

APPENDIX B

**112TH CONGRESS, 2nd SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS**

**IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE
LAURA RICHARDSON**

JULY 26, 2012

REPORT OF THE INVESTIGATIVE SUBCOMMITTEE

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I. INTRODUCTION

On November 3, 2011, following an initial inquiry under Committee on Ethics (Committee) Rule 18(a), the Committee empanelled this Investigative Subcommittee (ISC) to investigate allegations that Representative Laura Richardson, as well as members of her official staff, had (1) engaged in improper use of House resources for campaign, personal, and nonofficial purposes; and (2) improperly required or compelled official staff to perform campaign work. The ISC has now completed the tasks with which it was charged; this Report memorializes that effort and makes recommendations to the Committee for further action.

The ISC has unanimously concluded that there is substantial reason to believe that Representative Laura Richardson violated House Rules and other laws, rules and standards of conduct, by improperly using House resources for campaign, personal, and nonofficial purposes; by requiring or compelling her official staff to perform campaign work; and by obstructing the investigation of the Committee and the ISC through the alteration or destruction of evidence, the deliberate failure to produce documents responsive to requests for information and a subpoena, and attempting to influence the testimony of witnesses.

In essence, this investigation uncovered numerous and significant violations. Members of Congress are provided substantial discretion over a vast domain of official resources, and are at the helm of organizations staffed by dozens of hardworking professionals. The House counts on Members to exercise that discretion inside the boundaries established by the principles of this body. Representative Richardson, by contrast, exercised that discretion in order to unduly enrich her reelection effort. On an almost daily basis for months at a time, Representative Richardson used resources (a term so broad that it can – and in this case does – encompass anything from a sheet of paper to the time of a government employee) that had been paid for by the American people in order to accomplish not the people’s ends but her own. She also imposed on hardworking public servants the unfair and impermissible condition that their duties include service to her campaign. Once the Committee began to investigate this

wrongdoing, rather than act to remedy the situation, she sought to obscure it from the Committee's view. Representative Richardson's violations were serious and of extensive duration, continuing even after she received notice of the Committee's investigation. Through her actions, she demonstrated a callous disregard for her staff and the resources entrusted to her by the American people. Her disrespect for boundaries between the official and the political realms, as well as the boundaries that define the Committee's jurisdiction, deserves a public reprimand.

On July 18, 2012, the ISC unanimously adopted a Statement of Alleged Violation¹ (SAV) against Representative Richardson; that same day, Representative Richardson agreed to admit to all of the counts in the SAV and waive all further procedural rights in this matter provided to her by House or Committee Rule. The ISC, by this Report, unanimously recommends that the full Committee submit a public report to the House, and that the adoption of that report by the House serve as a reprimand of Representative Richardson for her conduct. Additionally, the ISC recommends that the Committee issue a fine to Representative Richardson in the amount of \$10,000, to be paid no later than December 1, 2012. The ISC strongly discourages Representative Richardson from permitting any of her official staff to perform work on her campaign (either on a paid or volunteer basis), but recommends to the Committee that, to the extent any of her official staff do perform work on her campaign, that said staff be required to sign a waiver acknowledging that such work is provided voluntarily and not being compelled by Representative Richardson. Representative Richardson has agreed to accept the terms of the ISC's recommendation.

The ISC, as a part of its investigation, inquired as to the role of Representative Richardson's Chief of Staff Shirley Cooks in this matter. Following its investigation, Ms. Cooks agreed to waive all further procedural rights in this matter provided to her by House or Committee Rule. By this Report, the ISC recommends that the Committee issue a public letter of reproof to Ms. Cooks for her conduct.

The ISC, as a part of its investigation, inquired as to the role of Representative Richardson's Deputy District Director Daysha Austin in this matter. Following its investigation, Ms. Austin agreed to waive all further procedural rights in this matter provided to her by House or Committee Rule. By this Report, the ISC recommends that the Committee issue a public letter of reproof to Ms. Austin for her conduct.

II. PROCEDURAL BACKGROUND

During the first week of October 2010, the Committee received complaints from several members of Representative Richardson's staff from both the Washington, DC, and Long Beach, CA, offices indicating Representative Richardson required her staff to perform campaign work. Based on these complaints, as well as media reports consistent with the complaints, the Chair and Ranking Republican Member of the Committee for the 111th Congress authorized Committee staff to conduct an inquiry into these allegations

¹ Exhibit 1.

pursuant to Committee Rule 18(a). On October 15, 2010, the Committee notified Representative Richardson in writing of the inquiry and requested she make her staff and documents and records available to the Committee.² During that phase of the inquiry, Committee staff interviewed 17 witnesses, including members of Representative Richardson’s staff from her offices in Washington, DC (also known as the “Capitol Hill office”), and Long Beach, CA (also known as the “district office”), as well as a shared employee.

In the 112th Congress, based on the results of the 18(a) investigation, staff recommended that the Committee empanel an ISC to further investigate the allegations. On November 3, 2011, the Committee voted unanimously to empanel an ISC. The ISC met on over twenty occasions, and interviewed nine witnesses, eight of whom had been interviewed previously during the Committee’s 18(a) investigation. Additionally, the ISC authorized staff to conduct interviews of two witnesses not initially identified during the 18(a) investigation. Further, the ISC reviewed the transcripts of all 17 witnesses interviewed during the 18(a) investigation. Finally, the ISC collected and reviewed over 2,000 pages of documents. Of those 2,000 pages, Representative Richardson provided some documents in response to a request made by the Committee during the 18(a) investigation, and in response to a request for information from the ISC. However, her production in response to those requests was in many respects incomplete, and so the ISC issued a subpoena to Representative Richardson, which resulted in an additional production; in total, Representative Richardson provided approximately 1,600 pages of documents. The remaining 400 pages of documents were voluntarily provided by witnesses who testified before the Committee or the ISC; in many cases, these witnesses provided these documents on their own initiative.

On June 20, 2012, Representative Richardson appeared before the ISC, presented a prepared statement, and answered questions under oath.

III. FACTS

A. Background

Representative Richardson was first elected to serve California’s 37th congressional district in 2007, in a special election following the death of then-Representative Juanita Millender-McDonald. Representative Richardson was reelected in 2008. On June 8, 2010, Representative Richardson won the Democratic primary election for the 37th congressional district. Representative Richardson had two opponents in that primary election – Lee Davis, a local publisher, and Peter Mathews, a professor of Political Science at Cypress College. On November 2, 2010, Representative Richardson was reelected to the House of Representatives. Representative Richardson defeated her opponent, Star Parker, a journalist and political author, who founded a nonprofit organization based in Washington, DC. During calendar year 2010, Representative Richardson employed between 22 and 43 staffers across her Washington, DC and Long

² Exhibit 2.

Beach, CA offices. No fewer than nine staffers served the 37th congressional district from the Long Beach, CA office during the three months preceding both the primary and general elections in 2010.

B. The District Office

1. Compulsory Campaign Work

In early 2010, as Representative Richardson’s primary campaign was beginning in earnest, Representative Richardson had Ms. Cooks travel from Washington, DC to Long Beach, CA to meet with the district office staff.³ Ms. Cooks held this meeting at the direction of Representative Richardson; Ms. Cooks had several conversations with Representative Richardson prior to the meeting, in which Representative Richardson conveyed to Ms. Cooks that she was to direct the staff to perform campaign work.⁴ According to staffers who attended the meeting with Ms. Cooks, she explained that all district office staffers were *expected* to volunteer for the campaign.⁵ When District Communications Director Ken Miller (who had only recently begun work with the House) asked what would happen if he did not volunteer, Ms. Cooks responded, in sum and substance, that Mr. Miller “probably would not have a job.”⁶ Staffers present at the meeting (both Mr. Miller and others) believed that this was a direct threat that they would be terminated if they did not work on the campaign:

Q: When you were told that you would probably not have a job, what did you take that to mean?

MR. MILLER: That I would be terminated if I didn’t work on the campaign.... When it was conveyed to me by Shirley Cooks...she provoked [sic] the Congresswoman’s name. She says, ‘if you know anything about [Representative] Richardson, you probably will not have a job, you know, if you don’t volunteer.’⁷

.....

MR. BOYD: I don’t know if she meant say, we could lose and we’ll all be out of work or if she was saying you will

³ See ISC Interview of Ken Miller; ISC Interview of Eric Boyd; 18(a) Interview of Henry Rogers; 18(a) Interview of Candace Yamagawa.

⁴ Attorney Proffer on Behalf of Shirley Cooks.

⁵ See ISC Interview of Ken Miller; ISC Interview of Eric Boyd; 18(a) Interview of Henry Rogers; 18(a) Interview of Candace Yamagawa.

⁶ ISC Interview of Ken Miller.

⁷ ISC Interview of Ken Miller.

be gotten rid of. I will tell you how I took it.... I took it to mean the latter...[and] I took it to be coming not from Shirley.⁸

.....

MS. YAMAGAWA: [E]ven prior to Shirley Cooks coming to the district office, I knew it was the highway or the byway, either adhere to what [Representative Richardson] wants or you are out.⁹

After the meeting with Ms. Cooks, Representative Richardson implemented her requirement of non-voluntary campaign work by the district office staff, both through her own acts and her directives as conveyed through other staff, particularly Ms. Austin. The practice in the Long Beach, CA office every weeknight for approximately two months preceding both the primary and general election was the same: staffers testified that they were required to close the official office promptly at 6:00 p.m., and immediately travel to the campaign office, where Representative Richardson expected them to arrive by approximately 6:10 p.m., but no later than 6:30 p.m.:

MR. MILLER: We were provided a schedule as to – once we got off work – work would be over with [at] 6 o’clock – we had a 10-minute window to get to the campaign office and work until 9 o’clock.¹⁰

.....

MR. BOYD: We as staff were ordered to work every day until 6 o’clock and be out of [the district] office at 6:01 on the way to the campaign headquarters. And we were to work in the campaign headquarters from 6:00 until 9:00.¹¹

.....

MS. MACIAS: the Congresswoman wanted us to be [at the campaign office] from 6:00, 6:30 no later than that, and work until whatever time she was done with us, basically.¹²

.....

⁸ ISC Interview of Eric Boyd.

⁹ 18(a) Interview of Candace Yamagawa.

¹⁰ ISC Interview of Ken Miller.

¹¹ ISC Interview of Eric Boyd.

¹² ISC Interview of Maria Angel Macias.

MR. ROMERO: [Representative Richardson] said you guys are expected to be here at 6 p.m. to 9 p.m., and that is Monday through Thursday, she said. Fridays we are phone banking and we are calling and we are walking from 6 to 8 p.m.¹³

.....

MS. YAMAGAWA: [T]he phone bank hours or the volunteer hours...to work on the campaign for...[Representative Richardson's] district office staff, was 6:00 to 9:00 p.m. Monday through Thursday, 6:00 to 8:00 p.m. on Friday.¹⁴

The short amount of time between the close of the official office and the start of campaign work forced staff to skip dinner and personal errands so that they would not be tardy. Ms. Macias noted in her interview that, "if we were there at 6:40, or 7:00 or 7:30 [Representative Richardson] would be upset...she would just be like, well, what took you guys so long, or just make comments like that."¹⁵ Once at the campaign office, district office staffers made campaign phone calls and performed face-to-face campaigning with voters in the 37th congressional district. Representative Richardson expected district office staff to work on the campaign, every weeknight, from when they arrived at approximately 6:10 p.m., until approximately 9:00 p.m.¹⁶ This was far from a loose itinerary; on one occasion, when Mr. Miller attempted to leave the campaign office at approximately 8:00 p.m., Representative Richardson said words to the effect of "it's not 9 o'clock yet. Sit down and wait, make some more phone calls."¹⁷

In addition to requiring staff members to make phone calls and knock on doors during these evening sessions, Representative Richardson also directed Mr. Miller to "infiltrate" Ms. Parker's campaign, using a fictitious name, and gather information including flyers and leaflets from that opponent:

MR. MILLER: One of my assignments was to infiltrate [Ms. Parker's] campaign. And I don't know for sure [Ms. Parker's] campaign was 2010 or 20 -- I just know that she wanted me to go and volunteer for [Ms. Parker's] campaign, to go and sign up, volunteer for [Ms. Parker's]

¹³ 18(a) Interview of Moises Romero.

¹⁴ 18(a) Interview of Candace Yamagawa.

¹⁵ ISC Interview of Maria Angel Macias.

¹⁶ 18(a) Interview of Moises Romero; ISC Interview of Ken Miller.

¹⁷ 18(a) Interview of Ken Miller; *see also* ISC Interview of Ken Miller ("she said, you better sit down, you know, we have got to make some more phone calls"); ISC Interview of Eric Boyd.

campaign. If I had to go out and knock on some doors for [Ms. Parker], she wanted me to do that. I subsequently did that, yes.

Q: And how were you made aware that [Representative Richardson] wanted you to volunteer for [Ms. Parker's] campaign?

MR. MILLER: She told me.... She told me directly herself that she wanted me to do that, and she asked that I not mention that to [Eric Boyd], who [was] the district director, or anyone else.

Q: Ms. Richardson told you to volunteer for [Ms. Parker's] campaign. Did she give you an indication that she wanted you to report back on any information that you found out or

—

MR. MILLER: Yes, yes. She wanted me to report back to her what numbers they were calling, what constituent numbers they were calling. And she also wanted me to find out anything else that I possibly could by being a volunteer for [Ms. Parker]. So my directive was to go and work for [Ms. Parker] as a volunteer and report directly back to the Congresswoman what my findings were.

Representative Richardson responded to this allegation by pointing out that Mr. Miller had a previous career in journalism, and stated that he had actually volunteered to visit Ms. Parker's campaign, but that she could not recall directing Mr. Miller to do so.¹⁸ Representative Richardson could provide no explanation for why Mr. Miller had a different recollection as to the basis for his work. Mr. Miller's testimony that Representative Richardson directed him to work on Ms. Parker's campaign was compelling, and the ISC concluded that such work was not performed on a volunteer basis.

During her interview before the ISC, Representative Richardson denied requiring staff to work on her campaign and stated that she believed their work was voluntary, stating, "I have never – from what I understand the rules to be, I have never required or compelled a staff member that they had to work during a campaign."¹⁹ She also denied setting mandatory campaign work hours for her official staff and denied that she ever instructed any member of her official staff to return to their seat:

¹⁸ ISC Interview of Representative Laura Richardson.

¹⁹ ISC Interview of Representative Laura Richardson.

Q: Do you recall being in your campaign office prior to the 2010 elections, and [Mr. Miller] was making telephone calls, and got up to leave the office around 8:00 p.m. and you instructed him to sit back down and continue making calls?

REPRESENTATIVE RICHARDSON: No.²⁰

After reviewing the testimony and evidence, the ISC concluded that Representative Richardson did indeed compel her district office staff to work from the campaign office on a regular basis during evenings and weekends for at least two months prior to the primary and general elections in 2010. The testimony from district staff, as excerpted above, was clear and consistent on this point. This does not appear to be a case where one person or a small group of people misinterpreted a benign statement or request to be something more nefarious; the vast majority of district office staff understood that this was an explicit practice of Representative Richardson. The ISC came to the same conclusion.

Representative Richardson noted that “no staff member has approached me stating that they did not want to do something or could not do something that then I required participation.”²¹ Other than the incident described above – when Representative Richardson ordered a staff member to “[s]it down and wait, make some more phone calls,”²² – the ISC found no evidence of such a confrontation between Representative Richardson herself and a member of her staff. However, the evidence showed two issues placing this fact in context.

