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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. 21-4513

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on December 17, 2021, 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: Rep. Ronny Jackson

NATURE OF THE ALLEGED VIOLATION: Rep. Ronny Jackson’s campaign committee, Texans for Ronny Jackson, reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Rep. Jackson converted campaign funds from Texans for Ronny Jackson to personal use, or if Rep. Jackson’s campaign committee expended funds that were not attributable to bona fide campaign or political purposes, then Rep. Jackson may have violated House rules, standards of conduct, and federal law.

RECOMMENDATION: The Board recommends that the Committee further review the above allegation concerning Rep. Jackson because there is substantial reason to believe that Rep. Jackson converted campaign funds from Texans for Ronny Jackson to personal use or Rep. Jackson’s campaign committee expended funds that were not attributable to bona fide campaign or political purposes.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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

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FINDINGS OF FACT AND CITATIONS TO LAW

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FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 21-4513

On December 17, 2021, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*). The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. Rep. Ronny Jackson’s campaign committee, Texans for Ronny Jackson, reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Rep. Jackson converted campaign funds from Texans for Ronny Jackson to personal use, or if Rep. Jackson’s campaign committee expended funds that were not attributable to bona fide campaign or political purposes, then Rep. Jackson may have violated House rules, standards of conduct, and federal law.
2. The Board recommends that the Committee on Ethics of the United States House of Representatives (“Committee”) further review the above allegation concerning Rep. Jackson because there is substantial reason to believe that Rep. Jackson converted campaign funds from Texans for Ronny Jackson to personal use or that Rep. Jackson’s campaign committee expended funds that were not attributable to bona fide campaign or political purposes.

B. Jurisdictional Statement

3. The allegations that were the subject of this review concern Rep. Jackson, a Member of the United States House of Representatives from the 13th Congressional District of Texas. 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. Because some of the conduct at issue relates to a successful campaign for election to the United States House of Representatives, review by the Board is also in accordance with the Resolution and House precedent.²

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

² See e.g., *In the Matter of Allegations Relating to Representative Ruben Kihuen*, H.R. REP. NO. 115-1041, at 5, n. 24 (2d Sess. 2018) (“[T]he Committee has repeatedly noted it has jurisdiction over ‘misconduct relating to a successful campaign for election to the House’”).

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C. Procedural History

4. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on September 17, 2021. The preliminary review commenced on September 18, 2021.³
5. On September 21, 2021, the OCE notified Rep. Jackson 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.⁴
6. At least three members of the Board voted to initiate a second-phase review in this matter on October 15, 2021. The second-phase review commenced on October 18, 2021.⁵
7. On October 18, 2021, the OCE notified Rep. Jackson 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.⁶
8. The second-phase review ended on December 1, 2021.
9. The Board voted to refer the matter to the Committee for further review and adopted these findings on December 17, 2021.
10. The report and its findings in this matter were transmitted to the Committee on December 22, 2021.

D. Summary of Investigative Activity

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

- (1) Rep. Jackson;
- (2) Dr. Chris Morrow, Treasurer of Texans for Ronny Jackson;
- (3) Collin McMichael, CM & Co.; and
- (4) The Amarillo Club.

12. The following individuals refused to cooperate with the OCE's review:

- (1) Rep. Jackson;

³ 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.

⁴ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Jackson (Sept. 21, 2021).

⁵ 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.

⁶ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Jackson (Oct. 18, 2021).

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- (2) Dr. Chris Morrow; and
(3) Collin McMichael.

II. REP. JACKSON MAY HAVE CONVERTED CAMPAIGN FUNDS TO PERSONAL USE

A. Applicable Law, Rules, and Standards of Conduct

13. Federal Law

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.”

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

“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. . . .”

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 . . .

(G) Dues, fees or gratuities at a country club, health club, recreational facility or other nonpolitical organization, unless they are part of the costs of a specific fundraising event that takes place on the organization’s premises.”

