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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 13-3308

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on May 31, 2013, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Tim Bishop

NATURE OF THE ALLEGED VIOLATIONS: In May 2012, Representative Bishop agreed to assist a constituent in obtaining the necessary approvals for a fireworks event at the constituent’s home. Representative Bishop communicated personally with public officials with certain oversight in the approval process and also directed his congressional staff to make communications to facilitate the necessary processes to the benefit of the constituent. Through an intermediary, Representative Bishop then requested a campaign contribution from the constituent. The request was made in an email after highlighting his performance of official acts, previously conducted. Representative Bishop continued to perform official acts and authorized requests for contributions.

Representative Bishop’s congressional campaign committee also reported receiving the contribution thirteen days prior to the actual date of the constituent’s contribution. The report did not disclose the constituent’s company, or the constituent as the sole member of the company, as the source of the contribution.

If Representative Bishop sought a campaign contribution from a constituent because of or in connection with his performance of an official act, then he may have violated House rules, standards of conduct, and federal law.

If Representative Bishop did not take reasonable steps to ensure that his congressional campaign committee operated in compliance with federal campaign finance laws, then he may have violated House rules, standards of conduct, and federal law.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the allegation concerning whether Representative Bishop sought a campaign contribution because of or in connection with an official act, because there is a substantial reason to believe that a violation of House rules, standards of conduct and federal law occurred.

The Board recommends that the Committee on Ethics further review the allegation concerning whether Representative Bishop took reasonable steps to ensure that his congressional campaign committee operated in compliance with federal campaign finance laws, because there is a substantial reason to believe that a violation of House rules, standards of conduct and federal law occurred.

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VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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

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FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 13-3308

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UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 13-3308

On May 31, 2013, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to laws, regulations, rules and standards of conduct (*in italics*).

The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

1. In May 2012, Representative Bishop requested a campaign contribution from a constituent whom he assisted by performing certain official acts. Through an intermediary associated with his congressional campaign committee, Representative Bishop requested a campaign contribution in the same email where he highlighted his performance of the official acts. Representative Bishop continued to perform official acts and authorize contribution requests.
2. Representative Bishop’s congressional campaign committee reported receiving two \$2,500 contributions from the constituent and his wife on June 26, 2012, the last day of the primary cycle. The contribution was actually made on July 9, 2012, authorized by the constituent’s company in the amount of \$5,000.

A. Summary of Allegations

3. Representative Bishop may have violated House rules, standards of conduct, and federal law by seeking a campaign contribution from a constituent because of or in connection with his performance of an official act.
4. Representative Bishop may have violated House rules, standards of conduct, and federal law by not taking reasonable steps to ensure that his congressional campaign committee operated in compliance with federal campaign finance laws.
5. The Board recommends that the Committee on Ethics further review the allegation concerning whether Representative Bishop sought a campaign contribution because of or in connection with an official act because there is a substantial reason to believe that a violation of House rules, standards of conduct, and federal law occurred.
6. The Board recommends that the Committee on Ethics further review the allegation concerning whether Representative Bishop took reasonable steps to ensure that his congressional campaign committee operated in compliance with federal campaign finance laws, because there is a substantial reason to believe that a violation of House rules, standards of conduct, and federal law occurred.

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B. Jurisdictional Statement

7. The allegations that were the subject of this review concern Representative Tim Bishop, a Member of the United States House of Representatives from the 1st District of New York. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (hereafter "OCE") directs that, "[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution."¹ The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

8. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on January 25, 2013. The preliminary review commenced on January 26, 2013.²
9. At least three members of the Board voted to initiate a second-phase review in this matter on February 22, 2013. The second-phase review commenced on February 25, 2013.³ The second-phase review was scheduled to end on April 10, 2013.
10. The Board voted to extend the 45-day second-phase review by an additional 14 days on March 22, 2013, as provided for under the Resolution. Following the extension, the second-phase review was scheduled to end on April 24, 2013.
11. Pursuant to Rule 9(B) of the OCE Rules for the Conduct of Investigations, Representative Bishop submitted a written statement to the Board on May 29, 2013.
12. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on May 31, 2013.
13. The report and its findings in this matter were transmitted to the Committee on Ethics on June 13, 2013.

D. Summary of Investigative Activity

14. The OCE requested documentary and in some cases testimonial information from the following sources:
 - (1) Representative Bishop;
 - (2) Robert Sillerman;

¹ H. Res 895, 110th Cong. §1(e) (2008) (as amended).

² A preliminary review is "requested" in writing by members of the Board of the OCE. The request for a preliminary review is "received" by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is thirty days from the date of receipt of the Board's request.

³ According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

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- (3) The Constituent;
 - (4) Representative Bishop's Finance Director;
 - (5) Representative Bishop's Communications Director;
 - (6) Representative Bishop's then Legislative Director;
 - (7) U.S. Fish & Wildlife Employee 1;
 - (8) U.S. Fish & Wildlife Employee 2;
 - (9) Regional Director of the New York Department of Environmental Conservation;
 - (10) New York Department of Environmental Conservation Employee;
 - (11) The Southampton Town Trustee;
 - (12) The Southampton Fire Marshall;
 - (13) Fireworks by Grucci Employee 1; and
 - (14) Fireworks by Grucci Employee 2.
15. Representative Bishop refused to provide the OCE with certain documents concerning his congressional campaign committee's receipt of the Constituent's contribution.
16. Robert Sillerman refused to cooperate with the OCE's review.

