

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. 19-4114

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on August 9, 2019, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Representative Rashida Tlaib

NATURE OF THE ALLEGED VIOLATION: Rep. Tlaib’s campaign committee, Rashida Tlaib for Congress, reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Rep. Tlaib converted campaign funds from Rashida Tlaib for Congress to personal use, or if Rep. Tlaib’s campaign committee expended funds that were not attributable to bona fide campaign or political purposes, then Rep. Tlaib 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. Tlaib because there is substantial reason to believe that Rep. Tlaib converted campaign funds from Rashida Tlaib for Congress to personal use or Rep. Tlaib’s campaign committee expended funds that were not attributable to bona fide campaign or political purposes.

VOTES IN THE AFFIRMATIVE: 5

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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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 19-4114

On August 9, 2019, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*). The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

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

B. Jurisdiction Statement

3. The allegations that were the subject of this review concern Rep. Rashida Tlaib, a Member of the United States House of Representatives from the 13th District of Michigan. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (“OCE”) directs that, “[n]o review shall be undertaken ... by the [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.
4. The Resolution, consistent with House Rule XI, clause 3, permits the investigation into an “alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities.”² Because the conduct at issue relates to a successful campaign for election to the United States House

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

² The Resolution § 1(c)(1)(A); § 4 (2008).

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C. Procedural History

5. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on April 12, 2019. The preliminary review commenced on April 13, 2019.⁴
6. On April 15, 2019, the OCE notified Rep. Tlaib of the initiation of the preliminary review, provided her with a statement of the nature of the review, notified her of her right to be represented by counsel in this matter, and notified her that invoking her right to counsel would not be held negatively against her.⁵
7. At least three members of the Board voted to initiate a second-phase review in this matter on May 10, 2019. The second-phase review commenced on May 13, 2019.⁶ The second-phase review was scheduled to end on June 26, 2019.
8. On May 13, 2019, the OCE notified Rep. Tlaib of the initiation of the second-phase review in this matter, and again notified her of her right to be represented by counsel in this matter, and that invoking that right would not be held negatively against her.⁷
9. The Board voted to extend the second-phase review by an additional period of fourteen days on June 7, 2019. The additional period ended on July 10, 2019.
10. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on August 9, 2019.
11. The report and its findings in this matter were transmitted to the Committee on Ethics on August 16, 2019.

D. Summary of Investigative Activity

12. The OCE requested documentary and/or testimonial information from the following sources:
 - (1) Rep. Rashida Tlaib;⁸

³ 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’”).

⁴ 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.

⁵ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Tlaib, April 15, 2019.

⁶ 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.

⁷ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Tlaib, May 13, 2019.

⁸ The Request for Information directed to Rep. Tlaib sought information from her personally and from her congressional campaign committee, Rashida Tlaib for Congress.

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- (2) Soh Suzuki, Treasurer, Rashida Tlaib for Congress;
- (3) Andy Goddeeris, Campaign Manager, Rashida Tlaib for Congress;
- (4) Amanda Kaye, Campaign Staffer, Rashida Tlaib for Congress, and
- (5) The Jane and Maurice Sugar Law Center.

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

- (1) Rep. Tlaib;
- (2) Soh Suzuki;
- (3) Andy Goddeeris; and
- (4) Amanda Kaye.

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

A. Applicable Law, Rules, and Standards of Conduct

14. Federal Statutes

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

15. Federal Regulations

Pursuant to 11 C.F.R. § 113.1(g)(1)(I), “[p]ersonal 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 . . .

(I) Salary payments by a candidate’s principal campaign to a candidate in excess of the lesser of: the minimum salary paid to a Federal officeholder holding the Federal office that the candidate seeks; or the earned income that the candidate received during the year prior to becoming a candidate. Any earned income that a candidate receives from salaries or wages from any other source shall count against the foregoing limit of the minimum salary paid to a Federal officeholder holding the Federal office that the candidate seeks. The candidate must provide income tax records from the relevant years and other evidence of earned income upon the request of the Commission. Salary shall not be paid to a candidate before the filing deadline for access to the primary election ballot for the Federal office that the candidate seeks, as determined by State law . . . If the candidate wins the primary election, his or her principal campaign committee may pay him or her a salary from campaign funds through the date of the general election, up to and including the date of any general election runoff. If the candidate loses the primary, withdraws from the race, or otherwise ceases to be a candidate, no salary payments may be paid beyond the date he or she is no longer a candidate. . . . During the time

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period in which a principal campaign committee may pay a salary to a candidate under this paragraph, such payment must be computed on a pro-rata basis.”^{9, 10}

16. 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.”