First, Representative Richardson often directed certain staffers in the district, particularly Ms. Austin and Ms. Macias, to act as her proxy in this regard:

MS. MACIAS: We were at the campaign office and it was a Sunday. And [Representative Richardson] just said, where is [Mr. Boyd]? And I said, he is not here. I don’t know where he is. And then she goes, well, get him on the phone. Call him on the phone and tell him, you know, he needs to be here.²³

.....

²⁰ ISC Interview of Representative Laura Richardson.

²¹ ISC Interview of Representative Laura Richardson.

²² 18(a) Interview of Ken Miller; *see also* ISC Interview of Ken Miller (“she said, you better sit down, you know, we have got to make some more phone calls”); ISC Interview of Eric Boyd.

²³ ISC Interview of Maria Angel Macias.

MR. MILLER: her pipeline of communication was always to Daysha Austin, and Daysha would be the one that would reiterate some -- any time Daysha Austin said something, whether it was in a staff meeting, whether it was to a colleague, everyone knew that those were the words of the congresswoman.²⁴

.....

MR. ROMERO: [Daysha Austin] texted me back and said, hey, so are you heading back to [the campaign office]? And I said no, I have some personal things that I need to take care of that are urgent and I will not be coming in today. And she said oh, okay, [Representative Richardson] is not going to be very pleased, but I will go ahead and communicate that to her.²⁵

.....

The staffers quoted above are corroborated by Ms. Austin herself who informed the ISC that Representative Richardson directed her to enforce the practice of compelling campaign work because Representative Richardson told her, in sum and substance, "I am the Member, and I can't tell staff that they need to be here, but you can."²⁶

Second, it is at least possible that no staff member complained directly to Representative Richardson because her management style relied on bullying and intimidation. Numerous staffers testified that, in their view, Representative Richardson could be vindictive and severe in response to staff who dared question her orders:

MS. MACIAS: The office, the environment was toxic because any --any -- anything we did again was not good enough. It was never appreciated. When the whole staff was getting along, or we, you know, we were doing stuff together, the Congresswoman would just come in and, you know, just really throw a wrench in stuff and make us all like bicker with each other.²⁷

.....

MR. ZACCARO: Very little positive language in [Representative] Richardson's office.... It was a very much my way or the highway type of tone, and she made it very

²⁴ ISC Interview of Ken Miller.

²⁵ 18(a) Interview of Moises Romero.

²⁶ Attorney proffer on behalf of Daysha Austin.

²⁷ ISC Interview of Maria Angel Macias.

clear that [‘]there are a lot of people out there that want jobs, and if you don’t want this, then, you know, you know where the door is, and my name is on the wall, and do you forget who the Congresswoman here is?... My name is the one on the door there.[‘] The very present threat not just of being fired but of mistreatment, continual mistreatment beyond the normal mistreatment on the staff was ever looming.²⁸

.....

MR. BILLINGTON: The Congresswoman was acting as kind of the enforcer of it behind [the compelled campaign work in the district office], if people had a problem with that. She always has a way of just kind of looking at you with like, don’t you get it? And I know that that technique was used.²⁹

.....

MR. BOYD: to the extent that hostility existed, it existed at the level of, again, people really watching their comings and goings for fear of reprisal by the Congresswoman, and they also stepped very lightly around Daysha.³⁰

Also, Ms. Austin and Ms. Cooks both believed that they were co-opted into Representative Richardson’s scheme. Ms. Austin recalled questioning Representative Richardson regarding the propriety of directing staff to perform campaign work, and Representative Richardson responded, in sum and substance, “I’m not doing anything that others don’t do...Everyone uses House staff for campaign work...My name is on that door, it’s my decision...I am a Member of Congress and I have the right to have my events properly staffed.”³¹ Ms. Cooks stated that her directive to the district office staff in 2010 to perform campaign work or risk losing their jobs came only after multiple conversations with Representative Richardson in which she gave the order to deliver such a directive.³² In fact, Representative Richardson herself acknowledged in an email to Ms. Cooks that certain orders were better delivered from senior staff in order to combat negative perceptions of her:

²⁸ ISC Staff Interview of Ray Zaccaro.

²⁹ ISC Interview of Jeffrey Billington.

³⁰ ISC Interview of Eric Boyd.

³¹ Attorney proffer on behalf of Daysha Austin.

³² Attorney proffer on behalf of Shirley Cooks.

I have asked before that you not send instructions as directives from congresswoman, that's how people get called "bullies" as you mentioned earlier today. You and I must be a team and updates not directives should come from US as a leadership team. I demonstrated on numerous occasions of not throwing people under the bus, these references make me look like the bad guy which does not foster building positive feelings with staff. Whether it is approval of vacation time or feedback, I should not be placed as the bad guy.³³

Compulsory campaign work was not limited to the everyday evening call-and-walk sessions. Representative Richardson also expected staff to attend campaign events held during the weekend, including precinct walks and the delivery of campaign literature to churches,³⁴ as well as meetings in which Representative Richardson sought the endorsement of community groups and newspapers.³⁵ For example, on one occasion on or about May 13, 2010, Representative Richardson, using her official House email, forwarded to Ms. Austin and District Director Eric Boyd the announcement for a meeting of the New Wave Democratic Club, an activist group in the Los Angeles area. The flyer announced that, during the meeting, the club would be voting on its endorsements. Representative Richardson advised Ms. Austin and Mr. Boyd, "Make sure you read [the flyer] to prepare for attending."³⁶ Representative Richardson, in her testimony, stated that she could not ascertain from the flyer whether the meeting was political in nature:

ISC MEMBER: I can ask a question to clarify? So you're saying the word "Democratic" in that title is not a partisan description?

REPRESENTATIVE RICHARDSON: It's a partisan description, but it doesn't mean that partisan only activity is happening there. Our clubs are very – I mean, every state is different, every county is different. For us, a Democratic club, I mean, yes, it's a Democratic club, but it doesn't mean that at every club meeting that politics is being discussed, it could be policy that's being discussed.³⁷

³³ Exhibit 3.

³⁴ Exhibit 4.

³⁵ 18(a) Interview of Moises Romero; ISC Interview of Ken Miller.

³⁶ Exhibit 5.

³⁷ ISC Interview of Representative Laura Richardson.

When the ISC pointed out to Representative Richardson that the flyer mentioned that the New Wave Democratic Club intended to vote on endorsements, she stated that she may not have read that part of the email before forwarding it to her staff:

ISC MEMBER: It appears to be a partisan event, obviously, it's a Democratic event and then lower it says click here for meeting agenda. It looks like it is an endorsement meeting and they address it to members and candidates and its supporters. And it reads we have received an overwhelming submission of endorsement questionnaires from candidates. It appears they tend to endorse candidates for the primary election.

REPRESENTATIVE RICHARDSON: Right. But what I'm saying is when I saw the email, I normally, if I get an announcement for a general membership meeting, I can't attest to you that I read through down to pages 2 and 3 and said whatever I thought that this was.³⁸

On another occasion on or about August 22, 2010, Representative Richardson requested via her official email account that a staff member be assigned to attend a fundraising dinner held by the Los Angeles County Democratic Party (LACDP). When Ms. Cooks asked for volunteers to attend, Representative Richardson replied:³⁹

RichardsonMC, Laura

From: RichardsonMC, Laura
Sent: Sunday, August 22, 2010 11:12 AM
To: Cooks, Shirley
Subject: Re: Schedule today

Its not volunteering or doing me a favor. Its events on the schedule that are not properly assigned or covered, again. I just don't understand why am I the only one reading the schedule, thinking ahead and understanding the dynamics of this time in the year. Frustrating

Representative Richardson testified that, in her opinion, the dinner was “an awards dinner. It's not a campaign rally event.... We brought certificates to honor the people, the people in my district, and normally that's not something Members are asked to pay.... The [LACDP], first of all, can't even play in Federal races, so it's not something political regarding me.”⁴⁰ After being shown records detailing the fact that the LACDP charged up to \$10,000 for a table,⁴¹ and the proceeds were donations to the

³⁸ ISC Interview of Representative Laura Richardson.

³⁹ Exhibit 6.

⁴⁰ ISC Interview of Representative Laura Richardson.

⁴¹ Exhibit 7.

LACDP, Representative Richardson did not dispute that the event solicited donations for the LACDP but continued to insist that it was not a political or campaign event:

Q: So I'm going to give you Exhibit 74, which is the description of the event and the description of –

REPRESENTATIVE RICHARDSON: Yeah, it's what I just said, annual awards honoring one man and one woman from each assembly district as the Democrat of the Year. Yes, that's right. Honoring grass-roots people. It's an awards dinner. It's not a campaign rally event.

Q: But you see still that there are these numbers. It costs a certain amount of money to attend and that the contributions are directed to the [LACDP].

REPRESENTATIVE RICHARDSON: No, if you go back to Exhibit No. 44, I said, if there are no comp tickets, I would reimburse. But normally staff were not required. We brought certificates to honor the people, the people in my district, and normally that's not something Members are asked to pay. But if for some reason they were, I was just saying, since I was not going -- sometimes if a Member goes to an event, they rarely will charge you for an event. But if a staff person goes, sometimes they will say, oh, well, that staff person has to pay. So since I wasn't going to be physically there but if they were approached, I was willing to pay for that. But I was assuming probably they would get a comp. But it's besides the point. It's not a campaign event. It was an awards dinner is what it was.⁴²

After consideration of the evidence, the ISC found that, contrary to Representative Richardson's statements, the August 22, 2010 dinner was indeed a political event. Though on occasion this demarcation is not so simple – the itinerary of a public official will at times include engagements that simultaneously engage her public duties and benefit her political career – this was not one of those times. While the August 22, 2010 dinner involved awards to persons in the community, those awards celebrated *political* engagement on behalf of a *partisan* organization, as opposed to nonpartisan, everyday community service. More importantly, the program of the dinner notwithstanding, the *result* of the August 22, 2010 dinner is clear: it raised money for a local political party. The fact that this fundraising did not directly benefit Representative Richardson is of no moment. The event was political and should not have been staffed by assigning official employees of the House of Representatives to attend on behalf of Representative Richardson.

⁴² ISC Interview of Representative Laura Richardson.

The August 22, 2010 dinner was not the only local fundraising event that Representative Richardson staffed as an official event. On Saturday, September 25, 2010, Representative Richardson was scheduled to attend an event in Harbor City, California, celebrating an individual's birthday and their service as a Democratic and union activist. This event was not a typical birthday party, as tickets for the event (ranging in cost from \$50 to \$1,000) raised funds for "the operations costs of local Democratic campaign offices."⁴³ Despite its clear aims to raise money for political purposes, Representative Richardson's briefing paper indicated that two district office employees were assigned to staff the event – one as a driver and one as advance staff.⁴⁴

On one occasion on or about October 24, 2010 (less than two weeks before the 2010 general election), district scheduler Maria Angel Macias sent an email to Mr. Miller requesting that he staff Representative Richardson the next day at a radio appearance with a prominent member of the Los Angeles Samoan community, Chief Pele.⁴⁵ When Mr. Miller responded that he was feeling sick and "the best I can do is possibly call for [sic] few hours," Ms. Macias asked Mr. Miller to contact Representative Richardson directly and let her know; Ms. Macias copied Representative Richardson on the email.⁴⁶ Representative Richardson then replied, "[t]he radio show is a press activity. You didn't go last week and it is completely within your area."⁴⁷

Representative Richardson, in her testimony, insisted that the events of October 24, 2010 were in no way related to her campaign:

Q: And then the radio talk show with [Chief Pele], do you remember what that was?

REPRESENTATIVE RICHARDSON: Absolutely, and that was not political, and that was referenced in a newspaper article, yes.⁴⁸

However, she never described precisely the nature of her attendance or that of her staff, nor any of the work that staff performed while at the event. In fact, Mr. Miller disagreed with Representative Richardson's assessment of the nature of her appearance on the radio show:

⁴³ Exhibit 8; *see also* Exhibit 9 (briefing paper for young Democrats reception).

⁴⁴ Exhibit 8, 9.

⁴⁵ Exhibit 10.

⁴⁶ Exhibit 10.

⁴⁷ Exhibit 10.

⁴⁸ ISC Interview of Representative Laura Richardson.

MR. MILLER: The [Chief Pele] radio show – [Chief Pele] is a community activist in the Samoan community in the city of Carson, and never, ever at any point in time has she ever appeared on his show. This was a show that she was appearing on to directly speak to the constituents of the Samoan community. It was not a congressional press event. It was a campaign event. It was in her best efforts to try to make sure that she secured the support of the Samoan community through this radio show... So her going on that radio show is being endorsed by [Chief Pele]. And when she is going on that radio show to do it, is to specifically speak to the constituents on why they should vote for her. She is not going on this radio show to speak to the constituents about concerns that they may have in their own community. It is, you know, why they should vote for her.⁴⁹

As noted above, Representative Richardson provided a range of rationalizations for why particular events were official and not political in nature – many of which are inaccurate. For example, Representative Richardson implied that the August 22, 2010 dinner was not a campaign event because it did not benefit her; the proscription on campaign activity is not limited to one’s own campaign, but rather all political activity. The radio interview, according to Representative Richardson, was apparently not a campaign event because it was mentioned in the newspaper. It is difficult for the ISC to credit Representative Richardson’s position that each and every one of these events was official and not political in nature when she was unable, when asked, to articulate a principled basis for distinguishing them. By contrast, the staff members interviewed were quite often able to demonstrate why they believed particular assignments were not within the scope of their official duties. Many of these events on their face are related to campaigning, elections, and partisan activity. Either Representative Richardson recognized these events as political and assigned her staff anyway, or she did not, but was reckless with respect to assigning her staff to any and all events of which she received notice, regardless of the nature of said events.

Representative Richardson’s inability to distinguish between campaign and official events appears to be rooted in her relatively demanding expectations with respect to staffing after hours and on weekends. Representative Richardson had incredibly high expectations with respect to her staff’s availability at all hours:

MS. MACIAS: [W]hat the Congresswoman told me, is that once you are full-time, you have to work 24 hours a day if she needs you, 7 days a week. So you don’t have Saturdays, and Sundays off. If she needs you to be part of something

⁴⁹ ISC Interview of Ken Miller. The ISC was unable to obtain a transcript of this radio interview, or the newspaper report referred to by Representative Richardson.

on Saturday or Sunday, then you are just working -- she just said, assume you are working the whole 7 days.⁵⁰

Representative Richardson evaluated members of her staff with respect to their work ethic on evenings and weekends, and indicated that staff was also evaluated for their willingness to volunteer.⁵¹ In a memo that Representative Richardson sent to Ms. Cooks, in the section titled “Specific Staff Outstanding Issues,” Representative Richardson noted that certain staffers had been “[n]egative about weekend, evening and volunteering.”⁵² While Representative used the word “volunteering” as opposed to “campaign work,” to the extent Representative Richardson was using such “volunteering” as a factor in her performance evaluations, the campaign work ceased to be “voluntary” in any meaningful sense.

Two staffers for Representative Richardson resigned and complained both of ethical issues and of issues regarding their treatment as employees (which, presumably, applied to their work in an official capacity).⁵³ Representative Richardson, in her testimony, also admitted to applying a rather cavalier attitude towards diverting official staff for campaign purposes during the work day:

REPRESENTATIVE RICHARDSON: staff may, if they divert to do something -- I don't have the document verbatim in front of me or the page, but I seem to recall something that if their time is noted that they've departed and that time has been made up, there's also -- and that could be potentially during a person's work period. If their overall time that they worked that that day or that week far exceeded the 10 minutes or the 20 minutes or the 30 minutes that they spent. Assuming that that had been met, then it would not be permissible [sic].⁵⁴

The ISC recognizes that the schedule of Members and staff are not confined to a 9-to-5, Monday-through-Friday, 40-hour workweek. The ISC also firmly believes in the independence of each Member office for each Member to manage as they see fit, so long as that management complies with the Code of Official Conduct and other House Rules.

