 amounts? was there any other circumstances like that?
- 19 Campaign Manager: No, that was the only specific one that I was aware of.
- 20 Paul Solis: Okay.
- 21 Sean Quinn: We've talked about the Guam Election Commission investigation. Have
22 you had conversations with anybody else about any other investigations
23 about these issues?
- 24 Campaign Manager: Well, I've been planning to file a federal election commission complaint,
25 but my understanding is there's no quorum in the commission. So, I had
26 that complaint written, but I have not filed it because I don't know where
27 that would even go.
- 28 Paul Solis: Have you been contacted? So independent of your desire to file anything,
29 have you been contacted by any government agencies; state, local, federal,
30 other than us?
- 31 Campaign Manager: No. So, just Guam Election Commission, and you guys.

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- 1 Paul Solis: Any communication with the Committee on Ethics; the House Committee
2 on Ethics?
- 3 Campaign Manager: No.
- 4 Sean Quinn: Do you know anything about an ongoing FBI investigation?
- 5 Campaign Manager: I heard about that in the media, and I had known about it through Sahara
6 Defensor who works in the congressman's office. She had reported to Mr.
7 Carlo Branch, who was at the time the executive director of the legislature,
8 who told me about it. Carlo Branch, the executive director of the
9 legislature had also ... He was a friend of mine and I had also told him
10 about the affair with Miss Winn. Sahara had also known about the affair
11 with Miss Winn before she worked in the congressman's office.
- 12 And so, Sahara had told Carlo, who told me, that the congressman had
13 initiated a FBI investigation to try to discredit people that he knew might
14 know about the affair.
- 15 Sean Quinn: And who else ... Who was that FBI investigation targeted at? Do you
16 know?
- 17 Campaign Manager: Mr. Branch. Mr. Carlo Branch, who is now the senior policy advisor for
18 the Governor of Guam.
- 19 Sean Quinn: Okay. Sahara Defensor works in the congressman's office, and you said
20 she was aware of the affair before she started working there?
- 21 Campaign Manager: Correct.
- 22 Sean Quinn: Okay. And how do you know that?
- 23 Campaign Manager: Because she mentioned to Mr. Branch about rumors that she had heard,
24 and then Mr. Branch had confirmed with her rumors that he had heard,
25 and they were [inaudible] out together, that presently, he was having an
26 affair with Jennifer Winn. So, Sahara Defensor knows Alana Tori, Mrs.
27 Winn's daughter. So, after Alana had worked in our office, she was going
28 to get her master's degree at Emerson University in Boston, which is
29 where Sahara lived.
- 30 Campaign Manager: And so, the congressman contacted Sahara and said, "I know this girl was
31 coming to Boston. Can you take care of her?" And so that's how she
32 knows Alana. She knew Alana and Jen before they worked together
33 through that, because the congressman had asked Sahara to take care of
34 Alana, Jennifer Winn's daughter.

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- 1 Sean Quinn: When she was in Boston?
- 2 Campaign Manager: When she was in Boston.
- 3 Sean Quinn: When was that?
- 4 Campaign Manager: This was after Alana was our intern, so this would have been like 2016 or
5 so that she started – like she was getting her master's there.
- 6 Sean Quinn: Okay. And then, do you know when Sahara was hired by Delegate San
7 Nicolas?
- 8 Campaign Manager: Hired from the beginning of the term, so January 2019.
- 9 Sean Quinn: Is that just she was hired because that's somebody that the congressman
10 trusts?
- 11 Campaign Manager: Yes, I presume so, yes. And she was a lawyer.
- 12 Sean Quinn: Okay. Do you know how they know each other?
- 13 Campaign Manager: What was that?
- 14 Sean Quinn: Do you know how Sahara and the congressman know each other?
- 15 Campaign Manager: Oh, they've been friends for a long time. Originally, she was supposed to
16 be the treasurer for his campaign when he wanted to originally run in
17 2010. He did not end up running for senator in 2010, but there are stickers
18 that they had produced with her name as treasurer on the sticker.
- 19 Sean Quinn: Okay.
- 20 Paul Solis: Have you ever taken any files from Delegate San Nicolas' campaign or
21 personal office without his consent?
- 22 Campaign Manager: No. We had a system in which I kept a copy of the receipts and he kept a
23 copy of the receipts. As we were moving out of the ... And these were kept
24 in the senatorial office. As we were leaving the senatorial office, I left
25 those receipts with the other boxes, that they were supposed to move into
26 the congressional office. They left that box, and they just didn't bring it
27 with them. So they left it and it was locked in that storage room for a
28 while.
- 29 And then the Senator who took over that office, Senator James Moylan,
30 called me to pick up that box. And then I picked it up and then in our

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- 1 breakfast that we had in February, the congressman asked for that box. So
2 I said, "Yes," and then of course, "I mean, you are the people that left it.
3 You were supposed to take it." And so, I provided it to Eli and Nelta. They
4 came to the Guam legislature and they picked it up from my car.
- 5 Paul Solis: So, February 2019, did you make any copies of any of those documents to
6 retain for yourself?
- 7 Campaign Manager: No. They were all given to the congressman. So, he should have his copy
8 as well as all of my copies.
- 9 Sean Quinn: Okay. Have you talked to anybody else about this interview today?
- 10 Campaign Manager: Just the elders in my congregation.
- 11 Paul Solis: Okay. We're just going to ask you, from here on out, to please keep this
12 confidential. Please don't share the nature of our questions with anybody
13 or what you've told us today. It's just important that we protect the
14 integrity of the review, and that we make sure this is confidential as
15 possible to protect the interests of all those involved. So please try to
16 respect that.
- 17 Campaign Manager: Yes.
- 18 Paul Solis: And in no way does that diminish your ability to speak to a lawyer or to
19 fulfill any other rights you have, of course.
- 20 Campaign Manager: Okay.
- 21 Sean Quinn: Well, like I said at the beginning of the interview, in the next few minutes,
22 I'm going to email you a copy of the false statements act that we talked
23 about and the acknowledgement form. So, if you can just sign that and
24 have that scanned and sent back to me. You can send that along with the
25 production that you're going to make, and let's just go over the importance
26 of getting those documents again one more time. Today, do you think
27 you're going to be able to produce those?
- 28 Campaign Manager: Yes.
- 29 Sean Quinn: Okay. All right. Well then, I will look out for that production and the
30 signed acknowledgement form, and I will receive those tomorrow.
- 31 Campaign Manager: Okay. All right.

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- 1 Paul Solis: Okay. Well, I think that's everything we have for you. If there's anything
2 else, Sean will be in contact with you. So, thank you very much for your
3 time Campaign Manager.
- 4 Campaign Manager: Great. Thank you.
- 5 Sean Quinn: Yup. We appreciate it. Thank you.

EXHIBIT 2

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**Transcript of Interview of Campaign Manager
OCE Review 19-4104
December 6, 2019**

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- 1 Sean Quinn: All right. So, I just turned on the recorder. This is, as I explained, just kind
2 of a follow-up supplemental interview to add to a couple of things that we
3 talked about in the first interview. Today is December 5th in DC and
4 December 6th in Guam. And this is Sean Quinn speaking to Campaign
5 Manager. So, Campaign Manager, I just wanted to ask you, we talked
6 about when you picked up the money from Campaign Donor's office, you
7 said you picked it up from him, and then can you describe to me what you
8 did with that money?
- 9 Campaign Manager: Oh, I immediately gave it to Mr. San Nicolas. I went from Campaign
10 Donor's office, back to our office, the senatorial office, and gave the money
11 to Mr. San Nicolas.
- 12 Sean Quinn: Okay. And so, you did that the same day that you picked it up from
13 Campaign Donor?
- 14 Campaign Manager: Yeah, immediately, yes. It immediately went from Campaign Donor's
15 office, and then back to our office, and gave it to Mr. San Nicolas.
- 16 Sean Quinn: Okay. And do you remember what time of day that was?
- 17 Campaign Manager: Well, there were two occasions, and I believe both were in the afternoon.
- 18 Sean Quinn: Okay. Right. Two occasions, okay. And just remind me once again, if you
19 can remember the dates of those two separate occasions.
- 20 Campaign Manager: I can't remember off the top of my head, but I believe I sent you a
21 screenshot of, yeah, the two different occasions where he said, "Come pick
22 up the money." I think the dates are on those two screenshots.
- 23 Sean Quinn: Right. And so, let's talk real quick. Can you go over again how was the
24 money packaged when you received it?
- 25 Campaign Manager: It was in an envelope, a sealed envelope.
- 26 Sean Quinn: Okay. And then did you ever open that envelope?
- 27 Campaign Manager: I did not.
- 28 Sean Quinn: Okay. And so, both times immediately you took it to Delegate San Nicolas
29 in the senatorial office?
- 30 Campaign Manager: Correct.
- 31 Sean Quinn: And that is a different office than your campaign office?