17. 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.”¹¹*

*The House Ethics Manual states, “[a] Member’s use of campaign funds for federal office is permissible only if it complies with the provisions of **both** the House Rules **and** [the Federal Election Campaign Act].”¹²*

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

⁹ The Federal Election Commission (“FEC”) explained that “payment of a salary to a candidate is not a prohibited personal use as defined under Commission regulations since, but for the candidacy, the candidate would be paid a salary in exchange for services rendered to an employer.” *See* Using Contributions to Pay Salaries to Candidates, 67 Fed. Reg. 76961, 76971-73 (Dec. 13, 2002). In reaching this conclusion, the FEC explained: “[B]ecause many candidates must forego salary in order to conduct the business of the campaign, a candidate who is dependent on an income is put at a severe disadvantage compared to an incumbent who is free to campaign at all times without any reduction in compensation or to an affluent challenger, who can afford to campaign without receiving any compensation.” *Id.* at 76971. Put differently, “candidates without significant resources might not be able to forgo salary payments in order to run for Federal office.” *Id.*

¹⁰ When determining whether a salary payment *made after* the general election is permissible, the FEC considers when the right to compensation accrued to a candidate, as opposed to the date on which the salary payment is made. *See* FEC First General Counsel’s Report, MUR 7068, Mowrer for Iowa (Dec. 5, 2016); FEC Conciliation Agreement, MUR 7068, Mowrer for Iowa (August 31, 2018). A candidate may be paid a salary payment after the general election date, so long as the payment is solely for work performed up through the date of the general election, and not for work done after that date. *Id.* The “controlling factor” in these circumstances is whether salary payments covered a period after an individual “ceases to be a candidate,” which is expressly prohibited. *See id;* *see also* 11 C.F.R. § 113.1(g)(1)(I) (“If the candidate loses the primary, withdraws from the race, or otherwise ceases to be a candidate, no salary payments may be paid beyond the date he or she is no longer a candidate.”).

¹¹ House Ethics Manual (2008) at 173 (emphasis in original).

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

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended *individual's own authorized campaign committee . . . operates in compliance with applicable law.*"¹³

B. Rep. Tlaib May Have Converted Campaign Funds to Personal Use Through the Receipt of Salary Payments During an Impermissible Time Period

18. FEC regulations permit candidates to receive salary from their campaign committees when certain specific conditions are met.¹⁴ Pursuant to 11 C.F.R. § 113.1(g)(1)(I), salary payments to a candidate are permissible if they are:

- Paid by the candidate's principal campaign committee;
- The lesser of (a) the minimum salary paid to a Member of Congress, or (b) the earned income that the candidate received during the year prior to becoming a candidate;
- Paid no sooner than the filing deadline for access to the primary election ballot for the office that the candidate seeks (as determined by state law);
- Paid for work performed up through the date of the general election (if the candidate loses the primary, withdraws from the race, or otherwise ceases to be a candidate, no salary payments may be paid beyond the date he or she is no longer a candidate); and
- Computed on a pro-rata basis.¹⁵

The payment of salary to a candidate that does not meet these specific conditions is considered *per se* personal use.¹⁶

19. According to the FEC, "payment of a salary to a candidate is not a prohibited personal use" when the above-conditions are met "since, but for the candidacy, the candidate would be paid a salary in exchange for services rendered to an employer."¹⁷ In coming to this conclusion, the FEC observed that candidates that are not independently wealthy or do not have the benefit of an incumbent's salary "might not be able to forgo salary payments in order to run for Federal office."¹⁸

20. Rep. Tlaib appears to have been the type of candidate contemplated by the FEC when it implemented rules permitting candidates to receive a salary. Documents provided to the

¹³ *Id.* at 123.

¹⁴ See 11 C.F.R. § 113.1(g)(1)(I); see also *supra* Section II.A.

¹⁵ *Id.*

¹⁶ *Id.*; see also FEC First General Counsel's Report, MUR 7068, Mowrer for Iowa (Dec. 5, 2016); FEC Conciliation Agreement, MUR 7068, Mowrer for Iowa (August 31, 2018).

¹⁷ Using Contributions to Pay Salaries to Candidates, 67 Fed. Reg. 76961, 76971 (Dec. 13, 2002).