⁵⁰ ISC Interview of Maria Angel Macias; *see also* Exhibit 11 (email from Representative Richardson to district office employees describing “[p]roblems of leadership, action and communication in the district” and discussing staffing at a variety of events, which appear to be official in nature).

⁵¹ Exhibit 12.

⁵² Exhibit 12.

⁵³ Exhibit 13 (resignation of Maria Angel Macias); Exhibit 14 (resignation of Brenda Cruz; *see also* Exhibit 15 (article from *Long Beach Press Telegram* describing complaints by Maria Angel Macias, including Representative Richardson's insistence that Ms. Macias call other district office employees and tell them to come to the campaign office).

⁵⁴ ISC Interview of Representative Laura Richardson.

The Committee is not, and should not be, in the business of micromanaging personal offices, or disparaging a leadership style that others might find abrasive. Nevertheless, because the line between official work and political work can often seem blurred, Members and senior staff should exercise caution to ensure that this confusion does not ensnare staff in illegal or unethical conduct. On this basis, Representative Richardson's position allowing staff to work on campaign matters during official hours, so long as they spent additional time after official hours performing official work, is not only a mischaracterization of the Rules, it is entirely unworkable. There appears to have been no system for keeping track of such *ad hoc* adjustments to the schedule, and even if there were, such a system would undermine the entire concept of having an office open for business and fully staffed.

To the ISC's knowledge, Representative Richardson never followed through on the threat she delivered through Ms. Cooks to terminate any staffer who refused to work on the campaign. But on at least two occasions, Representative Richardson required district office employees who failed to attend campaign events to attend additional official events after normal working hours. Representative Richardson and Ms. Austin, in the presence of Ms. Macias, explained this excess scheduling of employees who were not participating in campaign activities by stating that the other district office employees were at the campaign office. Ms. Macias understood Representative Richardson's statement to mean that those who refused to perform campaign work would be scheduled for additional official work as a punishment:

MS. MACIAS: I would look through the calendar, and give her the – give the Congresswoman the calendar, and say, okay, well, who do you want to do this, this, this, and that. And sometimes it would be events back to back. And the Congresswoman, or Daysha would say just put [Deputy District Director Timothy Lee]. You know, with – like an attitude and stuff...

Q: So no one told you that [Mr. Lee] was being punished. It was an assumption you made based on –

MS. MACIAS: Based on the way they said it and the way, well, just put [Mr. Lee] – you know, just put [Mr. Lee] on this, and put [Mr. Lee] on that, and I was like, well, he is already doing this. Just put [Mr. Lee] on that, okay. You know, he is here. We are all at the campaign office. We are all at the campaign office, he is here, so put him on that. And it was – it was like I said, sometimes there was – he was running from one event to the next event to the next event.⁵⁵

⁵⁵ ISC Interview of Maria Angel Macias; *see also* ISC Interview of Eric Boyd.

The information Ms. Austin provided to the ISC confirmed this sort of punishment. On one occasion when caseworker Henry Rogers had been unable to perform campaign work on a weekend, Representative Richardson told Ms. Austin that she was going to “work his [expletive deleted]” in retaliation.⁵⁶ On another occasion, when Mr. Boyd told Representative Richardson he would be unable to engage in a “church run” (where volunteers put literature on car windshields during church services) because he wanted to attend church himself, Representative Richardson told Ms. Austin that “that was [expletive deleted], [Mr. Boyd] missed church other times, he just didn’t want to do the work.”⁵⁷ Representative Richardson then directed Mr. Boyd to stay up late the night before the church run putting together its schedule.⁵⁸ Consistent with the information provided by Ms. Austin, Mr. Boyd sent an email on Sunday, June 6, 2010 stating that he had “reviewed the church list sent by [Mr. Lee] in the wee hours (~2:00 am; Thanks [Mr. Lee]!).”⁵⁹

In addition to this sort of punishment, district office staffers also testified that Representative Richardson would repeatedly call and email district office staffers who failed to attend campaign events, or direct Ms. Austin to do so, with the effect of pressuring and intimidating them in order to secure their appearance:

MR. MILLER: [A] number of times I was ridiculed intensely by the Member because there were times that I showed up and when I didn’t show up.⁶⁰

.....

MS. MACIAS: We were at the campaign office and it was a Sunday. And [Representative Richardson] just said, where is [Mr. Boyd]? And I said, he is not here. I don’t know where he is. And then she goes, well, get him on the phone. Call him on the phone and tell him, you know, he needs to be here.⁶¹

.....

MR. ROMERO: [Daysha Austin] texted me back and said, hey, so are you heading back to [the campaign office]? And I said no, I have some personal things that I need to

⁵⁶ Attorney proffer on behalf of Daysha Austin.

⁵⁷ Attorney proffer on behalf of Daysha Austin.

⁵⁸ Attorney proffer on behalf of Daysha Austin.

⁵⁹ Exhibit 4.

⁶⁰ ISC Interview of Ken Miller.

⁶¹ ISC Interview of Maria Angel Macias.

take care of that are urgent and I will not be coming in today. And she said oh, okay, [Representative Richardson] is not going to be very pleased, but I will go ahead and communicate that to her.⁶²

Based on information presented to the ISC, the ISC concluded that when Ms. Austin was involved in compelling campaign work, she was acting as Representative Richardson's proxy as opposed to proceeding on her own initiative.

Representative Richardson denied having scheduled an official staff member for more official responsibilities because they had failed to perform campaign work.⁶³ She testified that, in "an instance of something that happened that was definitely misunderstood," a member of her district office staff had lied to her about being sick when he was in fact traveling on vacation, and that as a result, he was assigned to cover events for members of the district office staff who had covered for him.⁶⁴ However, the information provided to the ISC by Ms. Austin contradicted this version of events; Ms. Austin recalled Representative Richardson stating that she would "work his [expletive deleted]" in retaliation for missing campaign events, not for lying to her about being sick.⁶⁵ Other staff remembered this incident differently from Representative Richardson as well, recalling that Representative Richardson used the assignments to punish the staff member for taking vacation instead of performing campaign work:

MR. BOYD: [T]his is a 30-year-old man who adores his father. It's pretty admirable, actually, to witness. And so his father was going to fly him out there, do the Notre Dame game, father, son, whole ball of wax. And -- but we were supposed to work the campaign that weekend.

And so [Mr. Rogers] said, well, look, this is one of the times where I am going to assert the voluntary nature of our campaign work, and so what I will do, though, is I will look at the congressional calendar and see if there are any events that I am assigned to staff or if there are any events that I'm assigned to drive her to. And he was usually her weekend driver.

She had cleared the weekend calendar just to do campaign work, and I'm sure [Mr. Rogers] knew that. So, you know, before he left, he gave me -- shot me an email, he said, I have looked at the congressional calendar, I am not scheduled for any event. And because, of course, our

⁶² 18(a) Interview of Moises Romero.

⁶³ ISC Interview of Representative Laura Richardson.

⁶⁴ ISC Interview of Representative Laura Richardson.

⁶⁵ Attorney proffer of Daysha Austin.

campaign activity is voluntary, I'm going to take this weekend and go do this with my dad.

I don't remember the precise conversation that ensued, but in any case, she found out that he was in Indiana at the football game with his dad, and she just lit into me for letting him go.... And she wanted him disciplined also when he got back.

And I don't recall what the end result was, but I think it was one of those things also where, again, [Ms. Macias] was instructed to schedule him for, you know, some extra duty congressionally during the week or on the weekend.⁶⁶

.....

MS. MACIAS: [Representative Richardson] just asked where was [Mr. Rogers], and I don't know how it happened, whether he -- he called me, or he texted me or whatever, but [Mr. Rogers] just said, I am with my dad. I am spending time with my dad, you know, and I said, okay. So that is what I told her. And she just got upset. And I said, well, I really -- you know, if you want to tell him yourself, then tell him yourself. But you can't force him to be here if he says that he wants to spend time with his dad, you know.⁶⁷

All district office staffers interviewed testified that Representative Richardson had compelled district office staff to perform campaign or non-official work and that at least some of the staff's time and effort on the campaign (either their own or their coworkers') was not voluntary.⁶⁸ Some staff members testified that they felt intimidated by Representative Richardson⁶⁹ and one staff member testified that the actions of Ms. Austin, used to compel their attendance, came with Representative Richardson's imprimatur.⁷⁰ Indeed, Ms. Macias testified initially that she did not observe compulsory campaign work, and then changed her story once she resigned.⁷¹ Ms. Macias noted that,

⁶⁶ ISC Interview of Eric Boyd.

⁶⁷ ISC Interview of Maria Angel Macias.

⁶⁸ ISC Interview of Ken Miller; ISC Interview of Eric Boyd; ISC Interview of Maria Angel Macias; 18(a) Interview of Timothy Lee; 18(a) Interview of Moises Romero; 18(a) Interview of Candace Yamagawa; 18(a) Interview of Henry Rogers.

⁶⁹ ISC Interview of Ken Miller; 18(a) Interview of Candace Yamagawa.

⁷⁰ ISC Interview of Eric Boyd.

⁷¹ ISC Interview of Maria Angel Macias. As noted above, Ms. Macias explained the inconsistencies in her testimony by noting that she had not been trained on the rules regarding campaign work until after her initial interview, and that Representative Richardson had suggested to Ms. Macias and other staff members certain answers to potential questions by the Committee.

despite her distaste for Representative Richardson's management style and the deterioration of the relationship between Ms. Macias and Representative Richardson, she had changed her testimony not because of animus but because of a better understanding of the rules:

Q: What I mean by that is, are you saying things today to get back at anyone, to get back at Ms. Richardson maybe for being nasty with you, or to get back at Daysha for being nasty with you?

MS. MACIAS: Not at all because I could take stuff like that. But again, it had to have been when -- when I personally requested to go through an ethics training....And after going through that -- through the whole 2-hour, 2-hour training, writing down the notes, and going back through my mind, it was -- it was like wow, you know, there was -- there was all of these little incidents. To some it may be little, but where we just -- I knew it was -- it was borderline ethical or unethical, or it was unethical.... You know, and I am really upset that she brought me into this situation, and I am more upset to have to be here.⁷²

As noted above, Representative Richardson compelled her district office staff to work in the campaign office every weeknight from approximately 6:30 to 9:00 pm, for approximately two months prior to both the primary and general election in 2010. She also compelled them to perform campaign work on the weekends. While, in the paragraphs above, the ISC has highlighted approximately six specific instances of weekend campaign work, the ISC concluded that the weekend work was just as extensive as the evening call and walk sessions. Representative Richardson relied on a combination of verbal abuse, inequitable official scheduling, and outright intimidation to conscript her district office employees in service of her reelection. At times, she did so directly, but mostly chose to delegate these tasks to certain members of senior staff, including Ms. Cooks and Ms. Austin, all of whom were subject to the same pressures from Representative Richardson as everyone else. Through these practices, Representative Richardson compelled at least five employees of the district office to perform at least ten or more hours of campaign work each week for approximately two months before the 2010 primary election, and again for approximately two months before the 2010 general election campaign. As a result, Representative Richardson compelled hundreds of hours of non-voluntary campaign work from her district office staff during this time period.

2. Improper Use of House Resources

Representative Richardson also engaged in the use of House resources for non-official or campaign purposes during the period in question. The facts in this case

⁷² ISC Interview of Maria Angel Macias.

generally defy strict categorization in terms of relevance to one violation or another; often, a specific piece of evidence pertains to more than one rule.⁷³ For example, in the previous section, the ISC referenced emails from Representative Richardson or other staff discussed above, sent to or from official email accounts.⁷⁴ Not only were these emails pertinent evidence of compulsory campaign work, they are themselves an unauthorized use of House resources.

One of the most significant examples of unauthorized use of official resources in this case was Representative Richardson's direction to Ms. Austin to perform campaign work during official hours in March, April, May, June, August, September, October and November 2010. Ms. Austin performed this work both in the district office as well as the campaign office. From on or about September 1 through the general election on November 2, 2010, Ms. Austin was spending approximately less than half of the official work day in the district office.⁷⁵

At some point between June 2010 and March 2011, Representative Richardson directed Ms. Macias to perform numerous tasks of a personal nature while on official time, including but not limited to conducting research, making telephone calls, and attending a meeting regarding Representative Richardson's prospective adoption of a child.⁷⁶ Representative Richardson was not asked about the adoption work. However, after interviewing Representative Richardson, the ISC obtained a memorandum sent from Ms. Macias to Daysha Austin on February 25, 2011, stating:

I do not feel comfortable working on Congresswoman Richardson's personal stuff when I have so many other congressional related work [sic] that requires my time. Furthermore, I do not appreciate being sent harassing emails for stuff that is not related to my job. It makes me feel that my attempt to help out the Congresswoman is not appreciated and that it is a requirement for me to follow up stuff that can slow down my job performance at the Congressional District office. I am respectfully requesting that you and the Congresswoman take into consideration the amount of

⁷³ Moreover, as discussed in Part V, below, some of the violations in the Washington, DC office bear a thematic similarity to those that occurred in the Long Beach, CA office. An improper use of House email accounts is a violation of the same House Rule whether it occurs in California or Capitol Hill. For the benefit of the reader, however, this Part of the Report proceeds in a narrative fashion, and attempts to synthesize all evidence of each violation in Part V, discussing the ISC's analysis.

⁷⁴ See, e.g., Exhibits 3, 4, 5, 6, 10, 12.

⁷⁵ 18(a) Interview of Daysha Austin; ISC Interview of Maria Angel Macias.

⁷⁶ ISC Interview of Maria Angel Macias.

work that I am doing on a daily basis and not ask me to do anything that is not related to my job.⁷⁷

The information provided to the ISC by Ms. Austin corroborated Ms. Macias because Ms. Austin recalled receiving the memorandum.⁷⁸ Representative Richardson failed to produce this memorandum to the ISC, though it was within the scope of the ISC's requests and its subpoena. The ISC cannot determine whether this memorandum refers to the work performed regarding adoption, or work performed on another assignment. Regardless, it appears clear from the face of the document that Ms. Macias felt strongly enough about the assignment of personal tasks to memorialize her concerns in writing, months after the Committee had noticed Representative Richardson of its investigation.

Representative Richardson leased a car for official use using funds from her Members' Representational Allowance (MRA). The car was located in the district. During the 2010 campaign, Representative Richardson used the car to travel to and from fundraising and other campaign events. She also required district office staffers to drive her in the car to and from those events, even if the event was during official hours.⁷⁹ Representative Richardson also required that the car be parked at her personal residence while she was in Washington, DC, and used it to commute from the district office to her personal residence when she was in California.⁸⁰

Representative Richardson admitted that she had used the car to commute from her personal residence to the district office, but stated that it was her opinion that this use was permitted.⁸¹ When asked about using the MRA-leased car for campaign purposes, Representative Richardson testified that it was her understanding that "if a Member, let's say, goes to two work meetings and then they stop at one spot not for themselves but it could be another way related, if it was incidental, that that might be allowable."⁸² As discussed more fully in Part V, below, this is an incorrect statement of the rules regarding using an MRA-leased vehicle: there is no such thing as "incidental" campaign use of such a car. Use of an MRA-funded vehicle for campaign purposes is strictly prohibited.⁸³ Further, while it is permissible to make incidental use of an official vehicle for personal or nonofficial purposes, the facts demonstrate pervasive use of Representative

⁷⁷ Exhibit 52.

⁷⁸ Attorney Proffer on behalf of Daysha Austin.

⁷⁹ 18(a) Interview of Henry Rogers; *see also* Exhibits 6, 8, 9, 10 (assignment of driving duties for events).

⁸⁰ 18(a) Interview of Henry Rogers; 18(a) Interview of Moises Romero.