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- 1 Campaign Manager: We had no campaign office, so it was like essentially one in the same.
- 2 Sean Quinn: Okay. And where was the senatorial office?
- 3 Campaign Manager: The senatorial office was in the DNA Building, Suite 407.
- 4 Sean Quinn: Okay. And what did Senator San Nicholas, now Delegate San Nicolas say
5 when you handed him the envelope? Or what was his reaction?
- 6 Campaign Manager: What did he say? I don't recall exactly what he said. He was expecting the
7 money, so he just received it and-
- 8 Sean Quinn: And why was he-
- 9 Campaign Manager: And that was that. I don't recall any specific thing that he said.
- 10 Sean Quinn: Okay. And why was he expecting the money?
- 11 Campaign Manager: He was expecting the money because I was present when they had arranged
12 with, Campaign Donor and Mr. San Nicolas arranged, that he would
13 receive the money that Campaign Donor would give a \$10,000 cash
14 donation to Mr. San Nicolas. So, he was expecting it. He was expecting the
15 money.
- 16 Sean Quinn: Okay. Was he expecting it on that day?
- 17 Campaign Manager: Was he expecting it on that day? So, the two separate occasions... So, he
18 knew that Campaign Donor was going to give the money eventually.
19 Campaign Donor said at the time that they had made the deal that
20 Campaign Donor would give the money, that it would take Campaign
21 Donor some time to get that money together. And so that'd be the first day
22 that it happened, and I picked up the money from Campaign Donor. Mr.
23 San Nicolas was aware that I was going to go get the money.
- 24 Sean Quinn: Okay, and how was he aware that you were going to go get the money?
- 25 Campaign Manager: He was because Campaign Donor, I believe, also told him at the time that I
26 was going to go get the money. And then the second time, Campaign
27 Donor and Mr. San Nicolas were having lunch and were discussing matters
28 and Campaign Donor said, "Oh, I'm going to give you the money during
29 lunch," but then forgot to get the money during lunch, and then I'd have to
30 go in the afternoon to go get the money.
- 31 Sean Quinn: Okay. Did you have conversations with Delegate San Nicolas before you
32 went to go pick up the money on either occasion, like the day of?

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1 Campaign Manager: Did I have conversations with Delegate San Nicolas? I mean, conversations
2 about going to pick up the money?

3 Sean Quinn: Yeah. For example, on the day of either occasion did you say, "Hey, I'm
4 going to get the money right now. I'll be to your office in an hour or two,"?

5 Campaign Manager: So, the first occasion, yes, because I believe that he knew, I mean he knew
6 the first occasion, I believe he knew I was going to go get the money. So,
7 he did know at the time. And then the second time when they had had
8 lunch together, he knew he was going to get the money on that day. It's just
9 that Campaign Donor forgot to give it to him during lunch.

10 Sean Quinn: Okay.

11 Campaign Manager: So, he was aware of it at the time.

12 Sean Quinn: Okay. And we'll do this for both occasions, but on the second occasion,
13 which I can remind you the date is October 5th. That was the day that he
14 had lunch with Delegate San Nicolas and then forgot the money, and then
15 you went and picked it up. Do you have a specific recollection of handing
16 over the money to Delegate San Nicolas on that day?

17 Campaign Manager: Oh yes. Yeah, of course. Yeah.

18 Sean Quinn: And can you tell me how did that happen? Did you walk into his office and
19 hand him the envelope? Did you put it on his desk?

20 Campaign Manager: No, I gave it to him directly in person, yeah.

21 Sean Quinn: Okay. So, hand to hand delivery, and then what was Delegate San Nicolas's
22 reaction when you handed him the envelope?

23 Campaign Manager: He was expecting it. So he immediately took it and he opened it.

24 Sean Quinn: He opened it in front of you?

25 Campaign Manager: Yeah, he opened it and counted the money and, yeah. And then that was
26 that.

27 Sean Quinn: Did he tell you how much money was in the second envelope?

28 Campaign Manager: The second time? Yes. \$5,000 and we specifically talked about it, because
29 Campaign Donor said that there would be \$4,000 in it. And then he counted
30 it and was like, "Oh no, this is five." And Campaign Donor was saying
31 something about how he was only getting, four at the time, so he would not

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- 1 reach the \$10,000, he couldn't get the \$10,000, but then when he counted it
2 he said, "No, this is five," so it's five.
- 3 Sean Quinn: Okay. So, the second time is a sealed envelope that you gave him. He
4 opened the envelope and counted out \$5,000 and then verbally confirmed
5 to you that it was \$5,000?
- 6 Campaign Manager: Yeah.
- 7 Sean Quinn: Okay. And then do you know what he did with the... Like did you see him
8 do anything with the money after that?
- 9 Campaign Manager: There is a hiding place that he has, a library attached to his office, so he
10 went to go put it into his little hiding place.
- 11 Sean Quinn: Okay. And can you describe that hiding place?
- 12 Campaign Manager: It's the ceiling tile, the corner ceiling tile of his library. I guess he just puts
13 it in the ceiling.
- 14 Sean Quinn: Okay. And then let's go back to the first occasion. Do you have a specific
15 memory of handing him the envelope at that time?
- 16 Campaign Manager: Yes. Yes.
- 17 Sean Quinn: Okay. And what happened that time? Can you describe the whole scene for
18 me?
- 19 Campaign Manager: Yeah. Again, I believe... Okay my recollection of that, of the first time is a
20 little hazier. I think, I believe it was in the office and I gave him the money,
21 but I know both times I was very specific about, "I don't want to hold on
22 this money," so I went directly from Campaign Donor's office to here.
- 23 Sean Quinn: Okay. The first time, did he count the money like he did the second time?
- 24 Campaign Manager: No, I did not see him count the money the first time.
- 25 Sean Quinn: Okay, so you're not exactly sure how much money was in the envelope the
26 first time?
- 27 Campaign Manager: No.
- 28 Sean Quinn: Okay. And then-

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- 1 Campaign Manager: Well, except that the second time when he counted the money, he said,
2 "Yes, this is \$5,000. The total was \$10,000," he said.
- 3 Sean Quinn: Okay. And then the first time, did he do the same thing with the envelope?
4 Did you see him put it in that ceiling tile or did he do something else?
- 5 Campaign Manager: The first time, I don't remember, no. I don't remember exactly what he did.
- 6 Sean Quinn: Okay. Okay, take a second to kind of think about each time you handed it
7 over to him, any other kind of details you can tell me about both those
8 times that you handed the money over to him? Anything that stands out in
9 your mind or anything you remember about those days?
- 10 Campaign Manager: No, it felt very routine.
- 11 Sean Quinn: Okay.
- 12 Campaign Manager: Yeah. There's nothing particularly special. Oh, when I picked up the money
13 from Campaign Donors the second time, I noticed that my cousin,
14 Michelle, works in Campaign Donors office.
- 15 Sean Quinn: Okay.
- 16 Campaign Manager: So that's what I talked about with Campaign Donor. I was like, "Oh that's
17 my cousin Michelle. She is my cousin."
- 18 Sean Quinn: Okay.
- 19 Campaign Manager: [inaudible 00:11:26].
- 20 Sean Quinn: And nobody else knew that you had delivered the money to Delegate San
21 Nicolas, right?
- 22 Campaign Manager: Yeah, correct. No one knows but me.
- 23 Sean Quinn: Okay. I think that is probably all that I have for you. Let me just pause this.
24 Well, let me pause the recorder for one minute and just look at a couple of
25 things and make sure I don't have anything else, because I don't want to
26 have to call you twice, but hold on one second.
- 27 Campaign Manager: Sure.
- 28 Sean Quinn: So the recorder is back on. Was there any reason that Delegate San Nicolas
29 never thanked Campaign Manager for the money? Or are you aware of him
30 thanking him for the money?