¹⁸ *Id.* Specifically, the FEC observed that "because many candidates must forego salary in order to conduct the business of the campaign, a candidate who is dependent on an income is put at a severe disadvantage compared to an incumbent who is free to campaign at all times without any reduction in compensation or to an affluent challenger, who can afford to campaign without receiving any compensation." *Id.* In other words, unlike wealthy candidates or current officeholders, "persons of average means [may] need a salary in order to pay [their] expenses while running for office." *Id.* at 76972.

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OCE by Rep. Tlaib suggest that Rep. Tlaib did not have the financial means to campaign full-time without being compensated by her campaign committee. Documents, however, also suggest that Rep. Tlaib failed to comply with the specific requirements set forth in 11 C.F.R. § 113.1(g)(1)(I).

i. The Campaign's Decision to Pay Rep. Tlaib a Salary

21. On February 5, 2018, Rep. Tlaib registered her principal campaign committee, Rashida Tlaib for Congress, with the FEC.¹⁹ The following day, Rep. Tlaib announced her candidacy for the United States House of Representatives.²⁰
22. When she announced her candidacy, Rep. Tlaib was employed as the Community Partnerships & Development Director at the Maurice and Jane Sugar Law Center for Economic and Social Justice (“Sugar Law Center”).²¹ At some point after her announcement, to devote more time to her campaign, Rep. Tlaib substantially reduced her work hours at – and accordingly her pay from – the Sugar Law Center.²²
23. In an April 4, 2018 email, Rep. Tlaib first advised her campaign manager, Andy Goddeeris, and her campaign consultant, Steve Tobocman, that she was “struggling financially.”²³ She went on to state: “I was thinking the campaign could loan me money, but [campaign staffer] Ryan [Lomonco] said the committee could actually pay me. I was thinking a one time payment of 5K.”²⁴
24. In response to her email, Goddeeris explained that he wanted to consult with Michigan-based election law attorney Mark Brewer about the decision to pay her, but then acknowledged “we need you at full strength, and you’re not at full strength if you’re having to worry about your finances. If it’s legally permissible I want to do what’s necessary so that this campaign doesn’t dig you a hole you’re struggling to get out of.”²⁵ Tobocman echoed Goddeeris’s comments, noting that he was “100% committed” to Rep. Tlaib getting the money she “need[ed] to stay focused” on her campaign.²⁶
25. On April 27, 2018, Rep Tlaib emailed a larger group of campaign staff about her personal financial concerns.²⁷ In this communication, she explained that she was “not going to make it through the campaign without a stipend,” and requested “\$2,000 per two weeks but not exceeding \$12,000.”²⁸

¹⁹ Rashida Tlaib for Congress, FEC Form 1, Statement of Organization, filed Feb 5, 2018.

²⁰ Press Release, Rashida Tlaib for Congress, Rashida Tlaib Announces Run for Michigan’s 13th Congressional District (Feb. 6, 2018).

²¹ *Id.*; see also Maurice and Jane Sugar Law Center, *Our People*, <https://www.sugarlaw.org/our-people> (July 15, 2019).

²² See e.g., Email string “Going back to work part time” (Exhibit 1 at 19-4114_0002-0003).

²³ Email string “personal” (Exhibit 2 at 19-4114_0005-0006).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Email string “Stipend during the campaign” (A) (Exhibit 3 at 19-4114_0008).

²⁸ *Id.*

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26. Emails between campaign staff members during this timeframe indicate that staff was considering whether, and to what extent, the campaign could permissibly pay Rep. Tlaib a salary for her work performed on behalf of her campaign.²⁹ The campaign independently researched the issue and consulted attorney Mark Brewer on the matter.³⁰ The campaign concluded that Rep. Tlaib could legally be paid for her services to the campaign.³¹
27. The decision to pay Rep. Tlaib a salary from the campaign remained a source of concern for Rep. Tlaib, and thus for her campaign staff, throughout her campaign.³² Ultimately, the campaign paid Rep. Tlaib \$45,500.00 between May 7, 2018 and December 1, 2018.³³ The chart below identifies the date, FEC disbursement description, and the amount of each payment made to Rep. Tlaib by her campaign committee:

Date	FEC Disbursement Description	Amount
5/7/2018	SALARY	\$2,000.00
5/16/2018	SALARY	\$2,000.00
6/1/2018	SALARY	\$2,000.00
6/16/2018	SALARY	\$2,000.00
7/1/2018	SALARY	\$2,000.00
7/16/2018	SALARY	\$2,000.00
8/1/2018	SALARY	\$2,000.00
8/11/2018	SALARY	\$3,000.00
8/29/2018	SALARY	\$3,000.00
9/16/2018	SALARY	\$2,000.00