⁸¹ ISC Interview of Representative Laura Richardson.

⁸² ISC Interview of Representative Laura Richardson.

⁸³ Committee on House Administration, *Members' Handbook* at 29.

Richardson's car for nonofficial purposes.⁸⁴ Therefore, her flawed rationalization fails to excuse any of her conduct.

During the 2010 campaign, Representative Richardson used her MRA to purchase multiple boxes of paper and other office supplies for the district office, which were later seen inside the campaign office.⁸⁵ Representative Richardson also ordered Ms. Austin and Ms. Macias to print several boxes of paper worth of precinct walk sheets on the district office's printer, which had been purchased and was maintained using MRA funds.⁸⁶ In her statement to the ISC, Representative Richardson generally denied having "intentionally or continually" used official resources for an improper purpose.⁸⁷

C. The Capitol Hill Office

1. Democratic Idol

On or about the evening of September 29, 2010, Representative Richardson held a campaign fundraiser in Washington, DC. The event was called "Democratic Idol" (also known as "DC Idol"), and featured Members of Congress singing karaoke in a parody of the popular television show *American Idol*.⁸⁸

Prior to the event, beginning at least by July 29, 2010, Representative Richardson, using official email accounts, directed scheduler Jakki Dennis to assist in planning the Democratic Idol event, asking her to email the scheduler for former Representative John Hall to confirm Representative Hall's attendance.⁸⁹ The next week, on or about August 4, 2010, Representative Richardson directed Ms. Dennis to visit prospective sites for the Democratic Idol event. Representative Richardson, again using official email accounts, directed Ms. Dennis, "Please go to all the locations we discussed over the last two weeks and take pictures to email to me TODAY before you. [sic]"⁹⁰ When Ms. Dennis responded that she would "try to get pictures for these sites today," Representative Richardson responded "Not try...please get outside, entrance and room."⁹¹ Ms. Dennis performed these site visits on official time and submitted a request for reimbursement from the MRA for parking and mileage.⁹² Ms. Dennis testified that she was unsure at the

⁸⁴ 18(a) Interview of Henry Rogers; 18(a) Interview of Moises Romero; *see also* Exhibits 6, 8, 9, 10.

⁸⁵ ISC Interview of Ken Miller.

⁸⁶ ISC Interview of Maria Angel Macias; 18(a) Interview of Daysha Austin.

⁸⁷ ISC Interview of Representative Laura Richardson.

⁸⁸ Exhibit 16.

⁸⁹ Exhibit 17.

⁹⁰ Exhibit 18.

⁹¹ Exhibit 19.

⁹² ISC Interview of Jakki Dennis.

time whether the event was official or campaign in nature;⁹³ however, the July 29, 2010 email sent to Ms. Dennis about Representative Hall,⁹⁴ as well as a receipt for Ms. Dennis' parking costs during one of the site visits, explicitly mention the Democratic Idol event.⁹⁵

Representative Richardson recalled the communication she had with Ms. Dennis and told the ISC that she thought Ms. Dennis would be taking the photographs while on her lunch break and not on official time.⁹⁶ Representative Richardson testified that “maybe I was a little short in how I said [‘not try’], but what I’m saying is, for me to be able to make a decision on something that I’m not going to see, I really need – what I was trying to make sure she understood was that it was something I needed to be able to envision in its entirety.”⁹⁷ Representative Richardson testified that Ms. Dennis had experience in planning events and had volunteered to perform this work.⁹⁸ Ms. Dennis confirmed that she had volunteered, but could not recall precisely when she conducted all of the visits.⁹⁹ Accordingly, while this episode is not like the many other incidents in which Representative Richardson benefited from non-voluntary campaign work, it is an incident reflecting an improper use of House resources, specifically the time of her staff during the official work day, and the use of House email accounts for campaign activity.¹⁰⁰

The week of the Democratic Idol event, Representative Richardson via her official House email account emailed former Representative David Wu, and stated, “[m]y staff was informed by your staff that you were maybe unable to participate [in Democratic Idol].”¹⁰¹ Representative Richardson went on to cajole Representative Wu to attend, and forwarded the note to Ms. Dennis to resend to Representative Wu.¹⁰²

During September 2010, Representative Richardson directed Ms. Austin to make preparations for the Democratic Idol event.¹⁰³ Ms. Austin, at Representative Richardson’s

⁹³ ISC Interview of Jakki Dennis.

⁹⁴ Exhibit 17.

⁹⁵ Exhibit 20 at 3 (parking receipts annotated with the phrase “Idol Site Visits”).

⁹⁶ ISC Interview of Representative Laura Richardson.

⁹⁷ ISC Interview of Representative Laura Richardson.

⁹⁸ ISC Interview of Representative Laura Richardson.

⁹⁹ ISC Interview of Jakki Dennis.

¹⁰⁰ See Exhibit 20 at 3 (parking receipts showing parking during the morning hours for “Idol Site Visits”).

¹⁰¹ Exhibit 21.

¹⁰² Exhibit 21.

¹⁰³ 18(a) Interview of Daysha Austin.

direction, performed a number of tasks herself, including the creation of a flyer for the event¹⁰⁴ and other logistical arrangements, while on official time, and assigned other members of the Washington, DC office staff with tasks to prepare for the event.¹⁰⁵ Ms. Austin performed these preparations entirely at the direction of Representative Richardson.¹⁰⁶

Representative Richardson told the ISC that she herself, along with a campaign employee, did a lot of the planning for the Democratic Idol event. Representative Richardson first testified that she did not know what Ms. Austin's role was in planning the event,¹⁰⁷ and later testified that Ms. Austin had taken a "very minor role."¹⁰⁸ However, she later testified that she had a meeting about Democratic Idol with Ms. Cooks, Ms. Austin, and Ms. Dennis at Good Stuff Eatery, a restaurant in Capitol Hill.¹⁰⁹

Moreover, both Ms. Austin and Ms. Cooks described Ms. Austin's role in planning the Democratic Idol event to be much more than a "minor role." Ms. Cooks testified that Ms. Austin was on vacation from the official House office during the Democratic Idol event because she came to Washington, DC to work on the event.¹¹⁰

Additionally, during her 18(a) interview, Ms. Austin stated that she arrived in Washington, DC early in the morning on September 28, 2010 and returned to Long Beach, CA, on the 6 p.m. flight on September 30, 2010. She stated the primary purpose of the trip "was a combination of supporting the Congresswoman for the event, since our chief of staff was out," and "trying to work with [Ms. Dennis] on the schedule,"¹¹¹ but has since provided information to the Committee indicating that the official work on the schedule was a mere rationalization justifying the use of the MRA, and the true purpose of her trip was to coordinate Democratic Idol at the behest of Representative

¹⁰⁴ Exhibit 16.

¹⁰⁵ Exhibit 22; *see also* Exhibit 23 (email from Ms. Austin regarding creation of PowerPoint presentation); ISC Interview of Jakki Dennis (Q: "So were you responsible for telling folks what their assignments were?" MS. DENNIS: "No. No, that is not my responsibility." Q: "Okay. Whose responsibility would that have been?" MS. DENNIS: "Either Shirley's or Daysha's"); ISC Interview of Jeffrey Billington ("I had put together a PowerPoint presentation at the direction of Daysha Austin that was used at the event and shown up on the screens there.").

¹⁰⁶ Attorney proffer on behalf of Daysha Austin.

¹⁰⁷ ISC Interview of Representative Laura Richardson.

¹⁰⁸ ISC Interview of Representative Laura Richardson.

¹⁰⁹ ISC Interview of Representative Laura Richardson.

¹¹⁰ 18(a) interview of Shirley Cooks.

¹¹¹ 18(a) interview of Daysha Austin.

Richardson.¹¹² Ms. Austin stated she did not go into the congressional office until the evening on September 28, was in the office all day on September 29 (the day of the Democratic Idol event), and was in all day on September 30 until she left for her flight at approximately 3:30 p.m. She spent the majority of her time in Washington, DC working on the Democratic Idol event and was in regular contact with Representative Richardson regarding her activities.¹¹³ Ms. Austin further stated that she only spent “a couple of hours” with Ms. Dennis during her three-day stay in Washington, DC to work on the calendar.¹¹⁴ Ms. Austin admitted that she worked on the Democratic Idol event in the congressional office and used House computers to work on the assignment list for the event.¹¹⁵ She did so with the knowledge or at the direction of Representative Richardson.

Ms. Austin’s travel and other expenses during her September 28-30 trip were paid through the MRA.¹¹⁶ When asked about Ms. Austin’s travel to Washington, DC, Representative Richardson claimed that the purpose of Ms. Austin’s trip was to work on scheduling issues with Ms. Dennis and that Ms. Austin worked in the official office during her entire stay.¹¹⁷ According to information obtained by the ISC, however, Ms. Austin had a discussion with Representative Richardson, and while Representative Richardson advised Ms. Austin that she should spend time with Ms. Dennis to justify the MRA expenditure, it was clear that the primary purpose of the trip was to plan and execute the DC Idol event and that she would not have been asked to make the trip absent the Idol event.¹¹⁸

Additionally, Representative Richardson could not explain why the calendar for the three days Ms. Austin was in Washington, DC reflected that Ms. Austin was on vacation:

Q: So can you explain to us why this shows she is out on vacation on your calendar?

REPRESENTATIVE RICHARDSON: No, I don’t – the calendar – no, I can’t. I mean, it also says Daysha Long Beach to DC. Probably whoever put it, put it on wrong, I would assume, but I don’t know.¹¹⁹

¹¹² Attorney proffer on behalf of Daysha Austin.

¹¹³ 18(a) interview of Daysha Austin.

¹¹⁴ 18(a) interview of Daysha Austin.

¹¹⁵ 18(a) interview of Daysha Austin.

¹¹⁶ Exhibit 24, 25.

¹¹⁷ ISC Interview of Representative Laura Richardson.

¹¹⁸ Attorney proffer on behalf of Daysha Austin.

¹¹⁹ ISC Interview of Representative Laura Richardson.

On or about September 27, 2010, Representative Richardson directed Ms. Cooks via email to communicate to the Washington, DC office staff that “we will need EVERYONE’S help” during the Democratic Idol event.¹²⁰ Six minutes after Representative Richardson gave this direction, Ms. Cooks sent an email to the entire Washington DC staff regarding Democratic Idol. Ms. Cooks’ email stated, “All staff are required to attend Ms [sic] Richardson’s event. Bring spouses and tell interns they have to be there as well.”¹²¹ The ISC has learned that in the six minutes between Representative Richardson’s email and Ms. Cooks’ email, Ms. Cooks called Representative Richardson at her direction.¹²² During the call, Representative Richardson expressed anger that Ms. Austin had failed to fulfill the catering order for Democratic Idol, and Representative Richardson told Ms. Cooks to inform the staff that everyone was required to attend the Democratic Idol event, including interns.¹²³ Representative Richardson’s email and her call both served as the impetus for Ms. Cooks’ email.¹²⁴

Witnesses provided differing interpretations of Ms. Cooks’ email. One staffer testified that they had already decided to voluntarily attend the event, and therefore had not paid this email much attention.¹²⁵ Ms. Dennis was concerned about requiring interns to attend the event; when Ms. Dennis responded to Ms. Cooks’ email and raised this concern, Ms. Cooks replied, “are you the intern police?”¹²⁶

A number of employees in the Washington, DC office testified that they ascribed to Ms. Cooks’ email its plain meaning: all staff were required to attend the campaign event:

Q: Now, did you volunteer to work [on Democratic Idol]?

MR. BILLINGTON: I did not.

Q And how did you become aware that you needed to do some work for this event?

¹²⁰ Exhibit 26.

¹²¹ Exhibit 27.

¹²² Attorney proffer on behalf of Shirley Cooks.

¹²³ Attorney proffer on behalf of Shirley Cooks.

¹²⁴ Attorney proffer on behalf of Shirley Cooks.

¹²⁵ ISC Interview of Loren Aho.

¹²⁶ Exhibit 28.

MR. BILLINGTON: We got an email from Shirley Cooks directing us, everyone on staff, as well as to bring spouses, and the interns were also supposed to come.¹²⁷

.....

Q: Now from the language in that e-mail, did you feel that you had an option to not attend if you wanted to?

MS. WOODWARD: I felt I had to go. And I also felt that I was risking it by not making my spouse go. But I didn't feel it was appropriate to tell me that I had to bring my spouse. So I didn't bring him.¹²⁸

Representative Richardson told the ISC that the email Ms. Cooks sent out was improper and that she did not require any of her staff to attend or work at the Democratic Idol event.¹²⁹ Representative Richardson told the ISC that the email she sent to Ms. Dennis was in response to Ms. Dennis' earlier email in which Ms. Dennis asked if there was anything Representative Richardson wanted the staff to do, and her use of the official email was due to the fact that she "mistakenly hit reply," even though she recognized that she took the time to change the subject line of the message.¹³⁰ Representative Richardson further stated that when she responded she would need "EVERYONE'S help" for the Democratic Idol event, she was merely letting them know they could help, not requiring them to do so:

I want you to understand -- to know what my understanding is. When a staff member said to me, would you like me to pick you up now, is there anything special you want staff to do, I thought she was asking me is there something -- is there a way that -- something you'd like staff to help with. To me, she was inquiring to me of how they could help, not me directing them of what they needed to do.... So I thought they were soliciting, hey, is there something we can do to help? And so -- and, hence, my response was, sure, yes, we'd love everyone's help. But I want to accentuate, which you're not asking me in the question, that my response said everyone's help. I didn't say I need everyone to work there. That was not my intention. My intention was, sure, if people are willing and want to be

¹²⁷ ISC Interview of Jeffrey Billington.

¹²⁸ 18(a) Interview of Lucinda Richard Woodward.

¹²⁹ ISC Interview of Representative Laura Richardson.

¹³⁰ ISC Interview of Representative Laura Richardson.

involved, we would love to have everyone's help. And the other thing I want to clarify of why I capped "everyone" is that typically -- and I have been to other Members' events. If I go -- if I have an event, typically only my senior staff would go to that event.... But since this was a general event and it was a fun event, I was saying, sure, everyone could come is what I was saying.¹³¹

The ISC concluded that Ms. Cooks' email reflected a directive from Representative Richardson that the entire Washington, DC office staff was required to attend Democratic Idol. Representative Richardson's explanation that her use of official email was a hasty mistake is belied by the fact that she took the time to change the subject line and add Ms. Cooks as a recipient. In fact, Ms. Dennis' initial email did not mention Democratic Idol at all -- not with respect to Ms. Dennis herself nor with respect to the rest of staff. Ms. Dennis' email to Representative Richardson, asking her for guidance on behalf of staff, is the sort of email sent every day in workplaces across the country, in which a subordinate asks a superior for direction in carrying out daily business. For Representative Richardson to have read into that email a specific interest regarding a nonofficial event two nights later, shared not only by Ms. Dennis but by all members of her staff, is plainly inconsistent with the facts. Representative Richardson severely encroached upon the boundaries that the House established for her use of staff and resources. Additionally, the use of Ms. Cooks as a proxy is consistent with the above-summarized evidence regarding Ms. Austin's role in compelling campaign work in the Long Beach, CA office. As a result, the ISC concludes that Ms. Cooks' email fairly reflects Representative Richardson's intent to compel her staff to attend Democratic Idol. Moreover, even if these emails could be interpreted differently, they are still more evidence of Representative Richardson's extensive use of House communications resources for campaign purposes.

Ms. Austin stated during her 18(a) interview¹³² that at the request and direction of Representative Richardson, she created a list of assigned tasks for the official staff to perform at the Democratic Idol event, which included:

- a. Decorations, event set-up, meet vendors, etc.
- b. Greet guests entering on Louisiana [sic] and direct them to the 2nd Floor elevator and tell them to take it to the 7th floor
- c. Greet guests entering on New Jersey Avenue and direct them to the lower elevator and tell them to take it to the 7th floor

¹³¹ ISC Interview of Representative Laura Richardson.