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- 1 Campaign Manager: No. Yeah, no, he was profusely thankful for the money.
- 2 Sean Quinn: But I mean, did he like send a note to Campaign Manager, or did he call
3 him up and say, "Thanks so much for the \$10,000 donation," any thank you
4 to Campaign Manager like that?
- 5 Campaign Manager: I mean, they were friends, they hung out. So, I don't recall any situation in
6 which I was present in which he did that. But yeah, I mean, they hung out
7 every so often.
- 8 Sean Quinn: Okay. So, you know in general Delegate San Nicolas was thankful, but you
9 don't know of any specific instance or no call or email where he said thank
10 you?
- 11 Campaign Manager: Yeah, I was not present for any specific instance of thanking.
- 12 Sean Quinn: Okay. And then I think we might've gone over this a little bit, so you don't
13 remember the exact date of the first pickup, right?
- 14 Campaign Manager: Yeah. I don't recall the exact date of it. I think the screenshot of texts I sent
15 you had two separate instances and two separate dates.
- 16 Sean Quinn: Yeah. Did Campaign Manager have like a thank you lunch for, or host a
17 thank you lunch at his restaurant, the Churrasco for San Nicolas and his
18 staff? Do you remember that?
- 19 Campaign Manager: Yes. Yeah. Yeah.
- 20 Sean Quinn: Okay.
- 21 Campaign Manager: He did.
- 22 Sean Quinn: And I think that was on September 5th, so a month before the second
23 pickup. Is that where you picked up the money the first time?
- 24 Campaign Manager: I think that's right.
- 25 Sean Quinn: At lunch?
- 26 Campaign Manager: I think so, yeah.
- 27 Sean Quinn: Okay. So not in his office the first time?
- 28 Campaign Manager: The first time was a little bit... I have a very specific recollection of the
29 second time. The first time, yeah, is a little hazier.

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- 1 Sean Quinn: Okay, so the first time, you're not sure where it was that you picked it up?
- 2 Campaign Manager: Yeah. I mean, now that you mentioned the lunch, I do recall having an
3 envelope during lunch, but I think [inaudible 00:14:55].
- 4 Sean Quinn: You recall it, sorry, can you repeat that?
- 5 Campaign Manager: Now that you mentioned the lunch, I recall him having some kind of
6 envelope during lunch, I think. So, I think [inaudible 00:15:06].
- 7 Sean Quinn: Yeah, that last little bit was garbled. You said, you think you recall him
8 having an envelope at lunch, but?
- 9 Campaign Manager: Yeah, but again, the first time he got the money is a little hazier in my mind
10 than the second time. I have a very specific recollection of the second time.
11 But the first time, yeah, I...
- 12 Sean Quinn: Okay. Alright. And I guess just since we're talking about that lunch, do you
13 know why Campaign Manager hosted that lunch?
- 14 Campaign Manager: Yeah, he was, like I said, he was a friend of Mr. San Nicolas, so he often
15 did gifts like that. Like for example, also during the bachelor party for Mr.
16 San Nicolas's brother, he donated several cases of lobster as well. So, he
17 was just very generous to Mr. San Nicolas.
- 18 Sean Quinn: Okay.
- 19 Campaign Manager: And then the Churrasco, I mean whenever we would eat at that restaurant
20 and then Campaign Donor happened to be there, he always comped our
21 meal.
- 22 Sean Quinn: Okay. And then just when you drove to pick up the, let's talk about the
23 second one, since you remember that more, when you drove to pick it up,
24 do you use your personal car or do you have a car you use for work?
- 25 Campaign Manager: No, just a personal car.
- 26 Sean Quinn: Personal car, okay. And is that what you drove that day?
- 27 Campaign Manager: Yes, yeah.
- 28 Sean Quinn: Okay. Okay, all right. I think that's all that I have for you. I, again, I
29 appreciate you getting on the phone so early with me.
- 30 Campaign Manager: No problem.

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1 Sean Quinn: And I'm going to stop the recorder now.

2

EXHIBIT 3

December 4, 2019

[REDACTED]
[REDACTED]

Dear [REDACTED]

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 [REDACTED] 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 [REDACTED] or you may contact me at the number provided below.

Senseremente,



Jennifer Winn
Campaign Chairwoman
Committee of Michael San Nicolas for Congress
[REDACTED]

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,

A solid black rectangular redaction box covering the signature area.

EXHIBIT 4

[REDACTED]

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

Month	Loan Accrued	Reimbursement	Net to Candidate	Reconciliation
Nov-17	\$ 750.00	\$ -	\$ 750.00	Ex F Receipts Facebook ads
Dec-17	\$ 149.00	\$ -	\$ 899.00	Ex G CC Stmtnt NationBuilder expense
	\$ 750.00	\$ -	\$ 1,649.00	Ex A2 Receipts Philippine Procurement
	\$ 423.04	\$ -	\$ 2,072.04	Ex F Receipts Facebook ads
	\$ 1,122.58	\$ -	\$ 3,194.62	Ex A2 Receipts Philippine Procurement
	\$ 577.83	\$ -	\$ 3,772.45	Ex A2 Receipts Philippine Procurement
	\$ 547.00	\$ -	\$ 4,319.45	Ex C Receipts Holiday Greeting Cards
Jan-18	\$ 764.63	\$ -	\$ 5,084.08	Ex F Receipts Facebook ads
	\$ 5,000.00	\$ -	\$ 10,084.08	Ex A2 Receipts Philippine Procurement
	\$ 269.00	\$ -	\$ 10,353.08	Ex G CC Stmtnt NationBuilder expense
	\$ 2,431.70	\$ -	\$ 12,784.78	Ex C Receipts Seagrill Bday FR
	\$ 2,653.20	\$ -	\$ 15,437.98	Ex C Receipts House of CF BD FR
	\$ 500.00	\$ -	\$ 15,937.98	Ex C Receipts Detour BD FR
	\$ 50.00	\$ -	\$ 15,987.98	Ex C Receipts Expressions Photos
	\$ 479.05	\$ -	\$ 16,467.03	Ex C Receipts Lumber for Signs
Feb-18	\$ 828.38	\$ -	\$ 17,295.41	Ex F Receipts Facebook ads
	\$ 269.00	\$ -	\$ 17,564.41	Ex G CC Stmtnt NationBuilder expense
	\$ 3,000.00	\$ -	\$ 20,564.41	Ex A1 Receipts Philippine Procurement
	\$ 3,257.24	\$ -	\$ 23,821.65	Ex C Receipts Rally Expenses
	\$ 175.00	\$ -	\$ 23,996.65	Ex C Receipts Binary Sunset Buttons
	\$ 617.00	\$ -	\$ 24,613.65	Ex A1 Receipts Philippine Procurement
	\$ 207.92	\$ -	\$ 24,821.57	Ex A1 Receipts Philippine Procurement
	\$ -	\$ (418.00)	\$ 24,403.57	Ex D Chk 101
	\$ -	\$ (5,000.00)	\$ 19,403.57	Ex D Chk 102
	\$ -	\$ (750.00)	\$ 18,653.57	Ex D Chk 103
	\$ -	\$ (122.58)	\$ 18,530.99	Ex D Chk 104
	\$ -	\$ (2,257.37)	\$ 16,273.62	Ex D Chk 105
	\$ -	\$ (2,431.70)	\$ 13,841.92	Ex D Chk 106
	\$ -	\$ (2,653.20)	\$ 11,188.72	Ex D Chk 107
	\$ -	\$ (500.00)	\$ 10,688.72	Ex D Chk 108
Mar-18	\$ 269.00	\$ -	\$ 10,957.72	Ex G Receipts NationBuilder expense
	\$ 2,107.04	\$ -	\$ 13,064.76	Ex F Receipts Facebook ads
	\$ -	\$ (3,257.24)	\$ 9,807.52	Ex D Chk 109