60 Fed. Reg. 7861, 7866 (Feb. 9, 1995), Final Rule Re: Personal Use of Campaign Funds – Discussion Regarding Spending on Club Dues

“Paragraph (g)(1)(i)(G) of the final rules provides that using campaign funds to pay dues, fees or gratuities to a country club, health club, recreational facility or other nonpolitical organization is personal use. . . . However, the rule is not so broad as to limit legitimate campaign related or officeholder related activity. The costs of a fundraising event held on club premises are no different under the FECA than the costs of a fundraiser held at another location, so the rule contains and [sic] exception that indicates that payments for these costs are not personal use. However, this exception does not cover payments made to maintain unlimited access to such a facility, even if access if [sic] maintained to facilitate fundraising activity. The exception is limited to payments for the costs of a specific fundraising event.”⁷

⁷ “The rule also allows a candidate or officeholder to use campaign funds to pay membership dues in an organization that may have political interests. This would include community or civic organizations that a candidate or officeholder joins in his or her district in order to maintain political contacts with constituents or the business community.” Personal Use of Campaign Funds, 60 Fed. Reg. 7861, 7866 (Feb. 9, 1995). In an advisory opinion, the Federal Election Commission (“FEC”) explained that campaign payments for membership dues at a private club facility (the Washington Athletic Club of Seattle) were impermissible even when the purpose of the membership was “primarily to have access to Club facilities for campaign purposes.” FEC Advisory Op. 1995-26 (Aug. 18, 1995) (citing Personal Use of Campaign Funds, 60 Fed. Reg. 7861, 7866 (Feb. 9, 1995)).

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14. 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 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.”

15. House Ethics Manual

*The House Ethics Manual states, “Campaign funds are **not** to be used to enhance a Member’s lifestyle, or to pay a Member’s personal obligations. 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.”⁸*

“Among the particular uses of campaign funds that are specified in the FEC regulations as constituting an impermissible personal use are payments for the following: . . . Dues, fees or gratuities at a country club, health club, recreational facility or other non-political organization, unless part of the costs of a specific fundraising event[.]”⁹

With respect to verification, the Manual emphasizes the following: “This requirement that the proper purpose of each outlay be ‘verifiable’ is a commonsense requirement. 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”¹⁰

According to the House Ethics Manual, “a Member or employee must take reasonable steps to ensure that any outside organization over which he or she exercises control – including the individual’s own authorized campaign committee ... operates in compliance with applicable law.”¹¹ Additionally, “[a] Member’s use of campaign funds for federal office is permissible only

⁸ House Ethics Manual (2008) at 173 (emphasis in original).

⁹ *Id.* at 172.

¹⁰ *Id.* at 164-65 (emphasis in original).

¹¹ *Id.* at 123.

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*if it complies with the provisions of both the House Rules and [the Federal Election Campaign Act].*¹²

B. Rep. Jackson May Have Converted Campaign Funds to Personal Use

16. Federal Election Commission (“FEC”) regulations prohibit campaign committees from using campaign funds to secure unlimited access to country clubs, health clubs, recreational facilities, and other non-political organizations.¹³ In this review, the OCE found that Rep. Jackson’s campaign committee, Texans for Ronny Jackson, used campaign funds to pay for unlimited access to the Amarillo Club, a private dining club located in Amarillo, Texas.
17. Rep. Jackson refused to cooperate with this review. In response to the OCE’s requests for information, Rep. Jackson’s counsel provided the OCE with a short letter stating that all of Rep. Jackson’s spending at the Amarillo Club complied with FEC regulations. He declined to provide any documents or testimony in support of this position.
18. Dr. Chris Morrow, the campaign committee’s treasurer, and Collin McMichael of CM & Co., the campaign committee’s accounting firm, also refused to provide documents to the OCE.
 - i. Rep. Jackson’s Amarillo Club Membership
19. Housed on the top two floors of the FirstBank Southwest Tower in Amarillo, Texas, the Amarillo Club is a private, non-profit social club that provides its approximately 850 members with numerous benefits, including fine dining, a wine program, a gym, and banquet and meeting room spaces.¹⁴ Additionally, the Amarillo Club is affiliated with ClubCorp, a national network of private golf, country, city, and stadium clubs.¹⁵ Amarillo Club members receive reciprocal privileges at ClubCorp properties and golf courses throughout the United States.¹⁶
20. The Amarillo Club describes itself as a place where members can “enjoy a fantastic view as they wine and dine . . . in the heart of downtown Amarillo. For more than 70 years, the Amarillo Club has been the destination for romantic evenings, life event celebrations, business meetings, civic organizations and much more.”¹⁷ It also advertises “bespoke luxury