¹³² 18(a) interview of Daysha Austin.

- d. Greet guests as they exit the elevator and direct them to the registration table
- e. Greet guests, pass out name tags and collect checks and hand out “no camera’s [sic] or phones permitted card”
- f. Greet performers (Members) and direct them to the hold room
- g. Assist with serving of food and restocking
- h. Assist with power point presenation [sic]
- i. Photography
- j. Assist [paid staff] with U Sing it Karaoke with music
- k. Assist [Representative Richardson] with managing program, ensure performers are ready to perform.¹³³

Representative Richardson, both directly and through Ms. Austin, assigned Communications Director Jeffrey Billington to one of these tasks – creating a PowerPoint presentation for the event, on official time and using an official House computer.¹³⁴ Ms. Austin provided information to Mr. Billington for the completion of this presentation.¹³⁵ Mr. Billington testified that Representative Richardson directly ordered him to complete this task:

Q: Who directed you or gave you the instructions of what you needed to do for that?

MR. BILLINGTON: That came from the Member and from Daysha Austin.

Q: So you had a conversation with Representative Richardson directly?

MR. BILLINGTON: Yes.... All that she really told me was that Daysha would give me the information to put on it and that she wanted this.¹³⁶

¹³³ Exhibit 29.

¹³⁴ Exhibit 30.

¹³⁵ Exhibit 23.

¹³⁶ ISC Interview of Jeffrey Billington.

Representative Richardson, through Ms. Austin, also directed Mr. Billington to send information to an official with the Democratic Congressional Campaign Committee, to help prepare remarks for the Democratic Idol event. Ms. Austin sent this direction to Mr. Billington's official email account during the official work day.¹³⁷

While the record is not entirely clear as to whether the other assignments were actually implemented or carried out, Legislative Assistant Lucinda Richard Woodward testified that she did indeed act as catering staff for the entire night:

MS. WOODWARD: I felt like I am not wait staff; I am your legislative staff. And it was made clear to me by [Ms. Austin] that everybody had to do some sort of task and chip in.¹³⁸

And Legislative Assistant Thorne Maginnis testified that he performed the task assigned to him as well:

Q: [N]ow, did you work the projector – the laptop during the whole event?"

MR. MAGINNIS: Yes.¹³⁹

After midnight on the evening of the Democratic Idol event, Representative Richardson sent an email using official House email accounts to the Washington, DC staff stating, "Thank you everyone for your help tonight."¹⁴⁰ Representative Richardson noted in her testimony that the email thanked staff for their "help" as opposed to "work."¹⁴¹ But the other available evidence shows that Representative Richardson acted with disregard for this distinction.

The day before the Democratic Idol event, September 28, 2010, Mr. Billington stated that he would be unable to attend the event, because a loved one had just undergone a medical procedure, and Mr. Billington needed to go home to care for them. Ms. Cooks responded to Mr. Billington that she had "mentioned to the boss your need to go home by 6:00 tomorrow [sic] she [Representative Richardson] said you can leave at 7:00."¹⁴² Mr. Billington responded, "I am not being force[d] to do a campaign event

¹³⁷ Exhibit 31.

¹³⁸ 18(a) Interview of Lucinda Richard Woodward.

¹³⁹ 18(a) Interview of Thorne Maginnis.

¹⁴⁰ Exhibit 32.

¹⁴¹ ISC Interview of Representative Laura Richardson.

¹⁴² Exhibit 33.

when I have pressing personal issues going on. She can fire me and I will blast her [expletive deleted] so over everything she won't be able to be elected dog catcher, I am not kidding. I will not be doing that. I will be heading home at 6."¹⁴³ Ms. Cooks responded that Mr. Billington's message was "pretty harsh" and questioned whether Ms. Cooks should pass it along to Representative Richardson.

Mr. Billington, the next day, spoke with Ms. Austin, who told him that he was expected to take photos at the Democratic Idol event. Mr. Billington emailed Ms. Cooks and stated, "[i]f this is not somehow rectified I am prepared to render my resignation effective immediately."¹⁴⁴ Ms. Cooks asked Mr. Billington to "calm down" and find a suitable photographer.¹⁴⁵ Mr. Billington stated that, given the late notice, any photographer would likely need to be compensated; Ms. Cooks assured him that the campaign would pay for the photographer.¹⁴⁶

Representative Richardson told the ISC that she had seen the email communication between Shirley Cooks and Mr. Billington after the fact and Mr. Billington had never told Representative Richardson he did not want to attend Democratic Idol.¹⁴⁷ Representative Richardson recalled the conversation about Mr. Billington that she had with Ms. Cooks and stated that when Ms. Cooks told her that Mr. Billington had to leave the event early she told Ms. Cooks that it was "no problem."¹⁴⁸

Mr. Billington told a very different story about Representative Richardson's reaction:

MR. BILLINGTON: The morning after the event, I was doing some standard work for her, and I was in her office with her, and she just looked at me and said, "I heard you were upset about having to come to the event last night." I said -- Well, I said, you realize this to me is like a spousal relationship I am in, so I feel that it was my duty to go home, you know, as soon as I was done with work and I felt that this was impeding upon my private time, my personal time to take care of my personal life. And she just stared at me for a minute and said, "Well, what if media had showed up? That is why you had to be

¹⁴³ Exhibit 33.

¹⁴⁴ Exhibit 33.

¹⁴⁵ Exhibit 33.

¹⁴⁶ Exhibit 33.

¹⁴⁷ ISC Interview of Representative Laura Richardson.

¹⁴⁸ ISC Interview of Representative Laura Richardson.

there.” And that was pretty much the end of the discussion.¹⁴⁹

2. Other Campaign Activity

While the Democratic Idol event was the focus of much of the testimony from Capitol Hill staff, the witnesses from that office provided information about additional campaign-related activities in Washington, DC. Representative Richardson required at least one Washington, DC staff member, Ms. Woodward, to attend a fundraising breakfast regarding health care on or about July 21, 2010.¹⁵⁰

Q: Why did you attend that event?

MS. WOODWARD: Because I received an email from my chief of staff saying, make sure you are available Wednesday for the Pallone-Richardson breakfast at 8:30. Do you need a ride?¹⁵¹

Representative Richardson directed Ms. Woodward’s attendance due to the fact that health care was a part of Ms. Woodward’s official portfolio, and knew that a variety of officials from the health care industry were planning to attend.¹⁵² Legislative Assistant Jeremy Marcus testified that he attended over a half dozen breakfasts of a political nature, but was at best unclear as to whether his attendance had been voluntary.¹⁵³

On or about July 19, 2010, Representative Richardson, via her House email account, required Ms. Woodward to review a spreadsheet provided by Representative Richardson’s paid campaign fundraiser listing individuals or entities related to the health care industry and compare it with Ms. Woodward’s official contacts in the health care sector:

Q: [S]he wanted you to look at the campaign’s contact spreadsheet and compare it to your official House spreadsheet of contacts in the healthcare industry or dealing with healthcare issues?

¹⁴⁹ ISC Interview of Jeffrey Billington.

¹⁵⁰ Exhibit 34.

¹⁵¹ 18(a) Interview of Lucinda Richard Woodward.

¹⁵² 18(a) Interview of Lucinda Richard Woodward; Exhibit 35; ISC Interview of Representative Laura Richardson (“And as I said to you earlier, if I had a fund-raiser event, typically if it was industry-specific, [Ms. Cooks] would come and sometimes she would say the LA of that particular subject matter would invite them to come but I didn’t say she had to be there or any of that, no”).

¹⁵³ ISC Interview of Jeremy Marcus.

MS. WOODWARD: And fill it out and also add any associations I had met with.¹⁵⁴

Ms. Woodward expressed her concern to Representative Richardson and stated, “I am not allowed to do any campaign-related activity at work on computers with work resources.”¹⁵⁵ Representative Richardson permitted Ms. Woodward to work on the spreadsheet from home during the work day, and asked her to hand off her official work for the day to another staffer.¹⁵⁶ At Representative Richardson’s direction, Ms. Woodward then left work for the day and finished the spreadsheet comparison on her home computer.¹⁵⁷ On a different occasion and a different date, Ms. Cooks also directed Ms. Woodward to fill out a questionnaire for the prospective endorsement of a trade association.¹⁵⁸

With respect to the spreadsheets, Representative Richardson testified that “as a Member I have the right to contacts of people that I meet in my office.... Members of Congress are entitled to know who the contacts are that they meet with and their staff meets them [sic].”¹⁵⁹ Representative Richardson disputed that the document from her campaign was even a campaign document in the first place:

Q: So are you asking her to look at a campaign list of individuals and compare whether or not she has or determine whether or not she has met with any of those individuals -- you’re asking her to look over a campaign document; is that right?

REPRESENTATIVE RICHARDSON: Not necessarily. That could have been a list that I provided to Danielle [Neville, Representative Richardson’s campaign consultant] of someone that I had met with to -- again, like I said, I was trying -- I’m trying to get better in a habit of communicating the things that I do. So I wouldn’t necessarily assume that that was that purpose.¹⁶⁰

¹⁵⁴ 18(a) Interview of Lucinda Richard Woodward.

¹⁵⁵ Exhibit 36; *see also* 18(a) Interview of Lucinda Richard Woodward (“I didn’t realize that I couldn’t give her that information at all. I since realized that I couldn’t give that information at all. My understanding was that I couldn’t be doing that on House time”).

¹⁵⁶ Exhibit 36, 37.

¹⁵⁷ 18(a) Interview of Lucinda Richard Woodward.

¹⁵⁸ Exhibit 38.

¹⁵⁹ ISC Interview of Representative Laura Richardson.

¹⁶⁰ ISC Interview of Representative Laura Richardson.

Representative Richardson's explanation does not accord with the rather self-evident fact that the spreadsheet came from the campaign office itself. The campaign office has one function – campaigning. It is not an arm of her communications team, nor should it be. A Member should not have to guess at the purpose of a document in their campaign office. Representative Richardson also stated that she was unsure of the purpose of the campaign's spreadsheet, and was specifically unsure whether it was used for fundraising.¹⁶¹ As discussed more fully in Part V, below, whether or not a document is used for fundraising does not control whether it is classified as campaign material, and accordingly Representative Richardson's position is an inaccurate statement of law.

In another instance of compulsory campaign work by official staff during the 2010 general election campaign, Representative Richardson required Mr. Billington to perform opposition research on Ms. Parker. Specifically, she required Mr. Billington to collect articles regarding Ms. Parker,¹⁶² and to surreptitiously visit the offices of Ms. Parker's nonprofit in Washington, DC and report back to Representative Richardson regarding what Mr. Billington saw.¹⁶³ Representative Richardson told Mr. Billington that Mr. Billington had taken too much time off of work for doctor's appointments, and that performing this campaign work would prevent Representative Richardson from docking Mr. Billington's pay.¹⁶⁴

Representative Richardson denied requiring Mr. Billington to conduct opposition research. She stated that Mr. Billington decided to conduct research on Ms. Parker on his own, and suggested going to the nonprofit offices.¹⁶⁵ Representative Richardson was not certain whether Mr. Billington actually went to the nonprofit offices, but stated if he had, it would have been on his personal time.¹⁶⁶ Representative Richardson did not articulate why Mr. Billington would have a different recollection of whether or not his work had been volunteered, and the ISC credited Mr. Billington's testimony. Accordingly, the ISC concluded that Representative Richardson had compelled this campaign work as well.

Finally, the ISC reviewed evidence indicating that on at least one occasion, Ms. Cooks spent part of her official work day making calls from the campaign consultant's office in Washington, DC while receiving her official pay, and without taking leave. Representative Richardson directed Ms. Cooks to perform this campaign work, and sent

¹⁶¹ ISC Interview of Representative Laura Richardson.

¹⁶² Exhibit 39.

¹⁶³ ISC Interview of Jeffrey Billington.

¹⁶⁴ ISC Interview of Jeffrey Billington.

¹⁶⁵ ISC Interview of Representative Laura Richardson.

¹⁶⁶ ISC Interview of Representative Laura Richardson.

her an email using her official House email account confirming her presence at the campaign consultant's office.¹⁶⁷

D. Obstruction of the Committee's Investigation

On October 1, 2010, Ms. Austin received a promotion to Deputy District Director. Apparently, this promotion was occasioned by Ms. Austin's receipt of a number of job offers that would pay her a higher salary than she had received as scheduler.¹⁶⁸ On Friday, October 15, 2010, the Committee sent a letter to Representative Richardson notifying her of the initiation of an investigation by the Committee regarding allegations that "indicate members of [Representative Richardson's] official House staff may have performed work on [her] campaign while still being paid by the House and that other official resources may have been used for campaign activity."¹⁶⁹ On Saturday, October 16, 2010, after becoming aware of the Committee's investigation, Representative Richardson contacted her budget manager, Michelle Donches, to inquire for the first time about adjusting Ms. Austin's status to "half-time," and the possibility of doing so retroactively to September 28, 2010.¹⁷⁰ Ms. Donches informed Representative Richardson that the change could only be made retroactively to October 1, 2010 (as September pay had already been distributed). Representative Richardson accepted the change, but apparently did not require Ms. Austin to pay back any portion of her September pay. The ISC has learned that Ms. Austin had not heard of any plan to change her status until after mid-October, and to her knowledge this was never considered until that time.¹⁷¹

On October 25, 2010, Ms. Donches told Representative Richardson that the net pay cut to Ms. Austin as a result of her change in status would be \$1867.24.¹⁷² Ms. Austin testified that, approximately four days after this email, she received almost exactly this amount – \$1900 – as pay from the campaign for work performed in October.¹⁷³

A few days after Representative Richardson first mentioned the change in status to Ms. Donches, on or about October 19, 2010, Ms. Austin, at the direction of Representative Richardson,¹⁷⁴ directed Ms. Macias to alter the official calendar to indicate

¹⁶⁷ Exhibit 40.

¹⁶⁸ Exhibit 41.

¹⁶⁹ Exhibit 2.

¹⁷⁰ Exhibit 42, 43.

¹⁷¹ Attorney proffer on behalf of Daysha Austin.

¹⁷² Exhibit 42.

¹⁷³ 18(a) Interview of Daysha Austin.

¹⁷⁴ Attorney proffer on behalf of Daysha Austin.

that Ms. Austin's status during October 2010 was "half day leave without pay."¹⁷⁵ When Ms. Macias was unable to make the retroactive change to Ms. Austin's satisfaction, Ms. Austin used Ms. Macias's computer and made the change herself.¹⁷⁶ Ms. Macias testified that, to the best of her recollection, this all occurred after the meeting with Representative Richardson regarding this investigation.¹⁷⁷ Representative Richardson repeatedly denied directing anyone to change the official calendar to indicate Ms. Austin's status as "half day leave without pay."¹⁷⁸

The ISC reviewed versions of the calendar printed in a variety of forms and dates. The calendars provided by Representative Richardson were printed on October 29, 2010, and November 13, 2010, and printed in the "Daily" style from Microsoft Outlook. Both versions reflect in some fashion Ms. Austin's change in status, although the earlier version reflects this change only as of October 12, 2010.¹⁷⁹

¹⁷⁵ Compare Exhibit 44 to Exhibit 45.

¹⁷⁶ ISC Interview of Maria Angel Macias.

¹⁷⁷ ISC Interview of Maria Angel Macias.

¹⁷⁸ ISC Interview of Representative Laura Richardson.

¹⁷⁹ Exhibit 46.