Apr-18	\$	1,431.53	\$	-	\$	11,239.05	Ex F	Receipts	Facebook ads
	\$	251.07	\$	-	\$	11,490.12	Ex G	Receipts	NationBuilder expense
	\$	568.00	\$	-	\$	12,058.12	Ex C	Receipts	Skyline FR
	\$	385.82	\$	-	\$	12,443.94	Ex C	Receipts	Lumber for Signs
	\$	-	\$	(2,935.78)	\$	9,508.16	Ex D	Chk 101	
	\$	-	\$	(385.82)	\$	9,122.34	Ex D	Chk 103	
	\$	-	\$	(275.00)	\$	8,847.34	Ex D	Chk 104	
	\$	-	\$	(547.00)	\$	8,300.34	Ex D	Chk 105	
	\$	-	\$	(479.05)	\$	7,821.29	Ex D	Chk 106	
	\$	-	\$	(50.00)	\$	7,771.29	Ex D	Chk 107	
	\$	-	\$	(207.92)	\$	7,563.37	Ex D	Chk 108	
	\$	-	\$	(617.00)	\$	6,946.37	Ex D	Chk 109	
	\$	-	\$	(568.00)	\$	6,378.37	Ex D	Chk 110	
May-18	\$	1,490.68	\$	-	\$	7,869.05	Ex F	Receipts	Facebook ads
	\$	269.00	\$	-	\$	8,138.05	Ex G	Receipts	NationBuilder expense
Jun-18	\$	1,771.80	\$	-	\$	9,909.85	Ex F	Receipts	Facebook ads
	\$	269.00	\$	-	\$	10,178.85	Ex G	Receipts	NationBuilder expense
	\$	750.00	\$	-	\$	10,928.85	Ex C	Receipts	Tsibugan FR
	\$	2,046.00	\$	-	\$	12,974.85	Ex C	CC Strmnt	Dusit FR Food
	\$	1,226.86	\$	-	\$	14,201.71	Ex C	Receipts	Dusit FR Drinks
	\$	1,855.89	\$	-	\$	16,057.60	Ex A2	Receipts	Philippine Procurement
Jul-18	\$	3,120.86	\$	-	\$	19,178.46	Ex F	Receipts	Facebook ads
	\$	269.00	\$	-	\$	19,447.46	Ex G	Receipts	NationBuilder expense
	\$	1,760.00	\$	-	\$	21,207.46	Ex C	Receipts	GSS Ad
Aug-18	\$	3,933.27	\$	-	\$	25,140.73	Ex F	Receipts	Facebook ads
	\$	269.00	\$	-	\$	25,409.73	Ex G	Receipts	NationBuilder expense
Sep-18	\$	1,007.65	\$	-	\$	26,417.38	Ex F	Receipts	Facebook ads
	\$	269.00	\$	-	\$	26,686.38	Ex G	Receipts	NationBuilder expense
Oct-18	\$	4,117.77	\$	-	\$	30,804.15	Ex F	Receipts	Facebook ads
	\$	269.00	\$	-	\$	31,073.15	Ex G	Receipts	NationBuilder expense
	\$	-	\$	(4,840.49)	\$	26,232.66	Ex D	Chk 144	
Nov-18	\$	3,089.41	\$	-	\$	29,322.07	Ex F	Receipts	Facebook ads
	\$	-	\$	(5,000.00)	\$	24,322.07	Ex D	Chk 141	
	\$	-	\$	(5,000.00)	\$	19,322.07	Ex D	Chk 145	

Dec-18	\$ 729.28	\$ -	\$ 20,051.35	Ex F	Receipts	Facebook ads
	\$ -	\$ (1,800.00)	\$ 18,251.35	Ex D	Chk 146	
	\$ 1,799.31		\$ 20,050.66	Ex C	Receipts	Travel family inauguration
	\$ 1,332.40		\$ 21,383.06	Ex C	Receipts	Travel family inauguration
	\$ 1,433.89		\$ 22,816.95	Ex C	Receipts	Travel family inauguration
	\$ 1,342.61		\$ 24,159.56	Ex C	Receipts	Travel family inauguration
Jan-19	\$ 929.86	\$ -	\$ 25,089.42	Ex F	Receipts	Facebook ads
Feb-19	\$ 529.45	\$ -	\$ 25,618.87	Ex F	Receipts	Facebook ads
Mar-19	\$ 879.60	\$ -	\$ 26,498.47	Ex F	Receipts	Facebook ads
Apr-19	\$ 1,263.44	\$ -	\$ 27,761.91	Ex F	Receipts	Facebook ads
	\$ -	\$ (4,000.00)	\$ 23,761.91	Ex D	Chk 151	
	\$ -	\$ (400.00)	\$ 23,361.91	Ex D	Chk 152	
	\$ -	\$ (4,667.09)	\$ 18,694.82	Ex D	Chk 153	
	\$ -	\$ (2,700.00)	\$ 15,994.82	Ex D	Chk 155	
	\$ -	\$ (7,862.22)	\$ 8,132.60	Ex D	Chk 156	
	\$ -	\$ (2,244.36)	\$ 5,888.24	Ex D	Chk 157	
May-19	\$ 1,037.84	\$ -	\$ 6,926.08	Ex F	Receipts	Facebook ads
Jun-19	\$ 2,532.78	\$ -	\$ 9,458.86	Ex F	Receipts	Facebook ads
	\$ 2,207.59	\$ -	\$ 11,666.45	Ex C	Receipts	Sonoma DC FR
Jul-19	\$ 1,937.69	\$ -	\$ 13,604.14	Ex F	Receipts	Facebook ads
Aug-19	\$ 1,029.93	\$ -	\$ 14,634.07	Ex F	Receipts	Facebook ads
			\$ 14,634.07			

Net to Candidate

EXHIBIT 6

Cho, Annie

From: Quinn, Sean
Sent: Friday, November 1, 2019 12:50 PM
To: Faith San Nicolas
Subject: RE: Requested Documents

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](#)

[REDACTED]
Fax: 202-226-0997
[REDACTED]

From: Faith San Nicolas <[REDACTED]>
Sent: Friday, November 1, 2019 12:02 PM
To: Quinn, Sean <[REDACTED]>
Subject: Re: Requested Documents

Hi Sean,
Yes I will get those documents to you before Monday. Thank you

On Wed, Oct 30, 2019 at 3:37 PM Quinn, Sean <[REDACTED]> wrote:

Hi Faith,

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](#)

[REDACTED]

Fax: 202-226-0997

[REDACTED]

From: Faith San Nicolas <[REDACTED]>
Sent: Monday, October 14, 2019 8:34 PM
To: Quinn, Sean <[REDACTED]>
Subject: Requested Documents

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

From: [Faith San Nicolas](#)
To: [Quinn, Sean](#)
Subject: Re: Requested Documents
Date: Monday, November 18, 2019 10:33:04 AM
Attachments: [CampaignChecks.zip](#)

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 <[REDACTED]> 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](#)

[REDACTED]

Fax: 202-226-0997

[REDACTED]

From: Faith San Nicolas [REDACTED]
Sent: Friday, November 15, 2019 3:24 PM
To: Quinn, Sean <[REDACTED]>
Subject: Re: Requested Documents

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 <[REDACTED]> 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.
 - ii. Nurture Wellness Village – Pulong Sangingan, Tagaytay, Luzon, 4120 Philippines. (OCE Question 1). 3 night stay from February 25th to Feb 28th (Exhibit A1). Extended an additional evening and paid cash to March 1.
 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.

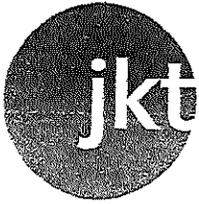
While the period referenced in the OCE inquiry appears to illustrate inaccurate campaign finance filings the campaign has taken action to replace the Campaign Manager/Custodian of Records, and the Campaign Treasurer, in order to properly remedy the issue.

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



RECEIPT

Issue Date: 03/03/18
Subject: Promotional Materials

BILL TO: RESPONSIBLE GUAM FOR CONGRESS

C/O MR. MICHAEL SAN NICOLAS
GUAM

Receipt Number: 000420

Invoice Date: 02/28/18

ITEM TYPE	DESCRIPTION	QUANTITY	AMOUNT
Prints	8x8 Banners, 6x4 Banners		
Prints	500 Bumper Stickers		
Prints	20ft x 30ft		
Prints	4x1.33 ft Signs		
Professional Fee			

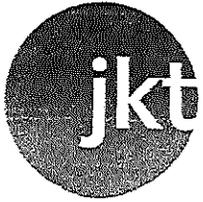
Subtotal \$3,000

NOTES:

Payments may be made via
Cash, Bank Deposit and
Paypal to:jktopacio@yahoo.com

Confirmed and Accepted By:

Thank you for your business!