¹² *Id.* at 152 (emphasis in original).

¹³ See *supra*, Section II.A.

¹⁴ See Amarillo Club, *Membership Benefits*, <https://amarilloclub.com/membership-benefits> (last visited Dec. 20, 2021); Amarillo Club, *Reciprocal Clubs*, <https://amarilloclub.com/reciprocal-clubs> (last visited Dec. 20, 2021); Amarillo Club, *Membership Categories*, <https://amarilloclub.com/membership-categories> (last visited Nov. 30, 2021); Amarillo Club, *About*, <https://amarilloclub.com/about> (last visited Dec. 20, 2021); Amarillo Club 2019 House Rules (Exhibit 1 at 21-4513_0002-08).

¹⁵ Amarillo Club, *Membership Benefits*, <https://amarilloclub.com/membership-benefits> (last visited Dec. 20, 2021); Amarillo Club, *Reciprocal Clubs*, <https://amarilloclub.com/reciprocal-clubs> (last visited Dec. 20, 2021); Amarillo Club, *Membership Categories*, <https://amarilloclub.com/membership-categories> (last visited Dec. 20, 2021); see also ClubCorp, *Our Story*, <https://www.clubcorp.com/our-story> (last visited Dec. 20, 2021).

¹⁶ Amarillo Club, *Membership Benefits*, <https://amarilloclub.com/membership-benefits> (last visited Dec. 20, 2021); Amarillo Club, *Reciprocal Clubs*, <https://amarilloclub.com/reciprocal-clubs> (last visited Dec. 20, 2021); Amarillo Club, *Membership Categories*, <https://amarilloclub.com/membership-categories> (last visited Dec. 20, 2021).

¹⁷ Amarillo Club, *About*, <https://amarilloclub.com/about> (last visited Dec. 20, 2021).

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21. FEC reports show Texans for Ronny Jackson making consistent payments to the Amarillo Club since October 2020, including various disbursements for “Dues” and “Membership Fees.”¹⁹

Date	FEC Disbursement Description	Amount
9/13/2021	Membership Food/Beverage	\$175.37
8/11/2021	Membership Food/Beverage	\$175.37
7/12/2021	Membership Food/Beverage	\$281.87
6/14/2021	Food/Beverage	\$3,297.43
5/11/2021	Dues	\$175.37
4/12/2021	Dues	\$175.37
3/11/2021	Food/Beverage	\$175.37
2/9/2021	Food/Beverage	\$175.37
1/11/2021	Food/Beverage	\$275.37
11/11/2020	Membership Fees	\$175.37
10/19/2020	Membership Fees	\$649.50

22. The Amarillo Club generates monthly billing statements for its members, and the OCE obtained Rep. Jackson’s billing statements from October 2020 through September 2021.²⁰ As discussed in more detail below, these billing statements, when compared against the campaign committee’s FEC filings, indicate that the campaign committee pays for Rep. Jackson’s dues, fees, meals, and other activities at the club.²¹
23. Documents collected by the OCE establish that Rep. Jackson joined the Amarillo Club in October 2020 as a resident member, and he used campaign funds to pay a \$649.50

¹⁸ Amarillo Club, *Home*, <https://amarilloclub.com/> (last visited Dec. 20, 2021).