October 12, 2010
Tuesday

October 2010							November 2010						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

Time	Event	Notes
12:00	Days out half day leave without pay To Oct 26	
7:00 am	CANCELED - MEETING REGARDING THE US-KOREA FTA BUSINESS COALITION 725 LONGWORTH - RichardsonMC, Laura	
8:00		
9:00	CONFERENCE CALL WITH CONGRESSMAN VAN HOLLEN TELEPHONE - RichardsonMC, Laura	
10:00		
11:00		
12:00 pm		
1:00		
2:00		
3:00	FBI - MAJORITY WHIP JAMES CLYBURN SOUTH CAROLINA RECEPTION-1201 MAIN STREET, 25TH FLOOR, COLUMBIA, SC	
4:00		
5:00		
6:00		
7:00pm	7:00pm - 9:00pm Eric-LACDF Monthly Meeting (Unltd Teachers Los Angeles Auditorium - 3808 Wilshire Blvd. 2nd Floor, Los Angeles, CA 90010)	

RichardsonMC, Laura 1016 10/29/2010 1:34 PM CLR 617

CSOC.RICH-CMPN.000851

While the later-printed version reflects a change in status as of the beginning of the month.¹⁸⁰

¹⁸⁰ Exhibit 47.

Details" style from Microsoft Outlook, does not show Ms. Austin's change in status at all for the month of October:¹⁸¹

October 12, 2010	
Tuesday	
All Day	SHIRLEY IN THE OFFICE ALL DAY Please See Above
7:00 AM - 7:30 AM	CANCELLED - MEETING REGARDING THE US-KOREA FTA BUSINESS COALITION -- 1725 LONGWORTH POC: NICOLE VENABLE, PRINCIPAL, THE BOCKORNY GROUP 202-659- STAFF: JEREMY MARCUS
9:30 AM - 10:00 AM	CONFERENCE CALL WITH CONGRESSMAN VAN HOLLEN -- TELEPHONE THIS CALL WILL OCCUR AT 9:30 am PT. Jakki will connect. The Congressman's cell number is -
12:00 PM - 1:00 PM	Candidate Forum -- CSULB, Student Union, Ballroom Park in Lot 3 POC: 562-303-
2:30 PM - 4:30 PM	FYI - MAJORITY WHIP JAMES CLYBURN -- SOUTH CAROLINA RECEPTION-1201 MAIN STREET, 25TH FLOOR, COLUMBIA, SC
5:00 PM - 8:00 PM	TIM - Long Beach City Council Meeting -- City Hall - 333 W. Ocean Blvd, Council Chambers 8:00 PM Eastern Time Notes: Need recap on Wednesday by noon PST
7:00 PM - 9:00 PM	Eric-LACDP Monthly Meeting -- United Teachers Los Angeles Auditorium - 3303 Wilshire Blvd, 2nd Floor, Los Angeles, CA 90010 Endorsement Training Seminar. This is recommended for all members, but is mandatory for all Regional Vice-Chairs, Regional Endorsement Coordinators, and AD Delegation Chairs and Secretaries Program on health care and the California budget, featuring Asm. Dave Jones Adoption of amendments to LACDP By-laws

RichardsonMC, Laura

22

10/13/2010 9:38 AM

A version printed in this same style on October 15, 2010 (the date of the Committee's letter) also does not reference the change in status:¹⁸²

¹⁸¹ Exhibit 48.

¹⁸² Exhibit 49.

October 15, 2010

Friday

Hooper

8:00 AM - 9:30 AM

Meeting of the Los Angeles County Elected Officials -- Los Angeles County Federation of Labor AFL-CIO, Board Room, 2130 James M. Wood Blvd., Los Angeles, CA 90006
8:00am PST

Overview: This meeting will be discussing an extensive and strategic plan where 1 million voters will be targeted and also discuss the Get-Out-The-Vote plan for Election day.

Note: This meeting is for Elected Officials ONLY. Staff will not be allowed without the Elected Official.

Parking: Parking will be available in either 1.) the Federations main parking lot. The gate is located at Lake Street. To enter the gate just pull up and it will open.
2.) the World Agape Mission Church. Located just south of the LA FED at 933 S. lake St.

RSVP/POC: Caroline Koan at 213-381- [redacted] or carolinekoan@[redacted]

9:00 AM - 10:00 AM

Member and District Staff Meeting -- DO
9am PST

Meeting to discuss priorities, Member / Staff follow up, upcoming events and Member feedback

9:45 AM - 10:15 AM

Meeting with Tod Leutheser, Brian Moss and Brad Willingham -- Boulevard Cadillac (Redondo & Willow)
9:45am PST

POC: Diana 562-467 [redacted]

10:00 AM - 10:30 AM

Inauguration of Chrysostomos L. Nikias -- USC - Alumni Memorial Park, Los Angeles
10am PST

Inauguration of Chrysostomos L. Nikias, 11th President of the University. Followed by a celebratory luncheon in McCarthy Quad

POC: www.usc.edu/[redacted]

12:30 PM - 2:30 PM

DCCC Luncheon with Speaker Pelosi and Congresswoman Lois Capps -- Judy Hopkinson - [redacted]
[redacted] Santa Barbara, CA 93110
12:30pm PST

12:30PM - 1:00PM VIP Reception
1:00PM - 2:30PM Luncheon
Hosted by Betty Stephens, Judy Hopkinson and Congresswoman Lois Capps

RichardsonMC, Laura

1

10/15/2010 3:52 PM

But by October 22, 2010 (a week after the Committee's letter), the schedule had been retroactively changed.¹⁸³

¹⁸³ Exhibit 50.

October 12, 2010
Tuesday

All Day Lawanda on Vacation -- DO Please See Above

All Day SHIRLEY IN THE OFFICE ALL DAY

~~3:00 AM - 12:00 AM Daysha out half day leave without pay~~

RichardsonMC, Laura 518 10/22/2010 12:52 PM

Finally, the calendar entry provided by Representative Richardson for September 28 and 29, 2012 when Ms. Austin was in Washington for Democratic Idol, reflects that Ms. Austin was out on vacation:¹⁸⁴

September 28, 2010
Tuesday

All Day Gardena-Carson Family YMCA 20th Annual Golf Classic -- Rolling Hills Country Club - 27000 Palos Verdes Drive East, Rolling Hills Estates
Please See Above

All Day Lawanda on Vacation -- DO Please See Above

3:00 AM - 12:00 AM Daysha out Vacation

All Day Lawanda on Vacation -- DO
All Day 9/22/10 -- 10/29/2010

12:00 AM - 1:30 AM Welcome Reception for President Leonel Fernandez of the Dominican Republic -- 4322 Wilshire Blvd, Suite 302, Los Angeles
Please See Above

12:50 AM - 1:20 AM Daysha LB to DC -- JetBlue Flight 300
Confirmation [REDACTED]

8:00 AM - 8:30 AM FYI - BREAKFAST HOSTED BY CONGRESSMAN JESSE JACKSON -- SONOMA RESTURANT - 223 PENNSYLVANIA AVENUE, SE

8:30 AM - 1:30 PM WASHINGTON/ CLR Out of Office -- 80 F St
8:30am EST

2:00 PM - 2:30 PM MEETING WITH MAYOR DELSHAD AND OFFICIALS FROM CITY OF BEVERLY HILLS, CA -- 1725 LONGWORTH
MAYOR DELSHAD AND THE CITY OFFICIALS WILL MEET WITH THE CONGRESSWOMAN TO DISCUSS THE CITY'S COLLABORATION WITH THE DEPARTMENT OF HOMELAND SECURITY ON THEIR UNIFIED NETWORK OF INTEROPERABILITY TECHNOLOGY ENHANCEMENTS (UNITE) PROJECT. PARTICIPANTS WILL INCLUDE COUNCILMEMBER WILLIAM BRIEN, MD, CITY MANAGER JEFF KOLIN, POLICE COMMANDER THERESA GOLDMAN, POLICE CHIEF DAVID L. SNOWDEN AND CHARYNE MACON (FERGUSON GROUP, LLC.).

STAFF: GREGORY AND LUCINDA

3:00 PM - 5:00 PM Henry-East Anaheim Street Business Association Meeting -- Los Compadres Restaurant - 3229 E. Anaheim Street
12pm PST
POC: 562-494-[REDACTED] or www.easba.com

RichardsonMC, Laura 486 10/22/2010 12:52 PM

¹⁸⁴ Exhibit 51.

Three pieces of evidence, all of which were provided by Representative Richardson, tell three different stories, and those stories cannot all simultaneously be true. The calendar entries provided by Representative Richardson reflect that Ms. Austin was on vacation during the time of the Democratic Idol event. Representative Richardson testified unequivocally that, on the contrary, Ms. Austin worked full time on official business when she traveled to Washington during the week of September 29, 2010. Again, if this were all of the evidence presented to the ISC, a plausible case could be made that the calendar entry was a mistake – *i.e.*, that someone meant to reflect simply that Ms. Austin would not be in Long Beach, but misstated her out-of-office status. But that circle cannot be squared with Representative Richardson’s email to Ms. Donches, requesting that Ms. Austin’s leave without pay status apply retroactively *to precisely the same time period*. This last piece of evidence indicates three things. First, that Ms. Austin had not actually been performing official work on September 28 and 29; otherwise, there would be no reason to apply the change in status for those days. Second, that at some point in mid-October, Representative Richardson thought it vital to retroactively change Ms. Austin’s status for those two days in particular. The only reasonable explanation for this is that Representative Richardson was then aware that the Committee was investigating Democratic Idol and realized that House Rules prohibited paying Ms. Austin her House salary when she was performing work related to that event. Third, that when she testified nearly two years later, Representative Richardson’s recollection of Ms. Austin’s work schedule for the week of September 28, 2010 differed substantially from her recollection in October 2010, when the facts were, presumably, much fresher in her mind.

To review, all of the documents reflecting a change in Ms. Austin’s status, be they the communications with the budget director or the official calendar, either originated after the Committee’s letter to Representative Richardson or were modified after that date to specifically reflect the change. The ISC is left with only one explanation: that this change was deliberate, performed with the intent to obscure the fact that Ms. Austin had been receiving full-time pay for less than a full day’s work for Representative Richardson’s constituents. Representative Richardson’s explanation is simply not supported by any hard evidence whatsoever.

Representative Richardson also suggested that perhaps she had not received the Committee’s letter prior to sending her emails to Ms. Donches, or prior to the changes in the calendar, suggesting the suspicious timing could have all been a coincidence:

REPRESENTATIVE RICHARDSON: Well, first of all, I don’t know that I received -- when I physically received the committee letter. So, first of all, I wouldn’t necessarily assume the time frame that you’re referring to. Because I may or may not have received it or opened it or read it. I wouldn’t be safe to assume. You’re talking about I’m 2

weeks out from my campaign. So, first of all, I don't assume that.¹⁸⁵

Representative Richardson's testimony notwithstanding, at least two witnesses have stated that Representative Richardson did indeed receive the Committee's letter on Friday, October 15, prior to the change in Ms. Austin's status.¹⁸⁶ Additionally, the ISC received information from Ms. Austin confirming that Ms. Austin had no recollection of any conversations regarding the change in her pay status until after the middle of October, and that such a change had not even been considered until that time.¹⁸⁷

On October 17, 2010, Representative Richardson (who was in California at the time) met with her district office staff in the Long Beach, CA office. Representative Richardson attended in person along with the entire district office staff; Ms. Cooks and at least some members of the Capitol Hill staff attended via teleconference.¹⁸⁸ During the meeting, Representative Richardson explained that the Committee was investigating her. She stated that the staff may be asked to testify in the inquiry. Then, according to multiple staffers, she began a mock dialogue with herself,¹⁸⁹ stating some of the questions she expected the Committee to ask, such as "did you feel that your campaign work was mandatory or you were compelled in some way?" and then an answer – "no."¹⁹⁰ Staff members reacted to this with concern – they felt that Representative Richardson was asking them to answer a certain way that would minimize her culpability whether or not those answers were true.¹⁹¹

Representative Richardson testified that she recalled meeting with her staff after receiving the Committee's letter, but could not recall the exact date. She testified that the purpose of the meeting was to inform the staff to cooperate with the Committee's investigation. Representative Richardson denied ever suggesting to members of her staff how they should respond to the Committee's questions.¹⁹² This is another statement contradicted by all the other evidence on point – staffers were consistent in their

¹⁸⁵ ISC Interview of Representative Laura Richardson.

¹⁸⁶ *See, e.g.*, 18(a) Interview of Candace Yamagawa; 18(a) Interview of Eric Boyd; ISC Interview of Eric Boyd.

¹⁸⁷ Attorney proffer on behalf of Daysha Austin.

¹⁸⁸ ISC Interview of Maria Angel Macias; *see also* ISC Interview of Eric Boyd; 18(a) Interview of Thorne Maginnis; 18(a) Interview of Moises Romero.

¹⁸⁹ 18(a) Interview of Thorne Maginnis; ISC Interview of Eric Boyd.

¹⁹⁰ ISC Interview of Eric Boyd; *see also* 18(a) Interview of Moises Romero.

¹⁹¹ 18(a) Interview of Thorne Maginnis; ISC Interview of Eric Boyd; 18(a) Interview of Moises Romero; ISC Interview of Maria Angel Macias.

¹⁹² ISC Interview of Representative Laura Richardson.

recollection of this meeting, and all of them contradicted Representative Richardson. The ISC concluded that during this meeting Representative Richardson did indeed attempt to influence the testimony of witnesses on her staff.

Finally, the ISC has substantial reason to believe that Representative Richardson failed to provide a complete production of relevant documents in her possession, custody, or control, as required by its subpoena of June 7, 2012, despite the fact that the universe of documents sought were requested by the Committee and the ISC for months prior to the subpoena. Several of Representative Richardson's current and former staff provided copies of documents clearly within the scope of documents demanded by that subpoena, that Representative Richardson did not know had been provided, but which she nevertheless failed to provide. These documents include the memorandum sent to Ms. Austin by Ms. Macias regarding personal tasks, the task sheet for Democratic Idol, and other documents, including scheduling, pay, and leave records.¹⁹³

E. Conduct During the 112th Congress

On June 5, 2012, Representative Richardson placed second in the primary election for California's 44th congressional district. Her opponent, Representative Janice Hahn, placed first. California law establishes a "top-two" primary system, in which the top two finishers in an open primary are placed on the ballot regardless of party affiliation. Accordingly, Representative Richardson is a candidate in the 2012 general election for the 44th congressional district.

The ISC and Committee staff interviewed three individuals who joined Representative Richardson's office after the 2010 elections and the commencement of this inquiry. These witnesses testified that the improper use of House resources and the expectations regarding campaign work by staff continued unabated, despite Representative Richardson's knowledge of the investigation into her alleged improper use of House resources. Representative Richardson directed Communications Director Makeda Scott to travel to Long Beach, CA in approximately February 2012 for meetings, which Ms. Scott initially believed to be official in nature. Upon arriving at the first event, Ms. Scott discovered that at least some of the scheduled events were, in fact, campaign events.¹⁹⁴ Additionally, during the winter and spring of 2012, Representative Richardson repeatedly pressured Ms. Scott to participate in campaign activities in Washington, DC. Ms. Scott testified that Representative Richardson told her, in effect, that the fact that Ms. Scott had not volunteered on Representative Richardson's campaign made it uncomfortable to work with Ms. Scott, which Ms. Scott interpreted as "a threat."¹⁹⁵

¹⁹³ See, e.g., Exhibits 29, 30, 52.

¹⁹⁴ ISC Staff Interview of Makeda Scott.

¹⁹⁵ ISC Staff Interview of Makeda Scott.