RECEIPT

Issue Date: 03/03/18
Subject: Promotional Materials

BILL TO: RESPONSIBLE GUAM FOR CONGRESS

C/O MR. MICHAEL SAN NICOLAS
GUAM

Receipt Number: 000420
Invoice Date: 02/28/18

ITEM TYPE	DESCRIPTION	QUANTITY	AMOUNT
Prints	8x8 Banners	20	P32,000
Print	Banners - 6x4	40	P24,000
Prints	Bumper Stickers	500	P18,000
Prints	20ft x 30ft	2	P30,000
Prints	4x1.33 ft Signs	400	P28,800
Professional Fee - Design, Delivery, Packaging			P15,000

Subtotal P147,800

NOTES:

Payments may be made via
Cash, Bank Deposit and
Paypal to:jktopacio@yahoo.com

Confirmed and Accepted By:

Thank you for your business!

EXHIBIT 10



Shangri-La at the Fort

MANILA

Mr Michael San Nicolas
Street 408
DNA Building
Hagatna 96910
Guam

VAT Reg. TIN: 006-934-849-000

INFORMATION INVOICE

Folio No. :
Room No. : 3315
Person(s) : 2
Arrival : 01/03/18
Departure : 03/03/18
Cashier No. : FOKEVIN / 94
Page No. : 1 of 1
Confirmation No. : 16160165

Shangri-La at the Fort, Manila 03/03/18 10:56

DATE	TEXT	REF#	TIME	DEBITS	CREDITS
01/03/18	Room Charge			12,800.00	
01/03/18	Service Charge			1,280.00	
01/03/18	Government Tax			57.60	
01/03/18	Value Added Tax			1,536.00	
02/03/18	Room Charge			12,300.00	
02/03/18	Service Charge			1,230.00	
02/03/18	Government Tax			55.35	
02/03/18	Value Added Tax			1,476.00	
03/03/18	Cash				30,734.95
Total				30,734.95	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

Cho, Annie

From: Jennifer Winn <[REDACTED]>
Sent: Tuesday, October 15, 2019 10:52 AM
To: Quinn, Sean
Subject: Re: OCE Request for Information

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
[REDACTED]

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, September 25, 2019, 4:53 AM, Quinn, Sean <[REDACTED]> 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: [REDACTED]

Fax: [202-226-0997](tel:202-226-0997)

[REDACTED]

EXHIBIT 12

EXHIBIT 13

Bank of Guam

DEMAND NON-PROFIT

8235

9/21/2019 9:51 PM

101-511/1214 109

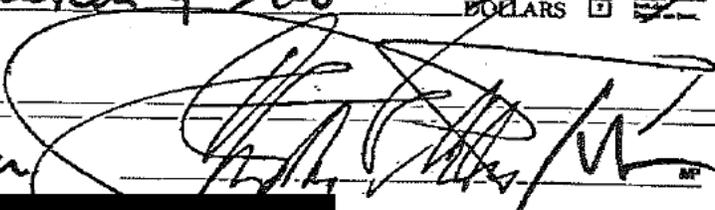
MICHAEL SAN NICOLAS FOR CONGRESS
198 W. SANTA BARBARA AVE.
DEDEDO, GU 96929

4/30/2019

PAY TO THE ORDER OF Michael San Nicolas \$617.00

Six Honored Senators & Gov 

BANK OF GUAM
AGANA BRANCH
"THE PEOPLE'S BANK"
P.O. BOX 5W
AGANA, GUAM 96932

FOR pay exp. A 

BLUE CLARIC

ENDORSE HERE 

0007192926-2018-04-30. BANK OF GUAM->121040169

BANK OF GUAM >121040169<
SAN FRANCISCO, CA
071 18739 0007192926
2018-04-30

DO NOT WRITE STAMPS OR MARKS IN THESE SPACES

DATE 

CHECK HERE AT A TELLER MOBILE OR REMOTE CASHIER

Amount: -617.00

Description: CHECK

Check Number: 109

Posted Date: 4/29/2018

Transaction Type: History

EXHIBIT 14



RECEIPT

part chks # 103

San Juan City, Manila 1500

Date 24/1/18

No.

Received From

Responsible Guam

Amount **\$750.00**

Amount in words

Seven Hundred Fifty and NO/100 -----

Payment Purpose

Responsible Guam Campaign

Duration [From] [To]

Date	Description	Amount	Payment	Balance
Dec 29, 2017	8x8 Banners	\$ 750.00	\$ 750.00	\$ 750.00
			Total	\$ 750.00

MICHAEL SAN NICOLAS FOR CONGRESS
198 W SANTA BARBARA AVE
DEDEDO, GU 96929-5309

103
101-5111214

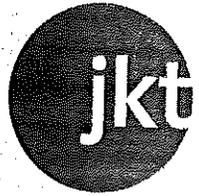
DATE 02/13/2018

PAY TO THE ORDER OF Michael San Nicolas \$ 750.00
Seven Hundred Fifty Dollars DOLLARS

BANK OF GUAM
11 WEST CHALAN SANTO PAPA
MAGATNA, GU 96910
PHONE 671-472-5300

For Reimbursement
Dec. 29 Collateral Mat.

Amount Due: **\$750.00**
Amount Enclosed:



paid check # 102

From **Jodi Topacio**
San Juan, Manila
Philippines 1500

For **Responsible Guam**

INVOICE

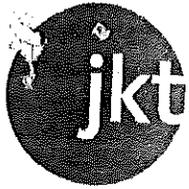
Invoice ID **0031**
Issue Date **01/22/18**
Subject **Responsible Guam for Congress**

Item Type	Description	Quantity	Amount
Prints	Brochures, Bumper Stickers, Banners, Shirts		
Design	Artwork Fee		
Service	Professional fee, Packaging, Delivery		

Amount Due **\$5000.00**

J T Topacio

Thank you for your business!



RECEIPT

San Juan City, Manila 1500

Date 24/1/18

No.

Received From

Responsible Guam

Amount **\$5,000.00**

Amount in words

Five Thousand and NO/100 -----

Payment Pupose

Responsible Guam Campaign

Duration [From]

[To]

Date	Description	Amount	Payment	Balance
Jan 22, 2018	Banners			
	Shirts			
	Bumper Stickers			
	11x17 Brochures			
			Total	\$ 5,000.00

REMITTANCE

Customer Name:

Responsible Guam

Amount Due:

\$5,000.00

Date:

24/1/18

Amount Enclosed:

paid check # 106



From **Jodi Topacio**
San Juan, Manila
Philippines 1500

For **Responsible Guam**

INVOICE

Invoice ID **0031**
Issue Date **01/22/18**
Subject **Responsible Guam for Congress**

Item Type	Description	Quantity	Amount
Prints	Brochures, Bumper Stickers, Banners, Shirts		
Design	Artwork Fee		
Service	Professional fee, Packaging, Delivery		

MICHAEL SAN NICOLAS FOR CONGRESS
198 W SANTA BARBARA AVE
DEDEDO, GU 96929-5309

102
101-511/4214

DATE **02/13/2018**

Amount Due **\$5000.00**

PAY **Michael San Nicolas**
TO THE ORDER OF **Five Thousand Dollars** \$ **5,000.00**

BANK OF GUAM
111 WEST CHALAN SANTO PAPA
HAGATNA, GU 96910
PHONE 671-472-5300

DOLLARS

Reimbursement
for **CC Collateral Mat.**
[Signature]

[Signature]
Thank

APPENDIX B

EXHIBIT 1



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

YOUR VOTE is your voice. / BOTA ya un mia kuenta.



Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 -- Your Personal Information

Last name: [redacted] First Name: [redacted] M.I.: [redacted]

Address: [redacted]

City: [redacted] State: [redacted] Zip Code: [redacted]

Day Phone: [redacted] Evening Phone: [redacted] Fax No: [redacted]

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.
- I did not observe a sample ballot at the polls.
- I observed the casting of a fraudulent vote.
- My polling place was not open on time, or not at all.
- I observed pollworkers acting or saying something discriminatory.
- I observed inappropriate electioneering or campaigning too close to the polls.
- I was not allowed to re-vote after I made a mistake.
- I observed precinct officials neglecting to perform their duties.

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 of new voter registration were not followed.
- I was not able to determine whether my provisional ballot was counted.

THOMAS H. SAMOHIT
ELECTION OFFICER

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: Hagatna, GU
(Date) (City / State or Territory)

Signature of Person Filing Complaint: [Redacted]

If your [Redacted], 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 [Redacted]
(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.