¹⁹ Chart compiled from Texans for Ronny Jackson FEC Reports of Receipts and Disbursements, including: Texans for Ronny Jackson, 30-Day Post-General Election FEC Report of Receipts and Disbursements, filed Dec. 3, 2020 at 322; Texans for Ronny Jackson, FEC April 2021 Quarterly Report of Receipts and Disbursements, filed Apr. 15, 2021 at 349; Texans for Ronny Jackson, FEC July 2021 Quarterly Report of Receipts and Disbursements, filed July 15, 2021 at 515-16; Texans for Ronny Jackson, FEC October 2021 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2021 at 1308.

²⁰ Rep. Jackson Amarillo Club Monthly Billing Statements (Exhibit 2 at 21-4513_0011-29).

²¹ Compare Rep. Jackson Amarillo Club Monthly Billing Statements (Exhibit 2 at 21-4513_0011-29) with Texans for Ronny Jackson, 30-Day Post-General Election FEC Report of Receipts and Disbursements, filed Dec. 3, 2020 at 322; Texans for Ronny Jackson, FEC April 2021 Quarterly Report of Receipts and Disbursements, filed Apr. 15, 2021 at 349; Texans for Ronny Jackson, FEC July 2021 Quarterly Report of Receipts and Disbursements, filed July 15, 2021 at 515-16; Texans for Ronny Jackson, FEC October 2021 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2021 at 1308. While the disbursements reported to the FEC do not completely align with Amarillo Club billing statements in terms of dates or disbursement descriptions, a comparison of these documents makes clear that the monthly billing statements are paid with campaign funds and any discrepancies are the likely result of inaccurate FEC reporting. See Amarillo Club Billing Statement Reconciliation Chart (Exhibit 3 at 21-4513_0031) (noting how the Amarillo Club monthly billing statement payments align with the campaign committee’s FEC reports and identifying bases for the minor discrepancies).

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membership and application fee.²² Rep. Jackson’s membership provides him and his wife with unlimited access to the club’s dining rooms, gym, banquet and meeting rooms, club events, and ClubCorp reciprocity benefits.²³

24. Since joining, Rep. Jackson’s campaign committee has made regular monthly dues payments of \$175.37 to the Amarillo Club.²⁴ Between October 2020 and September 2021, the campaign committee made eleven monthly dues payments to the club, totaling \$1,929.07.²⁵

ii. Rep. Jackson’s Use of Amarillo Club Facilities and Amenities

25. In addition to dues and membership fees, Rep. Jackson’s monthly billing statements include spending on various Amarillo Club meals and events; however, without Rep. Jackson’s cooperation, the OCE could not determine the extent to which he and his wife use the club’s other amenities and benefits.
26. Rep. Jackson’s monthly billing statements include lunches on December 15, 2020 and June 3, 2021, which cost \$125.00 and \$131.50 respectively.²⁶ Without cooperation from Rep. Jackson, the OCE could not determine the attendees at these lunches and whether the meals were campaign related.
27. The campaign committee also funded a large gathering in May 2021, which cost \$3,147.06.²⁷ Again, because Rep. Jackson, his treasurer, and his accounting firm declined to cooperate with this review, the OCE could not verify whether these food and beverage disbursements were for legitimate campaign purposes. However, the OCE notes this spending was described on an Amarillo Club Banquet Event Order Form as a “Fundraising Event.”²⁸

²² Compare Rep. Jackson Amarillo Club Monthly Billing Statements (Exhibit 2 at 21-4513_0011-29) with Texans for Ronny Jackson, 30-Day Post-General Election FEC Report of Receipts and Disbursements, filed Dec. 3, 2020 at 322; see also Rep. Jackson Amarillo Club Membership Application and Payment Form (Exhibit 4 at 21-4513_0033-36). The Amarillo Club’s website identifies a \$649.50 application fee for new members, and this figure is consistent with the campaign committee’s initial October 19, 2020 disbursement to the club. See Amarillo Club, *Membership Categories*, <https://amarilloclub.com/membership-categories> (last visited Dec. 20. 2021).