²⁹ Email string “Stipend during the campaign” (B) (Exhibit 4 at 19-4114_0010-0011); Email string “Fwd: Candidate receipt of salary payment from a congressional campaign” (Exhibit 5 at 19-4114_0013-0014) (providing attorney Mark Brewer’s analysis); Email string “Fwd: Candidate salary” (Exhibit 6 at 19-4114_0016-0017)

³⁰ *Id.*

³¹ *Id.*

³² As of May 7, 2018, Rep. Tlaib considered returning to the Sugar Law Center on a more full-time basis in order to address her personal financial concerns. Email string “Going back to work part time” (Exhibit 1 at 19-4114_0002-0003). Her campaign staff debated the merits of her doing that as opposed to accepting salary payments from the campaign committee. *Id.* Similarly, in August 2018, Rep. Tlaib again raised concerns about her personal financial situation and sought continued compensation from the campaign. August 23, 2018 text messages (Exhibit 7 at 19-4114_0019-0023); Email string “Fwd: Salaries Budget – post primary (Exhibit 8 at 19-4114_0026-0027).

³³ Rashida Tlaib for Congress, FEC Report of Receipts and Disbursements (July Quarterly Report), filed July 15, 2018 at 298-299; Rashida Tlaib for Congress, FEC Report of Receipts and Disbursements (Pre-Primary), filed July 26, 2018 at 113; Rashida Tlaib for Congress, FEC Report of Receipts and Disbursements (October Quarterly Report), Amendment, filed Nov. 26, 2018 at 291-92; Rashida Tlaib for Congress, FEC Report of Receipts and Disbursements (Pre-General), filed Oct. 25, 2018 at 87-88; Rashida Tlaib for Congress, FEC Report of Receipts and Disbursements (Post-General), filed Dec. 5, 2018 at 90; Rashida Tlaib for Congress, FEC Report of Receipts and Disbursements (Year-End Report), filed Jan. 22, 2019 at 32.

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10/1/2018	SALARY	\$2,000.00
10/16/2018	SALARY	\$2,000.00
11/1/2018	SALARY	\$2,000.00
11/16/2018	SALARY	\$2,000.00
12/1/2018	SALARY	\$15,500.00
Total:		\$45,500.00

ii. Permissibility of the Salary Payments Made to Rep. Tlaib

28. As discussed above, FEC regulations identify a specific set of circumstances in which payment of salary to a congressional candidate would not run afoul of personal use prohibitions, and thus be permissible.³⁴ Rep. Tlaib, through her counsel, argues she complied with these conditions; however, several documents provided to the OCE by Rep. Tlaib suggest otherwise. Specifically, documents provided to the OCE indicate Rep. Tlaib was paid for work she performed after November 6, 2018 – the date of the general election.
29. The OCE requested an opportunity to interview Rep. Tlaib in order to address her potentially problematic salary payments. Rep. Tlaib declined to interview with the OCE. Likewise, campaign staff members with knowledge of her receipt of salary payments also declined to interview with the OCE.

Documents suggesting Rep. Tlaib was paid for work performed after November 6, 2018

30. Rep. Tlaib provided the OCE with a spreadsheet identifying salary payments made to various campaign staff members and herself (“Campaign Salary Spreadsheet”).³⁵ The Campaign Salary Spreadsheet – included below in relevant part – suggests Rep. Tlaib received two salary payments that were likely for work performed after November 6, 2018.³⁶ The spreadsheet indicates that Rep. Tlaib was paid \$2,000.00 on November 16, 2018 for work performed between November 1, 2018 and November 15, 2018, and was thereafter paid \$15,500.00 on December 1, 2018 for work performed (or to be performed) between November 16, 2018 and December 31, 2018:

³⁴ See *supra* Section II.A.

³⁵ Campaign Salary Spreadsheet (Exhibit 9 at 19-4114_0029-0035).

³⁶ *Id.* (Exhibit 9 at 19-4114_0034-0035).