[Handwritten Signature]
(Notary Signature)

WITNESS my hand and official seal.
(Notary Seal)

EC-49

THOMAS H. SAN AGUSTIN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: APRIL 08, 2020
P.O. Box 23772 Barrigada, Guam 96921

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

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)(1)(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 Bonifacio 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.



ATTACHMENT A



Receipt for Hotel in Tagaytay

Feb 25, 2018 - Feb 28, 2018

Itinerary # 7322561448562

Booked Cost Summary
Items

Booked Date: Jan 14, 2018

Hotel: Nurture Wellness Village	Room Price	\$491.23
	3 nights	\$130.13 avg./night
Pulong Sagingan, Barangay Malim H West Cavite, Tagaytay, Luzon4120	Sun, Feb 25	\$137.34
	Mon, Feb 26	\$131.02
	Tue, Feb 27	\$131.02
	Taxes & Fees	\$91.85
Check-in: 2/25/2018 Check-out: 2/28/2018, 1 room 3 nights		Subtotal: \$491.23
	1,881 Expedia Rewards points used	-\$13.44

Traveler Information

Trip Total: \$477.79
Collected by Expedia
Paid: \$477.79
All prices quoted in USD

michael san nicolas

Room 1: Suite (Hugao Spa)





Receipt for Hotel in Tagaytay

Feb 28, 2018 - Mar 1, 2018

Itinerary # 7331379527249

Booked Cost Summary

Items

Booked Date: Feb 20, 2018

Hotel: Nurture Wellness Village	Room Price	\$155.40
	1 night	\$126.34
Pulong Saginagan, Barangay Malim II West Cavite, Tagaytay, Luzon 4120	Taxes & Fees	\$29.06
		Total: \$155.40

Collected by Expedia

Check-in: 2/28/2018 |
Check-out: 3/1/2018, 1 room;
1 night

Paid: \$155.40
All prices quoted in USD

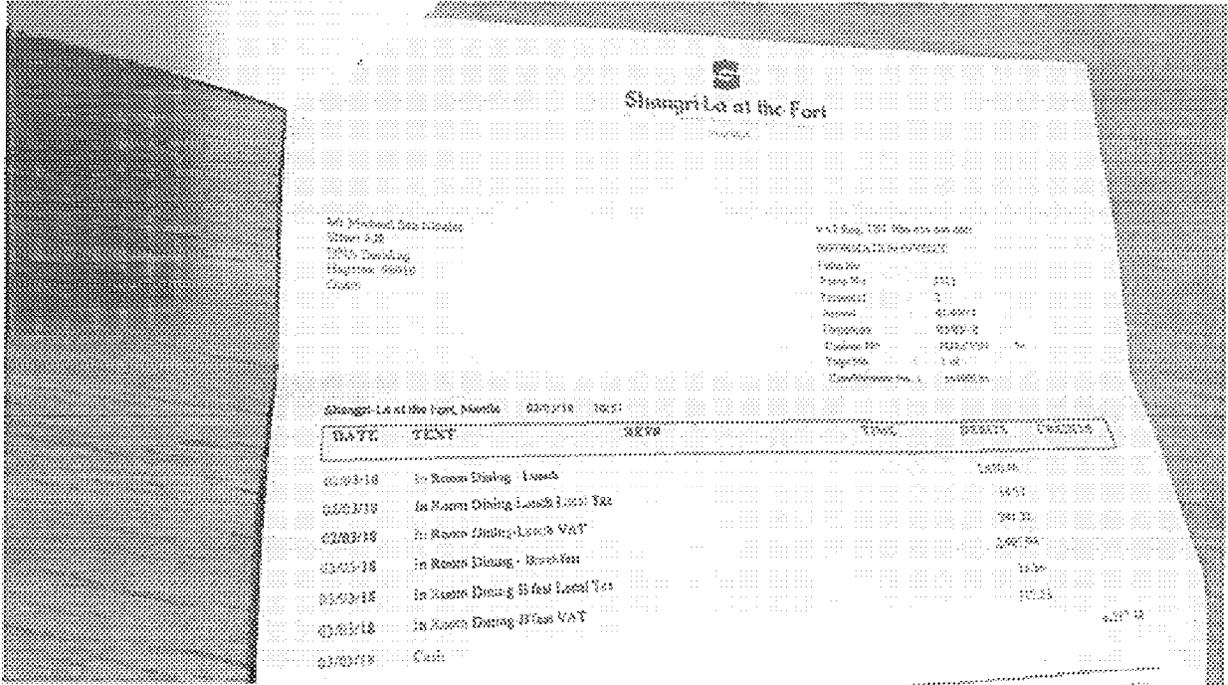
Traveler Information

Michael San nicolas

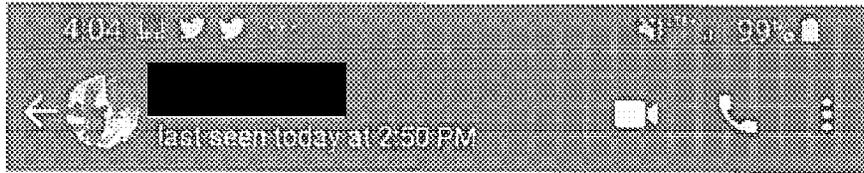
Room 1: Suite (Hugao Spa)



ATTACHMENT B



ATTACHMENT C



SEPTEMBER 4, 2018

█ I have the money. I will give tmr at lunch at 12 noon

4:17 PM



█ I have the money. I will give tmr at lunch at 12 noon

Thanks! Yes that works

4:34 PM ✓

OCTOBER 1, 2018

█ I will have the remaining amount ready by the end of this week.

10:58 AM

🙏🙏🙏 thank you! I will get with you then

10:59 AM ✓

Sounds good

11:00 AM

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?

1:09 PM



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.

1:26 PM ✓

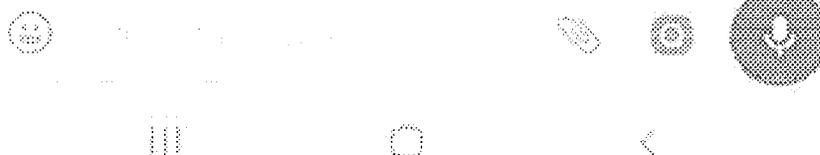


EXHIBIT 2

TAMUNING, GU 96931

6/29/2018

Date

Pay To The Order Of

Michael San Nicolas for Congress \$ 1,000.00

one thousand only

Dollars



First Hawaiian Bank

1001 KALANANĀ'ŪHE
SUITE 1000
TAMUNING, GUAM 96931

for Fund Raiser



0190

Bank of Guam >121040169<
SAN FRANCISCO, CA

BANK OF GUAM >121040169<

BANK OF GUAM >121040169<
SAN FRANCISCO, CA

2018-07-06

CREDITED TO THE ACCOUNT OF
WITHIN NAMED PAYEE
BANK OF GUAM
 CHEF Agaña Branch # 01 DEPOST
DO NOT WRITE
FOR DEPOSIT ONLY
FOR DEPOSIT ONLY

ENDORSE HERE

EXHIBIT 3

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]



EXHIBIT 4

- Track your expenses... DEDUCTIBLE ITEM
- Clothing Transportation
- Credit Card Food
- Entertainment Utilities Mortgage
- Insurance Other

Feb. 8, 2018

Michael San Nicolas

one thousand

1000.00

BALANCE FORWARDED	
THIS ITEM	1,000.00
BALANCE	
DEPOSIT	
OTHER	
BALANCE FORWARDED	

NOT NEGOTIABLE

For added security, your name and account number do not appear on this copy.