Additionally, a fellow from the Wounded Warriors program, Brenda Cruz, who had been detailed to Representative Richardson's office, testified that Representative Richardson's District Director, Samuel J. "Joey" Hill, performed so much campaign work on official time that he was frequently absent from the official office, and when present was working on campaign issues.¹⁹⁶

Finally, Communications Director Ray Zaccaro testified that he had been required to write a press release announcing Representative Richardson's endorsement by the Teamsters.¹⁹⁷

F. Consequences of Representative Richardson's Conduct

Representative Richardson's official staff suffered significantly as a result of her wrongdoing. Staffers reported emotional and medical problems as a result of Representative Richardson's inability to respect the boundaries between her staff's official duties and personal lives:

MR. MILLER: And I have had some serious medical issues as a direct result of this that could not be addressed thoroughly because of the office that I worked for. My family has been impacted by this. I am not working as we speak right now because I made a decision that either I was going to die doing what I was going to do, or I was going to try to do the best thing to take care of my health...¹⁹⁸

.....

MS. MACIAS: And I would come in, and she wanted me to be on the phone, and I couldn't. And I just -- I would just -- the last time, and I think you guys got that, to the letter from my doctor saying that, you know, he was going to take me off for 3 days or something, was because I was going -- I was driving to work, and I got that last text, you are -- you need to be available to me 24 hours a day, 7 days a week and you need to be more engaged on the weekends. So instead of going to work, I just went straight to the doctor, and I was just like -- my heart was just beating so fast, and he said you are really, really stressed and, you know, he just said you need -- just take some time off...¹⁹⁹

¹⁹⁶ ISC Interview of Brenda Cruz.

¹⁹⁷ ISC Staff Interview of Ray Zaccaro.

¹⁹⁸ ISC Interview of Ken Miller.

¹⁹⁹ ISC Interview of Maria Angel Macias; *see also* Exhibit 13 (“[M]y stress levels have now risen to very unhealthy, if not dangerous levels as a result of the repeated emotional abuse and constant conflict over the past few months”).

.....

“I have a child to think about now, and my son needs his mother to be healthy and happy. Due to the environment that you and Joey Hill have created, I feel that for my own health and safety I can no longer accept your constant baseless harassment.”²⁰⁰

Staffers also stated that the experience of working for Representative Richardson had shaken their faith in the American system of government:

MR. MILLER: And it is really -- it has really put me in a real bad state of mind as to how I look at the country in which I was born. I never anticipated that -- I mean, I have worked in the private sector most of my life. I have never considered myself a Democrat nor a Republican. And this is just really tough, really, really tough. And my hope is that anyone else whoever decides to work as a public servant does not have to endure what I had to endure, and that this certainly should not be an example as to the way an elected official for this country should conduct themselves under any circumstance. I don't know if I will ever be the same as a result of this experience. I don't know if I will be better, but I am certainly a lot worse today than I was a little more than a year and a half ago as a direct result of this experience. And, you know, again, I just -- my deepest thoughts and deepest prayers are that someone responsible, someone will say that no matter who it is, it is just not right.²⁰¹

.....

“As a service connected disabled veteran it is sad to say that I [would] *rather be at war in Afghanistan than work under people that are morally corrupt.*”²⁰²

IV. HOUSE RULES, REGULATIONS, LAWS, OR OTHER STANDARDS OF CONDUCT

The following are laws or rules that are implicated in this matter.

²⁰⁰ Exhibit 14 at 2.

²⁰¹ ISC Interview of Ken Miller.

²⁰² Exhibit 14 at 2 (emphasis added).

First, 31 U.S.C. § 1301(a) and implementing regulations of the Committee on House Administration prohibits the use of appropriated funds for purposes other than for which the appropriations were made.

Second, House Rule XXIII, clause 8 prohibits a Member from retaining an employee “who does not perform duties for the offices of the employing authority commensurate with the compensation such employees receives.”

Third, the Committee’s policy regarding compelled campaign work, as prescribed in the 2008 *House Ethics Manual (Ethics Manual)*, prohibits “Members and senior staff from not only threatening or attempting to intimidate employees regarding doing campaign work but also from directing or otherwise pressuring them to do such work.” *Ethics Manual* at 136.

Fourth, House Rule XXIII, clause 1 states that “[a] Member, Delegate, resident Commissioner, officer or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”

Fifth, House Rule XXIII, clause 2 states that “[a] Member, Delegate, Resident commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House....”

Sixth, clause 2 of the Code of Ethics for Government Service provides that “any person in Government service should...[u]phold the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.”

V. ANALYSIS

Information provided by many members of Representative Richardson’s staff, as well as documentary evidence, indicates that Representative Richardson violated House Rules, regulations, laws or other standards of conduct when she allegedly (1) directed staff employed by the congressional office and paid from House funds to perform campaign work while on official House time and while in the congressional office; (2) used or directed staff to use House resources for campaign work; (3) used or directed staff to use House resources for personal and non-official purposes other than campaign work; (4) required staff to work on her campaign; and (5) obstructed this Committee’s investigation. Additionally, evidence indicates that Shirley Cooks and Daysha Austin, at Representative Richardson’s direction, (1) used House resources for campaign work; and (2) communicated to other staff Representative Richardson’s requirement that staff work on her campaign.

A. Violations Committed by Representative Richardson

1. 31 U.S.C. § 1301(a)

Based on the information provided, there is substantial reason to believe that

Representative Richardson violated provisions of 31 U.S.C. § 1301(a) when she (1) required Ms. Austin to perform campaign work while she was receiving her House salary; (2) required other employees to perform campaign work on House time; (3) used, or directed others to use, office supplies and other resources (such as the office printer, paper, computers, MRA-leased car, or the offices themselves) for campaign work; and (4) used the MRA to pay for Ms. Austin to travel to Washington, DC to perform campaign work.

The *Ethics Manual* provides guidance to Members, officers and employees of the House regarding campaign activities. The *Ethics Manual* states that “the MRA may not pay for campaign expenses or political expenses (or any personal expenses).”²⁰³ The *Ethics Manual* states, “Official resources of the House must, as a general rule, be used for the performance of official business of the House, and hence those resources may not be used for campaign or political purposes.”²⁰⁴ Additionally, the Committee has found in the past the use of House resources for campaign-related activity was a violation of House Rules and federal law.²⁰⁵

Determining the nature of an event as political or official is not actually a binary choice. Rather, it requires weighing a variety of factors. For example, if a Member attends a parade in her community on the Fourth of July, sitting in a convertible and waving to the crowd, this sort of community engagement would be an official event. But if that same Member brought along campaign literature and pins, and emblazoned the side of the car with a plea for reelection, suddenly the Member is appearing not as the district’s representative in Congress, but as a candidate for her seat. Indeed, if Representative Richardson or her staff attended an event that could have been community-focused or otherwise official in nature, but attended in a fashion that was primarily political or electoral in nature, this would essentially convert the otherwise non-political event into a campaign event for purposes of this rule.²⁰⁶

Additionally, while employees may assist a campaign during their “own time” – a term upon which the Committee has taken a flexible view²⁰⁷ – Representative

²⁰³ *Ethics Manual* at 125 (emphasis added).

²⁰⁴ *Ethics Manual* at 123.

²⁰⁵ See House Comm. on Standards of Official Conduct, *In the Matter of Representative Barbara Rose Collins*, H. Rpt. 104-876, 104th Congress, 2d Session, 1997 (used official funds for campaign and personal purposes, such as purchasing postage stamps with the MRA for Member’s campaign and personal use); House Comm. on Standards of Official Conduct, *In the Matter of Representative Jim Bates*, H. Rpt. 101-293, 101st Congress, 1st Session, 1989 (used congressional staff to perform campaign work in his congressional office on a basis that was “sporadic, precipitated by fundraising events”).

²⁰⁶ The same analysis applies to the rules discussed *infra* regarding compelled campaign work.

²⁰⁷ Comm. on Standards of Official Conduct, *Advisory Opinion No. 2*, (July 11, 1973) (“due to the irregular time frames in which the Congress operates, it is unrealistic to impose conventional work hours and rules on congressional employees.”).

Richardson's interpretation of this provision was profoundly mistaken. As noted above, Member offices have a significant amount of discretion in setting working hours and staffing expectations, so long as those expectations respect the boundaries set up by the rules. When Representative Richardson testified that she believed she could assign campaign work to staffers during the official work day, so long as they completed an equivalent amount of official work on a "make up" basis, is simply not in accord with the Committee's precedent. It is, as a practical matter, entirely unworkable – there was no time entry system accounting for staff time to the tenth of an hour or some other increment. Even if there had been, Member offices establish regular hours in order to serve their constituents during hours when constituents expect service. Certainly, the Committee would not permit a Member to set an office policy that opens the office only when there is no campaign work to do.

In this case, there was a significant amount of activity that did not even require the small amount of analysis described in the preceding paragraph to identify it as campaign-related. Representative Richardson used almost the entire panoply of House resources for campaign and non-official purposes in a variety of ways across no fewer than two election cycles. She used them in both her Long Beach, CA and Washington, DC offices indiscriminately. The use appears to entirely disregard the bounds on using official resources. While the ISC believes an exhaustive recitation of all the facts above demonstrating this impropriety would be unduly duplicative, Representative Richardson's use of House resources for improper purposes included, but was not limited to, the following five types of resources.

First, Representative Richardson used her official staff – in both offices – during the official work day to complete campaign work. Even when certain members of staff undertook campaign tasks voluntarily, those staff members had no right to disregard their duties to the 37th congressional district and to the United States for the time when they were receiving House pay. In some instances, particularly in the case of Ms. Austin, Representative Richardson essentially received the assistance of a full-time campaign worker at the expense of the United States Treasury.

Second, Representative Richardson used House email and computing accounts, both her own and those of her staff, to communicate regarding campaign issues, including scheduling, planning, and executing campaign events. The ISC reviewed no fewer than twenty instances in which the House email and computing system was co-opted in Representative Richardson's reelection effort.²⁰⁸

Third, Representative Richardson used her office space and other equipment for campaign purposes. The evidence shows a significant use of equipment (such as printers and copiers) and supplies (such as paper and toner) diverted from the lawful use of the Washington, DC and Long Beach, CA offices to the campaign effort. Witnesses testified that, far from a single sheet of paper printed out of expediency, the printer in the Long

²⁰⁸ See Exhibits 3, 4, 5, 6, 8, 9, 10, 12, 23, 26, 27, 28, 29, 31, 32, 34, 36, 37, 38, 39. Many of these emails and documents were drafted during House time, implicating again the unauthorized use of staff time discussed in the preceding paragraph.

Beach, CA office was occupied printing precinct sheets for such a significant period that staff had to refill the paper stock on numerous occasions.

Fourth, Representative Richardson used her MRA-leased vehicle for significant campaign and personal travel. As noted above, a small personal frolic and detour amidst a busy official schedule may have been permitted. The campaign use, however, is strictly forbidden.

Fifth, Representative Richardson used the MRA to pay for travel expenses for Ms. Austin to come to Washington, DC for Democratic Idol. There is no simpler resource to misappropriate than cash, and in this case, Representative Richardson took advantage of her access to the MRA to pay expenses that would have otherwise depleted the coffers of her campaign fund.

This is not a close case. The ISC finds substantial reason to believe that Representative Richardson violated the Purpose Law.

2. House Rule XXIII, clause 8(a)

Based on the information provided, there is substantial reason to believe that Representative Richardson may have violated clause 8(a) of the Code of Conduct, by retaining Ms. Austin as a full time staffer when, at Representative Richardson's direction, Ms. Austin did not perform the duties of her office commensurate with the compensation she received. The Committee, pursuant to the authority granted to it by House Rule, implemented the following policy regarding House Rule XXIII, clause 8(a):

Thus when it is anticipated that an employee will be assuming significant campaign duties, it may be necessary for the employing Member to make an appropriate reduction in the employee's House pay. Certainly an appropriate reduction in salary is necessary when a full-time employee goes to part-time status in the congressional office in order to do campaign work. Members and staff should also bear in mind that bonuses, including — lump sum payments, are for the performance of official duties only, and they are not to serve as compensation or a reward for campaign work.

Ethics Manual at 140.

Representative Richardson herself admitted in an email to Ms. Donches that, at least for October 2010, Ms. Austin should have been, at most, a half-time employee of the official staff because of the amount of campaign work she had done.²⁰⁹ Ms. Austin testified that during this same period, she performed approximately two hours a day of

²⁰⁹ Exhibit 42.

official work, far less than the half-time compensation she actually received.²¹⁰ Additionally, other witnesses testified that for significant periods outside October 2010 (most notably August and September 2010, as well as May and June 2010, prior to the primary election that year), Ms. Austin was very often absent from the official office and present in the campaign office, despite receiving no reduction in her official pay.²¹¹ Ms. Austin confirmed that during the period in question, she rarely performed official work, and at the direction of Representative Richardson, spent most of her time performing campaign work.²¹² Accordingly, Ms. Austin did not perform the duties for her office commensurate with the compensation she received.

Additionally, the ISC received testimony from at least two witnesses suggesting that, nearly a year after she received notice of the Committee's investigation, Representative Richardson was employing Mr. Hill as a full-time staffer while he was performing campaign work for most of the official work day. This is evidence that Representative Richardson violated clause 8(a) of House Rule XXIII a second time, well after all such violations should have ceased.

3. House Rule XXIII, clause 1 and 2

The ISC finds that, by compelling staff to perform work they were not required to perform or when such performance may violate House Rules, regulations, laws or other standards of conduct, Representative Richardson violated House Rule XXIII, clause 1, as such behavior did not reflect creditably upon the House. This conduct also violated clause 2 of that Rule, by failing to abide by the spirit and letter of House and Committee rules.

The *Ethics Manual* explains that using House resources for political or campaign activity is prohibited. While House employees may work on a political campaign, including the campaign of their employing Member, the *Ethics Manual* explicitly states that such work must be voluntary and on the employee's own time. The *Ethics Manual* states the Committee's policy on this issue:

[I]n no event may a Member or officer compel a House employee to do campaign work. To do so would result in an impermissible official subsidy of the Member's campaign. The prohibition against coercing staff members to do campaign work is quite broad. It forbids Members

²¹⁰ 18(a) Interview of Daysha Austin.

²¹¹ ISC Interview of Maria Angel Macias ("Daysha said she was in the field [during August and September 2010], but the whole staff knew that she was at the campaign office"); ISC Interview of Ken Miller (Q: "How often did you see Ms. Austin during the campaign?" MR. MILLER: "Very rarely." Q: "And do you know where she was when she was not in the congressional office?" MR. MILLER: "She was in the campaign office.").

²¹² Attorney proffer on behalf of Daysha Austin.

and senior staff from not only threatening or attempting to intimidate employees regarding doing campaign work but also from directing or otherwise pressuring them to do such work.²¹³

The Committee has previously found that requiring a House employee to perform campaign work is a violation of House Rules.²¹⁴ Longstanding precedent of the Committee holds that each Member is responsible for assuring that the Member's employees do not violate this rule, and Members may be held responsible for any violations occurring in his or her office.²¹⁵ While employees may assist a campaign during their "own time" – a term upon which the Committee has taken a flexible view²¹⁶ – the allegations in this matter focus solely on persons performing campaign work on House time, or being directed to perform non-voluntary campaign work on their own time. The *Ethics Manual* also states that "in no event may a Member or officer compel a House employee to do campaign work."²¹⁷

Representative Richardson's compelling – or even directing or otherwise pressuring – her staff to be present at her campaign office and perform work for her campaign under threat of punishment or termination violates the provisions of these policies. To be clear, any suggestion that a staff member or a minority of staff members misinterpreted Representative Richardson's views on the campaign would be flatly contradicted by the evidence. This practice applied equally in both offices, although the amount of campaign work that existed in the district office outpaced that performed in Washington, DC. Without providing an exhaustive list of the material pertaining to compelled campaign work, the following evidence shows a concerted and prevalent effort to ignore the right of official staff to decline to perform political tasks, in at least the following six respects.