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Date	Vendor	Notes	Check No.	Amount			
Salaries							
2/16/2018	Andrew	January pay (ha	504	\$5,125.00			
3/1/2018	Ryan	Feb 12-28	510	\$2,550.00			
3/1/2018	Andrew	Feb 1-15	509	\$5,125.00			
3/5/2018	New Solutions Gro	Feb 1-28	515	\$5,000.00			
3/16/2018	Andrew	Feb 16-28	7006	\$5,125.00			?
4/1/2018	Andrew	Mar 1 - 15	7027	\$5,125.00			
4/1/2018	Ryan	Mar 1 - 15	7030	\$2,312.50			
4/1/2018	New Solutions Gro	Mar 1 - 15	7028	\$2,500.00			
4/1/2018	Jon Butler	Mar 5 - 15	7029	\$628.57			
4/5/2018	Jacqueline Stevens	Signature gathe	7017	\$375.00			
4/11/2018	Jacqueline Stevens	Signature gathe	7019	\$125.00			
4/12/2018	Jacqueline Stevens	Signature gathe	7021	\$568.00			
4/16/2018	Jon Butler	3/16 to 3/31	7044	\$800.00			
4/16/2018	Lisa Tencer	3/26 to 3/31	7049	\$400.00			
4/16/2018	Amira Deebah	3/28 to 4/15	7050	\$2,625.00			
4/16/2018	BrieAnn Bell	3/26 to 3/31	7051	\$416.25			
4/16/2018	Ryan Anderson	3/16 to 3/31	7054	\$2,393.75			
4/16/2018	Lama Ajrouche	3/26 to 3/31	7045	\$400.00			

* * *

11/1/2018	Rashida Tlaib	10/16 - 10/31	7379	\$2,000.00			s
11/1/2018	Andy Goddeeris	10/16 - 10/31	7380	\$2,562.50			s
11/1/2018	Amira Deebah	10/16 - 10/31	7381	\$875.00			s
11/1/2018	Oscar Arbulu	10/16 - 10/31	7382	\$750.00			s
11/1/2018	Amanda Kaye	10/16 - 10/31	7383	\$1,000.00			s
11/1/2018	Soh Suzuki	10/16 - 10/31	7384	\$1,000.00	\$8,187.50		s
11/16/2018	Rashida Tlaib	11/1 - 11/15	7399	\$2,000.00			s
11/16/2018	Andy Goddeeris	11/1 - 11/15	7400	\$2,562.50			s
11/16/2018	Amira Deebah	11/1 - 11/15	7401	\$875.00			s