EXHIBIT 5

WhatsApp Production

█ = █
 MSN = Michael San Nicolas
 █ = █
 █ = █

Aug. 30, 2018				
8/30/2018	11:35:46 AM	Where and what time u guys meeting up tonight?	█	MSN █
8/30/2018	11:36:12 AM	730 benkay 😊	MSN	
8/30/2018	11:36:19 AM	At nikko	MSN	
8/30/2018	11:37:37 AM	Aite. I'll be a little late but not that late	█	
8/30/2018	11:38:14 AM	👍👍👍👍👍	MSN	
8/30/2018	6:56:38 PM	Heading up	MSN	
8/30/2018	7:31:02 PM	Just got here	█	
8/30/2018	7:31:42 PM	Inside	MSN	
8/30/2018	7:32:04 PM	I gonna leave the meeting in 10 mins.	█	
8/30/2018	7:32:16 PM	😊😊😊😊😊	MSN	
8/30/2018	7:32:27 PM	Gawd today was stressful	MSN	
8/30/2018	7:35:11 PM	Did you have dinner?	MSN	
8/30/2018	7:36:41 PM	Not really. Just muchin on finger food	█	
8/30/2018	7:37:08 PM	Ok	MSN	
8/30/2018	7:37:10 PM	Us too	MSN	
8/30/2018	7:40:00 PM	Just left. On my way	█	
8/30/2018	7:57:37 PM	This is champ calvo next to us	MSN	
8/30/2018	7:57:38 PM	And joey crisostomo cars plus	MSN	
8/30/2018	7:57:38 PM	And milton morinaga who runs all the ken corps hotels	MSN	
8/30/2018	10:13:58 PM	Last call here is 10:30	█	

WhatsApp Production

[REDACTED] = [REDACTED]
 MSN = Michael San Nicolas
 [REDACTED] = [REDACTED]
 [REDACTED] = [REDACTED]

Aug. 31, 2018				
8/31/2018	12:52:06 AM	Sidelines	MSN	MSN, [REDACTED]
8/31/2018	12:52:24 AM	Aite	[REDACTED]	
8/31/2018	12:52:31 AM	👍	MSN	
8/31/2018	1:07:42 AM	I had so much fun!	[REDACTED]	

EXHIBIT 6

BANK OF GUAM
 THE PEOPLE'S BANK
STATEMENT OF ACCOUNT

Page 1 of 2
 Date 06/31/16

 [REDACTED]

MICHAEL SAN NICOLAS FOR CONGRESS
 [REDACTED]



FEES EFFECTIVE FRIDAY, SEPTEMBER 1, 2017

\$25.00 Non-Sufficient Funds Fee on Savings Accounts
 \$3.00 Paper Statement fee for Non-Business Accounts
 For any questions, please contact us at (671) 472-5300 or visit us at any Bank of Guam Branch.

***** [REDACTED] **DEMAND NON-PROFIT**

Previous Balance	07/31/16	11,373.48
+ Deposits/Credits	3	3,530.00
- Withdrawals/Debits	7	10,700.00
- Service Charge		3.00
+ Interest Paid		0.00
Current Balance		4,200.48
Days in Statement Period	31	

Account Activity

Date	Description	Debit	Credit	Balance
07/31/16	BEGINNING BALANCE			\$11,373.48
08/08/16	CHECK #119	\$1,200.00		\$10,173.48
08/13/16	CUSTOMER DEPOSIT		\$1,030.00	\$11,203.48
08/15/16	CHECK #120	\$1,200.00		\$10,003.48
08/15/16	SERVICE CHG SYS-GEN	\$3.00		\$10,000.48
08/21/16	CUSTOMER DEPOSIT		\$1,000.00	\$11,000.48
08/22/16	CUSTOMER DEPOSIT		\$1,500.00	\$12,500.48
08/23/16	CHECK #121	\$1,500.00		\$11,000.48
08/23/16	CHECK #124	\$2,000.00		\$9,000.48
08/23/16	CHECK #122	\$3,300.00		\$5,700.48
08/24/16	CHECK #123	\$1,000.00		\$4,700.48
08/27/16	CHECK #125	\$500.00		\$4,200.48

ENCLOSURES 7
 END OF STATEMENT

EXHIBIT 7

last seen today at 1:04 PM

SEPTEMBER 4, 2018

I have the money. I will give tmr at lunch at 12 noon

4:13 PM

I have the money. I will give tmr at lunch at 12 noon

Thanks! Yes that works

4:14 PM

OCTOBER 1, 2018

I will have the remaining amount ready by the end of this week.

10:58 AM

thank you! I will get with you then

10:59 AM

Sounds good

11:00 AM

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?

1:25 PM

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.

1:26 PM

Type a message



EXHIBIT 8

WhatsApp Production

█ = █

MSN = Michael San Nicolas

█ = █

█ = █

Oct. 5, 2018			
10/5/2018	1:25:55 PM	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?	█ █
10/5/2018	1:26:22 PM	Lol ok. I can come by the office at 330.	█
10/5/2018	1:26:47 PM	Cool. Thanks	█
10/5/2018	2:13:21 PM	Im back at the office so u can come by anytime	█
10/5/2018	3:02:18 PM	Omw	█

EXHIBIT 9

September 4, 2020

Page 2

Report	Fundraiser	Date of Contribution / Loan / Advance	Amount	Date of Deposit
2018 April 15 Quarterly Report	House of Chin Fe Birthday Fundraiser	01/27/18	\$ 8,584.00	02/05/18
2018 April 15 Quarterly Report	Happy Hour Fundraiser	01/27/18	\$ 8,108.00	02/05/18
2018 April 15 Quarterly Report	Sea Grill Restaurant Fundraiser	01/30/18	\$ 8,850.00	02/05/18
2018 July 15 Quarterly Report	\$10 Fundraiser - Detour Grill	04/28/18	\$ 1,641.00	04/30/18 ¹
2018 July 15 Quarterly Report	Skyline Fundraiser	04/29/18		
2018 p	Dusit Thani Fundraiser	06/28/18	\$ 6,525.00	07/06/18
2018 July 15 Quarterly Report	Dusit Thani Fundraiser ²	06/28/18		
2018 July 15 Quarterly Report	\$20 Fundraiser Tsibugan Grill	06/29/18	\$ 5,608.00	07/06/18
2018 October 15 Quarterly Report	\$25 Fundraiser - O Beer Time Lounge	09/28/18	\$ 13,543.00	10/01/18
2019 April 15 Quarterly Report	\$25 Fundraiser at Gudtyme's	03/23/19	\$ 5,015.00	03/29/19
2019 July 15 Quarterly Report	Sea Grill Restaurant Fundraiser	04/24/19	\$ 2,000.00	04/29/19
2019 October 15 Quarterly Report	Sonoma DC Fundraiser	07/30/19	\$ 2,000.00	08/07/19

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

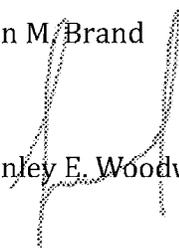
2020 April 15 Quaterly Report	Gudtymes - Gate Fundraiser under \$50.00	02/18/20	\$ 2,028.00	02/19/20
-------------------------------------	--	----------	-------------	----------

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

Bank of Guam

9/28/2019 2:25 AM

DEMAND NON-PROFIT



CTRLV 1808289

ALL ITEMS ARE ACCEPTED SUBJECT TO OUR RULES AND REGULATIONS APPLICABLE TO THIS ACCOUNT.

100-0117-014

CHECKING DEPOSIT

USE OTHER SIDE FOR ADDITIONAL LISTING. BE SURE EACH ITEM IS PROPERLY ENDORSED.

FOR DEPOSIT TO THE ACCOUNT OF
NAME MICHAEL F.R SAN NICOLAS FOR CONGRESS

ADDRESS
DATE 10/01/2018

CASH 13543.00

TOTAL FROM OTHER SIDE

TOTAL 13543.00

LESS CASH RECEIVED

NET TOTAL \$ 13543.00

SIGN HERE FOR LESS CASH IN TELLER'S PRESENCE
LESS CASH ONLY AVAILABLE TO PERSONAL ACCOUNTS.
NOT AVAILABLE ON BUSINESS ACCOUNTS.

Deposits May Not Be Available For Immediate Withdrawal

Handwritten scribbles and stamps on the back of the check, including a large 'TOTAL' stamp and a date stamp '2018-10-01'.

Amount: 13543.00
Description: CUSTOMER DEPOSIT
Posted Date: 9/30/2018
Transaction Type: History

EXHIBIT 11

Bank of Guam

DEMAND NON-PROFIT

5/31/2020 6:56 AM



ALL ITEMS ARE ACCEPTED SUBJECT TO OUR RULES AND REGULATIONS APPLICABLE TO THIS ACCOUNT.

CHECKING DEPOSIT

USE OTHER SIDE FOR ADDITIONAL LISTING. BE SURE EACH ITEM IS PROPERLY ENDORSED.