First, according to the testimony of at least five district office employees – Mr.

²¹³ *Ethics Manual* at 139.

²¹⁴ *In the Matter of Representative Barbara-Rose Collins*, H. Rep. 104-876, 104th Cong. 2d Sess. (Jan. 2, 1997); *In the Matter of Representative Jim Bates*, H. Rep. 101-293, 101st Cong. 1st Sess. (Oct. 18, 1989).

²¹⁵ See, e.g., Comm. On Standards of Official Conduct, *In the Matter of Representative E.G. "Bud" Shuster*, H. Rep. 106-979, 106th Cong. 2d Sess. 31 (2000) (Member held liable for violations of prohibition on campaign work by official staff arising from lack of uniform leave policy); *Statement Regarding Complaints Against Representative Newt Gingrich*, 101st Cong. 2s Sess. 60, 165-66 (1990) (Member held responsible for violations arising out of presence of political consultant in his office); *In the Matter of Representative Austin J. Murphy*, H. Rep. 100-485, 100th Cong. 1st Sess. 4 (1987) ("a Member must be held responsible to the House for assuring that resources provided in support of his official duties are applied to the proper purposes").

²¹⁶ Comm. on Standards of Official Conduct, *Advisory Opinion No. 2*, (July 11, 1973) ("due to the irregular time frames in which the Congress operates, it is unrealistic to impose conventional work hours and rules on congressional employees.").

²¹⁷ *Ethics Manual* at 135.

Miller, Mr. Boyd, Ms. Macias, Mr. Romero, and Ms. Yamagawa – as well as the information provided by Ms. Austin, Representative Richardson required the staff of the Long Beach, CA office to perform campaign work each weeknight, from approximately 6:30 through 9:00 pm, during at least the two months prior to the 2010 primary and general elections. This practice alone accounted for hundreds of hours of conscripted campaign work by public servants who did not wish to perform it, and may not be forced to do so. Representative Richardson gained the benefit of a cadre of campaign workers for months, all of whom were forced to make telephone calls, knock on doors, and even conduct furtive surveillance on her political opponents.

Second, according to the testimony of Mr. Miller, Mr. Boyd, Ms. Macias, Mr. Romero, and Ms. Yamagawa, and the information provided by Ms. Austin, Representative Richardson required the staff of the Long Beach, CA office to perform additional campaign work on the weekends during these periods as well. Representative Richardson had an expectation that each and every event she attended should be staffed by her official employees, and either affirmatively believed that this should include campaign events, or did not bother to make the distinction. When this work was added to the hundreds of hours already compelled on the evenings as discussed above, the amount of undue benefit to Representative Richardson’s campaign continued to grow.

Third, according to the testimony of Mr. Miller, Mr. Boyd, Ms. Macias, and Mr. Romero, as well as the information provided by Ms. Austin, Representative Richardson enforced these practices by assigning extra official work to those who did not comply. Representative Richardson promised to “work his [expletive]”²¹⁸ after he failed to appear for campaign work on a weekend. She also stated that assigning a staffer to almost every event on a particular day was appropriate because everyone else was “at the campaign office.”²¹⁹ The evidence does not suggest that Representative Richardson requested help, or even made statements about how she would very much appreciate volunteers. District office staff was subject to negative reinforcement if they did not comply with Representative Richardson’s expectations.

Fourth, according to the testimony of Mr. Miller, Mr. Boyd, Ms. Macias, and Mr. Romero, as well as the information provided by Ms. Austin and Ms. Cooks, Representative Richardson directed certain members of her staff, especially Ms. Cooks and Ms. Austin, to deliver threats to other employees to intimidate them into working on the campaign. Ms. Cooks and Ms. Austin were tasked with communicating to staff that failure to volunteer could result in termination, with assigning staff to campaign events, and with following up with staff who failed to comply with these practices. According to the information provided by Ms. Austin, Representative Richardson engaged in this delegation because, in essence “I am the Member, and I can’t tell staff that they need to be here, but you can.”²²⁰ Consequently, not only had the district office provided hundreds

²¹⁸ Attorney proffer on behalf of Daysha Austin.

²¹⁹ Attorney proffer on behalf of Daysha Austin.

²²⁰ Attorney proffer on behalf of Daysha Austin.

of hours of non-voluntary campaign work, they lived in constant fear that any dissent from this system could result in extra work, and might even cost them their job.

Fifth, while volunteer efforts were less extant in Washington, DC than they were in California, Representative Richardson applied the same philosophy to her Capitol Hill staff when the opportunity arose with respect to Democratic Idol. She passed an order through Ms. Cooks commanding her staff to attend. She directed Ms. Austin to prepare the event and assign tasks to employees. Even after the event, she showed no remorse once having heard that one employee felt that he had been inappropriately coerced, drawing a relationship between his official duties and her political needs.

Sixth, Democratic Idol was not an aberrant occurrence, even if one limits one's observations of the matter solely to the Capitol Hill office. In the same way Representative Richardson expected her campaign events in the district to be staffed by official employees, she expected her Washington, DC staff to accompany her to fundraisers, perform opposition research, and act as a backstop for her campaign's knowledge base. Oftentimes, Representative Richardson would attempt to add value to her campaign by compelling campaign work from someone with expertise in a field pertinent to the particular campaign work at issue.

Taken together, a theme emerges – Representative Richardson used her staff as she saw fit, no matter the ethical ramifications. The evidence does not demonstrate isolated incidences of grumbling or disgruntled employees refusing to do their jobs. It demonstrates a constant focus on getting as much campaign value out of official employees as possible. And Representative Richardson received a significant amount of value – hundreds of hours of work from dedicated professionals, at times in their areas of expertise, that would otherwise have fallen on paid campaign staff or a true volunteer corps. In Representative Richardson's office, an employee's job was whatever Representative Richardson said it was, whether that assignment was within the rules or not. This brings discredit to the House.

Representative Richardson also violated clauses 1 and 2 of House Rule XXIII by engaging in a pattern of behavior intended to obstruct this investigation. 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. Representative Richardson failed to respect this principle in at least three ways.

First, Representative Richardson, through staff, sought to alter the official calendar to reflect a prior official condonation of Ms. Austin's campaign work, and Representative Richardson sought to retroactively change pay records for Ms. Austin for the same reason. In fact, it is impossible to reconcile Representative Richardson's own testimony that Ms. Austin traveled to Washington, DC to conduct official business for the

first part of the week of September 27, the same week as Democratic Idol, with either the official calendar (which lists Ms. Austin as on vacation for that period)²²¹ or Representative Richardson's email to her budget manager (which asks if Ms. Austin can retroactively receive a change in status to half-time for September 28 and 29).²²² The ISC concluded that these alterations were deliberate, and conducted with the intent of misleading the Committee as to Ms. Austin's status on the payroll.

Second, Representative Richardson also attempted to intimidate her staff into testifying in a manner exculpatory for her, even if that testimony would be untrue. Representative Richardson has denied that her intent was to suborn false statements; the staff who heard her remarks stated otherwise.

Third, she failed to comply with the ISC's subpoena, and did not provide a complete production of documents, leading the ISC to conclude that Representative Richardson either withheld or destroyed her copies of the documents she failed to produce. A subpoena is not a request, it is a command, and may not be disregarded.

Such conduct is archetypal obstructive behavior. It brings discredit upon the House by casting into grave doubt the ability of the House to police itself. It deserves a significant response.

4. Clause 2 of the Code of Ethics for Government Service

To the extent conduct by Representative Richardson violated 31 U.S.C. § 1301, House Rule XXIII, clause 8(a), or House Rule XXIII, clause 1 and 2 as described above, she has also violated Clause 2 of the Code of Ethics for Government Service by failing to uphold applicable laws and regulations.

B. Violations by Staff

As noted above, Representative Richardson often used her staff to implement unlawful or wrongful practices. Shirley Cooks, as the Chief of Staff, directed staff to work on Representative Richardson's campaign and, on at least one occasion, told staff that if they failed to work on the Congresswoman's campaign they might be out of a job. Through this conduct, Ms. Cooks herself violated the proscriptions on compelling campaign work as described above. Additionally, Ms. Cooks used her official House email account to send campaign related emails, and spent at least one day working out of the campaign consultant's office in Washington, DC while receiving her official pay and without taking leave. Because Ms. Cooks was aware of the use of MRA funds and other House resources to prepare campaign material or perform campaign-related work, she also violated 31 U.S.C. § 1301(a). Ms. Austin may also have violated the Committee's implementing policies, where she engaged in compulsion, intimidation, or pressure of

²²¹ Exhibit 46.

²²² Exhibit 42.

official district office staff to participate in campaign activities. Ms. Austin, by using the MRA to travel to Washington, DC for Democratic Idol, violated 31 U.S.C. § 1301 or the implementing policies contained in the *Members' Handbook*. Ms. Austin's conduct, either individually or taken in its totality, constituted a violation of Sections 1 and 2 of the Code of Official Conduct. It also violated Clause 2 of the Code of Ethics for Government Service.

The ISC recognizes that staff misconduct in a Member office can range on a spectrum between subordinates following orders despite their wrongfulness, and "rogue" agents acting outside the authority granted to them by a Member. The ISC has concluded that the facts in this case lean strongly to the former characterization. While Representative Richardson testified that Ms. Cooks and Ms. Austin engaged in certain activity without her knowledge or permission, documents contradict that testimony in fairly strong terms. For example, while Representative Richardson stated that she did not tell Ms. Cooks to send an email requiring staff to attend Democratic Idol, she was unable to explain why she stated she would "need EVERYONE'S help" six minutes prior to Ms. Cooks' email. Moreover, if it were true that Ms. Cooks and Ms. Austin were acting without Representative Richardson's knowledge, approval, or direction, one would expect evidence that Representative Richardson was not intimately involved in the day-to-day operations of her campaign, or even that she expressed an awareness of the rules in question. The evidence suggests the opposite. Staff testified on numerous occasions that the compulsory campaign work and unlawful use of House resources derived *both* from actions of Ms. Cooks and Ms. Austin, *and* directly from Representative Richardson herself.

Regardless as to the facts in this case, two important maxims come to mind. First, generally, Members are responsible for violations that occur in their office, and cannot shield themselves from liability by using staff as a proxy for wrongdoing.²²³ In this case, Representative Richardson set a tone in her office that was undeniably hostile to staff dissent, which rendered it next to impossible for staff to have an audience for their ethical concerns. Representative Richardson, and no one else, is responsible for the consequences of the milieu of her office. Second, however, each person in the House community is responsible for their own compliance with the rules, and staff is deserving of some criticism (albeit less than that appropriately directed at Representative Richardson herself) for their role in this pattern of conduct.

²²³ See, e.g., Comm. On Standards of Official Conduct, *In the Matter of Representative E.G. "Bud" Shuster*, H. Rep. 106-979, 106th Cong. 2d Sess. 31 (2000) (Member held liable for violations of prohibition on campaign work by official staff arising from lack of uniform leave policy); *Statement Regarding Complaints Against Representative Newt Gingrich*, 101st Cong. 2s Sess. 60, 165-66 (1990) (Member held responsible for violations arising out of presence of political consultant in his office); *In the Matter of Representative Austin J. Murphy*, H. Rep. 100-485, 100th Cong. 1st Sess. 4 (1987) ("a Member must be held responsible to the House for assuring that resources provided in support of his official duties are applied to the proper purposes").

VI. CONCLUSIONS AND RECOMMENDATIONS

This is a case about boundaries. The House entrusts Members with a great deal of discretion over a large amount of taxpayer resources, in the form of MRA funds, supplies, office space, and staff, all with the understanding that the use of those resources will be deployed for purposes relevant and beneficial to the taxpayer. This constructive trust requires Members to delineate between the official, the political, and the personal in ways that are at times quite tidy and at others tangled. When a Member fails to respect these boundaries, she engages in a form of theft, both from her staff and from the American people. The consequences include waste, unfair advantage to incumbents in election, and (particularly in the case of compelled campaign work by employees) involuntary contributions to certain political ends.

Representative Richardson did not acknowledge these boundaries. She acted to consume the resources endowed to her as a Member for whatever purpose suited her whims at the moment, be they official acts, her re-election, or her personal needs. In her mind, if she had access to a particular resource (from printer paper, to a spreadsheet of healthcare contacts, to MRA funds, to the time of her staff – on duty or not) she could use that resource in any way she wished. In so doing, she took things of value that did not belong to her.

The Committee has a long and well-publicized history of sanctioning Members for this behavior. More than 20 years ago, the Committee publicly reprimanded a Member for instructing employees to invite guests to fundraisers and stuff envelopes while on official time, and stated that this reprimand would “place other Members on notice...with the clear possibility that more severe action will be pursued [in the future.]”²²⁴ Fifteen years ago, an ISC adopted a Statement of Alleged violation against a Member for misuse of House resources and compelling staff to perform personal tasks.²²⁵

The ISC recommends to the Committee that, with this investigation, the time has come to pursue the more severe action contemplated in these cases. This is particularly appropriate given that Representative Richardson’s misuse of House resources and compelled campaign work was so profound and pervasive. Certainly, Representative Richardson had notice of the previous reprimand and alleged violations in the cases that have come before hers, and they did nothing to dissuade her from engaging in wrongful conduct. In fact, the ISC discovered significant evidence suggesting that her wrongdoing continued *even after* learning that the Committee was investigating her. If the Committee fails to exact a steep price for such conduct, the message is one of a set of rules with a toothless enforcement mechanism.

²²⁴ *In the Matter of Representative Jim Bates*, H. Rep. 101-293, 101st Cong. 1st Sess. (Oct. 18, 1989).

²²⁵ *In the Matter of Representative Barbara-Rose Collins*, H. Rep. 104-876, 104th Cong. 2d Sess. (Jan. 2, 1997). The Committee took no further action in this matter due to the electoral loss of the respondent.

Representative Richardson also failed to respect another boundary – that of the Committee’s lawful jurisdiction over her conduct. The integrity of any regulatory system, but particularly ones like the House that rely on peers to discipline peers, cannot abide evasive and obstructive conduct by targets of investigation. If witnesses had not saved versions of the office calendar created prior to the Committee’s letter to Representative Richardson, the ISC would have had a different, ultimately mistaken interpretation of the change to Ms. Austin’s status. If other witnesses had not provided certain documents (such as the memorandum from Ms. Macias to Ms. Austin regarding personal tasks), the ISC may have come to a different, ultimately mistaken conclusion regarding the completeness of Representative Richardson’s response to the ISC’s subpoena. As it stands, the ISC concluded that Representative Richardson reacted to the Committee’s investigation in a manner calculated to defeat its aims. The adage “it’s not the crime but the cover-up”²²⁶ is clichéd only because it is vital. Investigative bodies must exact pressure on individuals like Representative Richardson who fail to act with complete candor towards them.

Representative Richardson has agreed to admit to all of the counts in the ISC’s SAV, to waive her rights to further adjudicative processes before the Committee, and she has agreed to accept a reprimand from the House of Representatives for her conduct. The ISC accordingly recommends, unanimously, that the House reprimand Representative Richardson for her violations of law and House Rules. Additionally, Representative Richardson has also agreed to pay a fine in the amount of \$10,000, payable no later than December 1, 2012. The ISC unanimously recommends that the Committee impose this sanction as well.

Ms. Cooks and Ms. Austin have agreed to waive their rights to further adjudicative processes before the Committee in exchange for the Committee sending them letters of reproof. The ISC accordingly recommends that the Committee send letters of reproof to the staff respondents.

²²⁶ Cf. John Schwartz, *Choosing Whether to Cover-Up or Come Clean*, New York Times (July 1, 2002) (discussing roots of maxim in the Watergate scandal).