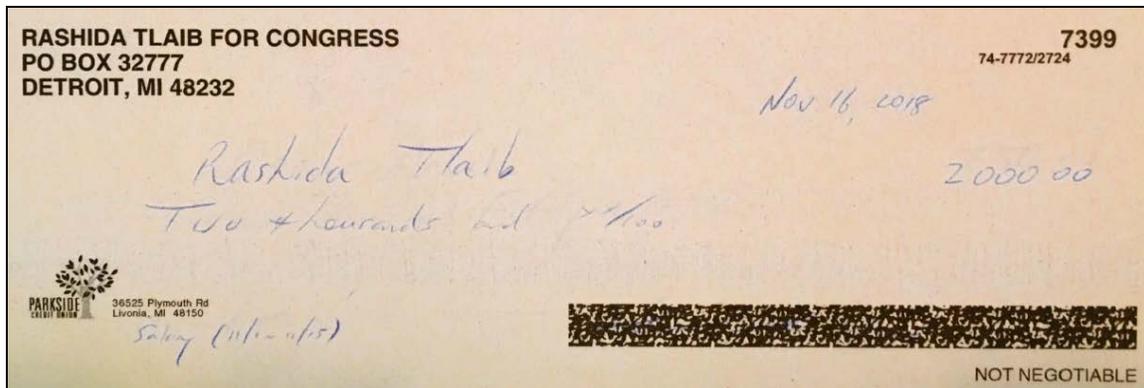


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11/16/2018	Oscar Arbulu	11/1 - 11/15	7402	\$750.00		s
11/16/2018	Amanda Kaye	11/1 - 11/15	7403	\$1,000.00		s
11/16/2018	Soh Suzuki	11/1 - 11/15	7404	\$1,000.00	\$8,187.50	s
12/1/2018	Ryan Anderson	10/1 - 12/31	7430	\$12,000.00		s
12/1/2018	Rashida Tlaib	11/16 - 12/31	7424	\$15,500.00		s
12/1/2018	Andy Goddeeris	11/16 - 12/31	7425	\$7,687.50		s
12/1/2018	Amira Deebah	11/16 - 12/31	7426	\$2,625.00		s
12/1/2018	Oscar Arbulu	11/16 - 12/31	7427	\$2,250.00		s
12/1/2018	Amanda Kaye	11/16 - 12/31	7428	\$3,000.00		s
12/1/2018	Soh Suzuki	11/16 - 12/31	7429	\$3,000.00	\$46,062.50	s
12/1/2018	Amira Deebah	Bonus	7412	\$500.00		s
12/1/2018	Oscar Arbulu	Bonus	7413	\$2,000.00		s
12/1/2018	BrieAnn Bell	Bonus	7414.7448	\$500.00		s
12/1/2018	Mahima Mahadeva	Bonus	7415	\$1,000.00		s
12/1/2018	Lisa Tencer	Bonus	7416	\$1,000.00		s
12/1/2018	Ali Alfarajalla	Bonus	7417	\$1,000.00		s
12/1/2018	Alondra Zamudio	Bonus	7418	\$1,000.00		s
12/1/2018	Hassan Ahmad	Bonus	7419	\$1,000.00		s
12/1/2018	Andrew Nurmi	Bonus	7420	\$1,000.00		s
12/1/2018	Carla Underwood	Bonus	7421	\$1,000.00		s
12/1/2018	Daniela Kabeth	Bonus	7422	\$1,000.00		s
12/1/2018	Fatima Mohamad	Bonus	7423	\$1,000.00	\$12,000.00	s

31. Checks produced to the OCE by Rep. Tlaib also suggest that Rep. Tlaib was paid for work performed after November 6, 2018.³⁷ Notably, the November 16, 2018 check includes the following notation in the bottom left-hand corner: “Salary (11/1 – 11/15).”³⁸ Additionally, the December 1, 2018 check includes a notation with the dates “11/16 – 12/31.”³⁹



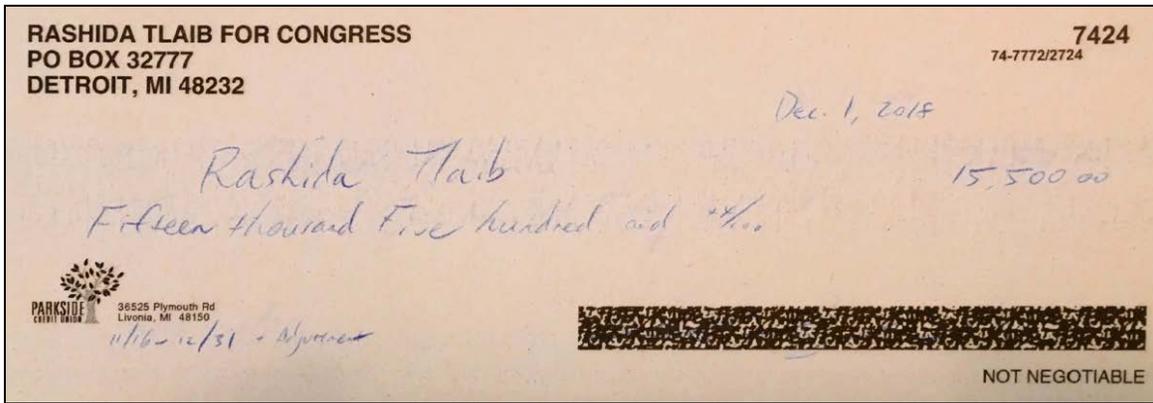
³⁷ Checks Payable to Rep. Tlaib from Rashida Tlaib for Congress (Exhibit 10 at 19-4114_0037-0051).

³⁸ *Id.* (Exhibit 10 at 19-4114_0050).