FOR DEPOSIT TO THE ACCOUNT OF
NAME *Michael San Nicolas For Congress*
ADDRESS
DATE *10/29/18*

CASH *7476.00*

10/29/2018 14.24 0135 150
7476.00
7476.00
GDA Deposit

TOTAL FROM OTHER SIDE
TOTAL
LESS CASH RECEIVED

Deposits May Not Be Available For Immediate Withdrawal

\$ *7476.00*
7,476.00

CURRENCY COUNT - FOR FINANCIAL INSTITUTION USE ONLY	TOTAL MUST BE ENTERED ON FRONT SIDE	CHECKS LIST SINGLY	DOLLARS	CENTS
1				
2				
5				
10				
20				
50				
100				
TOTAL				

Amount: 7476.00
Description: CUSTOMER DEPOSIT
Posted Date: 10/29/2018
Type: Credit
Status: Posted

EXHIBIT 12

**SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)	PAGE 6 OF 24
	<input checked="" type="checkbox"/> 11a <input type="checkbox"/> 12	<input type="checkbox"/> 11b <input type="checkbox"/> 13a

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

Full Name (Last, First, Middle Initial) A. Park, Andrew, , ,		Date of Receipt M M / D D / Y Y Y Y 09 / 05 / 2018
Mailing Address PO Box 8801		Transaction ID : SA11AI.5598
City Tamuning	State GU	
Zip Code 96931		Amount of Each Receipt this Period 5000.00
FEC ID number of contributing federal political committee. C		<input type="checkbox"/> Memo Item
Name of Employer Pacific Produce	Occupation Vice President	
Receipt For: 2018 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	Election Cycle-to-Date ▼ 6000.00	

Full Name (Last, First, Middle Initial) B. Ramos, Renerio, , ,		Date of Receipt M M / D D / Y Y Y Y 08 / 19 / 2018
Mailing Address PO Box 11864		Transaction ID : SA11AI.4361
City Tamuning	State GU	
Zip Code 96931		Amount of Each Receipt this Period 1000.00
FEC ID number of contributing federal political committee. C		<input type="checkbox"/> Memo Item Contribution
Name of Employer Medpharm Group	Occupation General Manager	
Receipt For: 2018 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	Election Cycle-to-Date ▼ 1000.00	

Full Name (Last, First, Middle Initial) C. Tajalle, Thomas, , ,		Date of Receipt M M / D D / Y Y Y Y 09 / 18 / 2018
Mailing Address 152 E Santa Monica Ave		Transaction ID : SA11AI.4440
City Dededo	State GU	
Zip Code 96929		Amount of Each Receipt this Period 2700.00
FEC ID number of contributing federal political committee. C		<input type="checkbox"/> Memo Item
Name of Employer Guam Music Inc.	Occupation President of Operations	
Receipt For: 2018 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	Election Cycle-to-Date ▼ 5400.00	

SUBTOTAL of Receipts This Page (optional)..... ▶	8700.00
TOTAL This Period (last page this line number only)..... ▶	

EXHIBIT 13

**SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)	PAGE 7 OF 24
	<input checked="" type="checkbox"/> 11a <input type="checkbox"/> 12	<input type="checkbox"/> 11b <input type="checkbox"/> 13a

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

Full Name (Last, First, Middle Initial) A. Park, Andrew, , ,			Date of Receipt M M / D D / Y Y Y Y 10 / 05 / 2018
Mailing Address PO Box 8801			Transaction ID : SA11AI.5599
City Tamuning	State GU	Zip Code 96931	
FEC ID number of contributing federal political committee. C			Amount of Each Receipt this Period 4000.00
Name of Employer Pacific Produce		Occupation Vice President	<input type="checkbox"/> Memo Item
Receipt For: 2018 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Election Cycle-to-Date ▼ 10000.00	

Full Name (Last, First, Middle Initial) B. Ramos, Renerio, , ,			Date of Receipt M M / D D / Y Y Y Y 10 / 10 / 2018
Mailing Address PO Box 11864			Transaction ID : SA11AI.4411
City Tamuning	State GU	Zip Code 96931	
FEC ID number of contributing federal political committee. C			Amount of Each Receipt this Period 1000.00
Name of Employer Medpharm Group		Occupation General Manager	<input type="checkbox"/> Memo Item Contribution
Receipt For: 2018 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Election Cycle-to-Date ▼ 2000.00	

Full Name (Last, First, Middle Initial) C. San Nicolas, Michael, , ,			Date of Receipt M M / D D / Y Y Y Y 10 / 12 / 2018
Mailing Address 198 W. Santa Barbara Ave.			Transaction ID : SA11AI.5686
City Dededo	State GU	Zip Code 96929	
FEC ID number of contributing federal political committee. C H8GU01020			Amount of Each Receipt this Period 1800.00
Name of Employer Guam Legislature		Occupation Senator	<input checked="" type="checkbox"/> Memo Item Candidate Advance: Event Expenses Eco Bags
Receipt For: 2018 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Election Cycle-to-Date ▼ 2500.00	

SUBTOTAL of Receipts This Page (optional)..... ▶	5000.00
TOTAL This Period (last page this line number only)..... ▶	

EXHIBIT 14

December 4, 2019

Mr. [REDACTED]

Dear Mr. [REDACTED]

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. [REDACTED]

It is noted on the report filed by Mr. [REDACTED] that "Mr. San Nicolas received a \$10,000 cash donation from Mr. [REDACTED] 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. [REDACTED], 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 [REDACTED]@gmail.com, or you may contact me at the number provided below.

Senseremente,

[REDACTED]
[REDACTED]
Campaign Chairwoman
Committee of Michael San Nicolas for Congress
[REDACTED]

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]

EXHIBIT 15

Message

From: Richard Johnson [REDACTED]@bsjmlaw.com]
on behalf of Richard Johnson [REDACTED]@bsjmlaw.com > [REDACTED]@bsjmlaw.com]
Sent: 1/22/2020 2:59:40 AM
To: [REDACTED]@gmail.com
CC: [REDACTED] [REDACTED]@ppcguam.com]
Subject: Attached Letter
Attachments: DOC294.PDF

Dear Sir/Madam:

Please see the attached letter from Mr. [REDACTED] 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]@bsjmlaw.com
www.bsjmlaw.com



NOTICE: Please update your address book to reflect my new e-mail address - [REDACTED]@bsjmlaw.com. 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]@bsjmlaw.com or by telephone at (671) 477-7857 and destroy all copies of the message.

The contents of an attachment to this e-mail may contain software viruses, which could damage your own computer system. While Blair Sterling Johnson & Martinez has taken every reasonable precaution to minimize this risk, we cannot accept liability for any damage which you sustain as a result of software viruses. You should carry out your own virus checks before opening an attachment.

Unless otherwise expressly indicated, if this e-mail, or any attachment hereto, contains advice concerning any federal tax issue or submission, please be advised that the advice was not intended or written to be used, and that it cannot be used, for the purpose of avoiding federal tax penalties.

[REDACTED]

January 21, 2020

VIA EMAIL to [REDACTED]@gmail.com

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 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 dont itemize them.

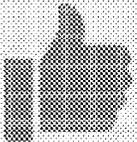
Michael San Nicolas 1/21/2018 9:37:58 PM

For first invoice and receipt (8 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 [REDACTED]@gmail.com

Michael San Nicolas 1/21/2018 9:39:19 PM

Ok sir

1/21/2018 9:39:26 PM

Many Thanks 😊

1/21/2018 9:39:45 PM

EXHIBIT 17

Message

From: Quinn, Sean [REDACTED]@mail.house.gov]
on behalf of Quinn, Sean <[REDACTED]@mail.house.gov> [REDACTED]@mail.house.gov]
Sent: 12/4/2019 4:37:02 PM
To: Responsible Guam [REDACTED]@gmail.com]
CC: Ashmawy, Omar [REDACTED]@mail.house.gov]
Subject: RE: Confirming Interview with OCE Tomorrow
Attachments: 12.4.19 Review No 19-4104_Non Cooperation.pdf

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: [REDACTED]
Fax: 202-226-0997
[REDACTED]@mail.house.gov

From: Responsible Guam <[REDACTED]@gmail.com>
Sent: Tuesday, December 3, 2019 8:50 PM
To: Quinn, Sean <[REDACTED]@mail.house.gov>
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, <[REDACTED]@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 <[REDACTED]@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, <[REDACTED]@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 conform and let me know if you have any questions.

Best,
Sean

Sean M. Quinn

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