²³ Amarillo Club, *Membership Benefits*, <https://amarilloclub.com/membership-benefits> (last visited Dec. 20. 2021); Amarillo Club 2019 House Rules (Exhibit 1 at 21-4513_0003); Amarillo Club, *Membership Categories*, <https://amarilloclub.com/membership-categories> (last visited Dec. 20. 2021); Rep. Jackson Amarillo Club Membership Application and Payment Form (Exhibit 4 at 21-4513_0033-36).

²⁴ Compare Rep. Jackson Amarillo Club Monthly Billing Statements (Exhibit 2 at 21-4513_0011-29) with Texans for Ronny Jackson, 30-Day Post-General Election FEC Report of Receipts and Disbursements, filed Dec. 3, 2020 at 322; Texans for Ronny Jackson, FEC April 2021 Quarterly Report of Receipts and Disbursements, filed Apr. 15, 2021 at 349; Texans for Ronny Jackson, FEC July 2021 Quarterly Report of Receipts and Disbursements, filed July 15, 2021 at 515-16; Texans for Ronny Jackson, FEC October 2021 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2021 at 1308.

²⁵ *Id.* While each dues payment is not individually identified in the campaign committee’s FEC filings, Rep. Jackson’s monthly Amarillo Club billing statements indicate that Rep. Jackson made a total of eleven \$175.37 payments to the Amarillo Club for dues between October 2020 and September 2021. See Rep. Jackson Amarillo Club Monthly Billing Statements (Exhibit 2 at 21-4513_0011-29); see also Amarillo Club Billing Statement Reconciliation Chart (Exhibit 3 at 21-4513_0031).

²⁶ Rep. Jackson Amarillo Club Monthly Billing Statements (Exhibit 2 at 21-4513_0013-14, 25-26).

²⁷ *Id.* at 21-4513_0019-24.

²⁸ *Id.* at 21-4513_0024.

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28. Rep. Jackson also received a series of \$25.00 food and beverage credits from the Amarillo Club.²⁹ Such credits may implicate the gift rule, and regardless, were available to Rep. Jackson because his campaign committee covered the cost of his club membership.
29. Without cooperation, the OCE also could not determine the extent to which Rep. Jackson uses the club's non-dining amenities (*e.g.*, gym, room rental and conference space, etc.) or whether he utilized any ClubCorp reciprocal benefits.
30. In summary, between October 2020 and September 2021, Rep. Jackson's campaign committee paid the Amarillo Club \$5,907.13 for dues, fees, meals, and other services.³⁰ Since Rep. Jackson and his associates refused to cooperate with this review, the OCE could not determine to what extent his use of the club and the committee's food and beverage spending at the club was campaign related. Regardless, the committee's payment of monthly dues likely implicates the prohibition against personal use of campaign funds.
31. During this review, the OCE also sought information from Rep. Jackson, Dr. Morrow, and Mr. McMichael about a limited number of other disbursements made by Texans for Ronny Jackson, including spending on other entertainment, meal, travel, and reimbursement expenses that may implicate personal use prohibitions. Each of these individuals declined to provide information in response to these requests.
32. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Jackson converted campaign funds from Texans for Ronny Jackson to personal use or that Rep. Jackson's campaign committee expended funds that were not attributable to bona fide campaign or political purposes.

III. CONCLUSION

33. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Jackson converted campaign funds from Texans for Ronny Jackson to personal use or that Rep. Jackson's campaign committee expended funds that were not attributable to bona fide campaign or political purposes.
34. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Jackson converted campaign funds from Texans for Ronny Jackson to personal use or that Rep. Jackson's campaign committee expended funds that were not attributable to bona fide campaign or political purposes.

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

35. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE review:
 - a. Rep. Jackson;
 - b. Dr. Chris Morrow; and

²⁹ *Id.* at 21-4513_0013, 19, 25.

³⁰ *Id.* at 21-4513_0011-29.

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c. Collin McMichael.

36. The Board recommends that the Committee issue subpoenas to Rep. Jackson, Dr. Morrow, and Mr. McMichael.