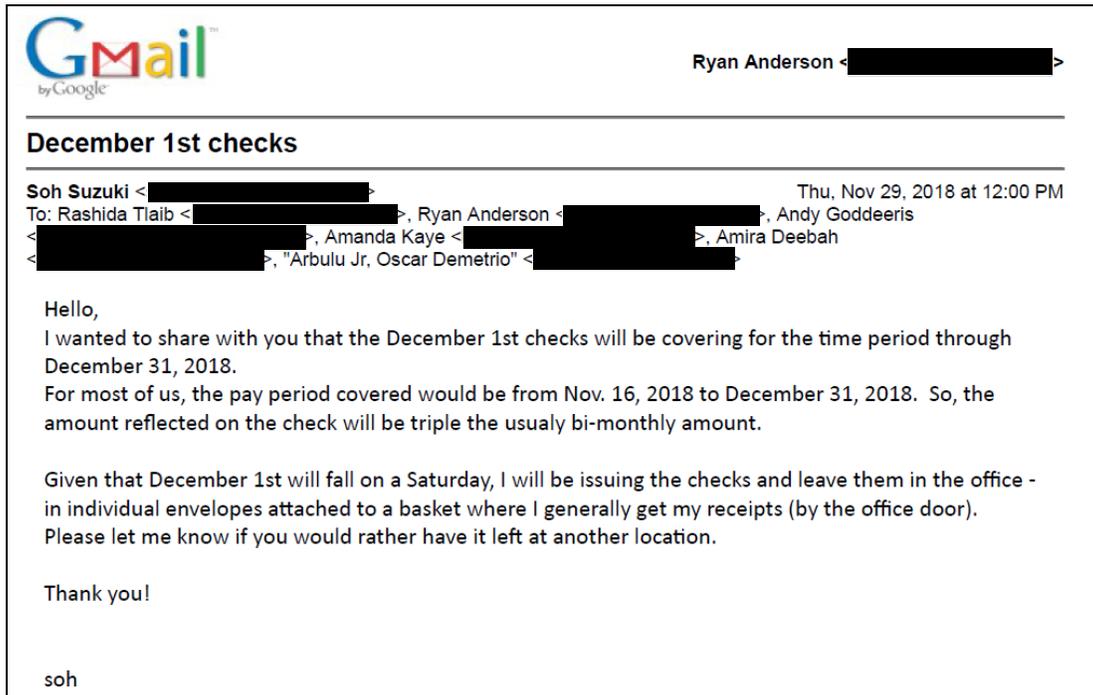
³⁹ *Id.* (Exhibit 10 at 19-4114_0051).

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32. The OCE notes that the Campaign Salary Spreadsheet and November 16, 2018 check suggest that part of the November 16, 2018 payment was likely for work performed between November 1, 2018 and November 6, 2018. Payment for work performed during these six days would be permissible; payment for work performed after that date is prohibited.⁴⁰
33. In addition to the Campaign Salary Spreadsheet and checks, Rep. Tlaib produced emails that indicate she was paid for work she performed after November 6, 2018. An email from her campaign treasurer states that Rep. Tlaib’s December 1, 2018 check for \$15,500.00 was payment for the period of “Nov. 16, 2018 to December 31, 2018.”⁴¹



⁴⁰ See *supra* Section II.A.

⁴¹ Email “December 1st checks” (Exhibit 11 at 19-4114_0053).

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34. Another email from her campaign treasurer included a spreadsheet that discussed the December 1, 2018 payments to campaign staff.⁴² The spreadsheet, included below, suggests that at least \$8,000.00 (of the \$15,500.00 payment) was paid to Rep. Tlaib for work performed after the general election, and \$7,500.00 was an unspecified “adjustment.”



Staff	Thru 11/30	Thru 12/31	Adjustment	Bonus	12/1 check	Notes
Rashida Tlaib	\$ 2,000.00	\$ 6,000.00	\$ 7,500.00	\$ -	\$ 15,500.00	Addition of \$2000/mo for 3.75 mo.
Ryan Anderson	\$ 8,000.00	\$ 4,000.00	\$ -	\$ -	\$ 12,000.00	October payment and beyond
Andrew Goddeeris	\$ 2,562.50	\$ 5,125.00	\$ -	\$ -	\$ 7,687.50	
Amira Deebah	\$ 875.00	\$ 1,750.00	\$ -	\$ 500.00	\$ 3,125.00	
Oscar Arbulu	\$ 750.00	\$ 1,500.00	\$ -	\$ 2,000.00	\$ 4,250.00	
Amanda Kaye	\$ 1,000.00	\$ 2,000.00	\$ -	\$ -	\$ 3,000.00	
Soh Suzuki	\$ 1,000.00	\$ 2,000.00	\$ -	\$ -	\$ 3,000.00	
BrieAnn Bell	\$ -	\$ -	\$ -	\$ 500.00	\$ 500.00	
Mahima Mahadevan	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	
Lisa Tencer	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	
Ali Alfarajalla	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	
Alondra Zamudio	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	
Hassan Ahmad	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	
Andrew Nurmi	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	
Carla Underwood	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	
Daniela Kabeth	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	
Fatima Mohamad Abu-Omaran	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	
Jonathan Butler	\$ -	\$ -	\$ -	\$ -	\$ -	
Alan Hernandez	\$ -	\$ -	\$ -	\$ -	\$ -	
					\$ -	
TOTAL					\$ 58,062.50	
Budget Balance					\$ 34,994.96	Current budget line balance - budgeted thru Dec. 31, 2018
Additional Exp					\$ 23,067.54	Amount over the budget
Column B (thru 11/30)	Amount owed through Nov. 30, 2018					
Column C (thru 12/31)	Amount owed for the month of December - advance					
Column D (Adjustments)	Any adjustments to be made for the previous payments					
Column E (Bonus)	Bonus					
Column F (12/1 check)	Amount to be paid on Dec. 1, 2018					

35. Because Rep. Tlaib refused to interview with the OCE, the OCE could not address these potentially problematic payments with her. Likewise, the OCE was unable to address these documents with members of her campaign staff given their refusals to interview with the OCE.^{43, 44}

⁴² Email and attachment “Staff pay for 12/1/2018” (Exhibit 12 at 19-4114_0055-0056).

⁴³ Rep. Tlaib produced a spreadsheet which identifies each payment made to her between May 7, 2018 and December 1, 2018 and provides an amount of “salary deferred” during the period. The deferrals total \$15,500.00, which is the amount she was paid on December 1, 2018. Presumably this spreadsheet was intended to show that Rep. Tlaib was deferring monies from each salary payment she received and opted to collect them at a later date; however, the OCE could not confirm this given Rep. Tlaib and her staff’s refusal to interview. The OCE is not including the document in this report at the request of Rep. Tlaib’s counsel. The OCE notes that the spreadsheet was prepared by Soh Suzuki at the request of counsel after Rep. Tlaib began receiving inquiries about the legality of her salary payments. Additionally, the OCE notes that the deferrals referenced in the document appear inconsistent with the manner in which the salary payments are discussed in documents and communications created during the time periods in which the salary payments were actually made to Rep. Tlaib. Accordingly, the OCE discounts the veracity of this document.

⁴⁴ The Board notes that Rep. Tlaib failed to disclose \$4,000.00 in salary payments from her campaign committee on her 2018 Candidate Financial Disclosure Reports, initially filed May 16, 2018, and then refiled as an amendment on December 7, 2018. See United States House of Representatives Financial Disclosure Statement for Rep. Rashida Tlaib (filed May 16, 2018) (omitting reference to a \$2,000.00 May 7, 2018 salary payment and a \$2,000.00 May 16, 2018 salary payment from Rashida Tlaib for Congress); United States House of Representatives Financial Disclosure Statement for Rep. Rashida Tlaib (filed Dec. 7, 2018) (same). Additionally, the Board notes that documents provided to the OCE by Rep. Tlaib suggest that she was paid by the campaign for work performed prior

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III. CONCLUSION

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

38. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE review:
- a. Rep. Tlaib;
 - b. Soh Suzuki;
 - c. Andy Goddeeris; and
 - d. Amanda Kaye.
39. The Board recommends that the Committee on Ethics issue subpoenas to:
- a. Rep. Tlaib;
 - b. Soh Suzuki;
 - c. Andy Goddeeris; and
 - d. Amanda Kaye.

to the filing deadline for access to the primary election ballot in Michigan – April 24, 2018. *See* Michigan Secretary of State, 2018 Filing Requirements for Federal and State Elective Office, https://www.michigan.gov/documents/sos/2018_Dates_600221_7.pdf (last visited July 16, 2019) (identifying April 24, 2018 as the filing deadline for access to the primary election ballot in Michigan). Specifically, Rep. Tlaib appears to have been paid \$2,000.00 on May 16, 2018 for work performed between April 16, 2018 and April 30, 2018; she also received \$2,000.00 on May 7, 2018 for work that appears to have been performed prior to April 16, 2018. *See e.g.*, Campaign Salary Spreadsheet (Exhibit 9 at 19-4114_0030); Checks Payable to Rep. Tlaib from Rashida Tlaib for Congress (Exhibit 10 at 19-4114_0037-0038); Email string “Field Paychecks” (Exhibit 13 at 19-4114_0058-0063); Email string “3 Questions” (Exhibit 14 at 19-4114_0065-0068). The FEC has not authoritatively addressed whether payments made to a candidate after the primary filing deadline, *but for work performed prior to that date*, are permissible. Accordingly, the OCE notes the existence of these payments, but declines to make a finding on whether there is substantial reason to believe they violate federal law and House rules.