II. REPRESENTATIVE BISHOP'S OFFICIAL ACTS AND CONTRIBUTION REQUESTS

A. Laws, Regulations, Rules, and Standards of Conduct

17. Illegal Gratuity – 18 U.S.C. § 201(c)

“(c) Whoever— (1) otherwise than as provided by law for the proper discharge of official duty—

(B) being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of any official act performed or to be performed by such official or person; shall be fined under this title or imprisoned for not more than two years, or both.”

18. Compensation to Members of Congress – 18 U.S.C. § 203(a)

“(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly— (1) demands, seeks, receives, accepts, or agrees to receive or accept any

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compensation⁴ for any representational services, as agent or attorney or otherwise, rendered or to be rendered either personally or by another—

(A) at a time when such person is a Member of Congress, Member of Congress Elect, Delegate, Delegate Elect, Resident Commissioner, or Resident Commissioner Elect; . . . in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court, court-martial, officer, or any civil, military, or naval commission; . . . shall be subject to the penalties set forth in section 216 of this title.”

19. *Gifts to Federal Employees – 5 U.S.C. § 7353(a)*

“(a) Except as permitted by subsection (b), no Member of Congress or officer or employee of the executive, legislative, or judicial branch shall solicit or accept anything of value from a person—

(1) seeking official action from, doing business with, or (in the case of executive branch officers and employees) conducting activities regulated by, the individual’s employing entity.”

20. *Dispensing of Special Favors – Code of Government Service § 5*

“Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.”

B. The Constituent Faced Difficulties in Obtaining the Proper Approvals to Hold a Fireworks Event at His Home

21. On May 26, 2012, a constituent residing in Representative Bishop’s district held an event at his home in Sagaponack, New York to celebrate his son’s bar mitzvah.⁵ The event included a fireworks display. In days leading up to the event, the Constituent faced various difficulties in obtaining the required approvals, as discussed below. He sought assistance from Robert Sillerman, a close friend of Representative Bishop, and eventually from Representative Bishop himself.

22. Initially, the fireworks display was planned for a barge off the coast, near the Constituent’s home.⁶ However, the United States Coast Guard did not grant permission for this location. According to the Constituent, the fireworks company with whom he

⁴ The House Ethics Manual notes that “[n]o funds or things of value, other than one’s official salary, may be accepted for dealing with an administrative agency on behalf of a constituent. Caution should always be exercised to avoid the appearance that solicitations of campaign contributions from constituents are connected in any way with a legislator’s official advocacy.” House Ethics Manual (2008) 315, citing 18 U.S.C. § 203.

⁵ Email from Fireworks by Grucci Employee 2 to the Constituent, January 25, 2012 (Exhibit 1 at 13-3308_0002).

⁶ Memorandum of Interview of the Constituent, April 11, 2013 (“Constituent MOI”) (Exhibit 2 at 13-3308_0005); Memorandum of Interview of Grucci Employee 1, April 12, 2013 (Exhibit 3 at 13-3308_0012).

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contracted, Fireworks by Grucci (“Grucci”), did not file the application in time with the Coast Guard.⁷ Grucci Employee 2, who worked with the Constituent during this time to secure a location, stated that the deadline had recently changed, restricting the time frame for filing.⁸

23. In May 2012, the Constituent and Grucci then discussed alternative sites for the event. One involved holding the fireworks display on the beach near the Constituent’s property.⁹ However, an endangered species registered with the U.S. Fish & Wildlife Service, the Piping Plover, resides on the beaches in and around the area of the Constituent’s home.¹⁰
24. The Constituent and Grucci then communicated with the U.S. Fish & Wildlife Service and the New York Department of Environmental Conservation (“DEC”) to inquire about the event’s effects on the Piping Plovers’ nesting near the beach location.¹¹ After receiving information from the government agencies about the potential adverse effects on the species, the Constituent and Grucci discussed a third alternative location for the fireworks display: a pond adjacent to the Constituent’s home.¹²
25. This plan was met with problems concerning height and noise restrictions in addition to continuing issues with proximity to the Piping Plovers.¹³
26. On May 21, 2012 at 12:04 PM, five days before the scheduled party at the Constituent’s home, Grucci Employee 2 emailed the Constituent informing him that the Southampton Town Trustee was now the key individual to contact to get the proper approval for holding the display on waterways in the Constituent’s district.¹⁴

C. Representative Bishop Agreed to Assist the Constituent and Performed an Official Act to Help Secure the Proper Approvals

27. On May 21, 2012 at 1:50 PM, the Constituent emailed Robert Sillerman,¹⁵ an individual the Constituent knew from business dealings.¹⁶ The Constituent asked Mr. Sillerman if

⁷ Constituent MOI (Exhibit 2 at 13-3308_0005).

⁸ Memorandum of Interview of Grucci Employee 2, April 19, 2013 (“Grucci Employee 2 MOI”) (Exhibit 4 at 13-3308_0017).

⁹ Constituent MOI (Exhibit 2 at 13-3308_0005).

¹⁰ *Id.*

¹¹ *Id.*; Emails between Grucci employees, DEC employees, U.S. Fish & Wildlife Employees, May 23-25, 2012 (Exhibit 5 at 13-3308_0021-32).

¹² Emails between Grucci employees, DEC employees, U.S. Fish & Wildlife Employees, May 23-25, 2012 (Exhibit 5 at 13-3308_0021-32).

¹³ *Id.*

¹⁴ Email from Grucci Employee 2 to the Constituent, May 21, 2012 (Exhibit 6 at 13-3308_0034). The Constituent and Grucci were in contact with the U.S. Fish & Wildlife Service, the U.S. Coast Guard, and the New York Department of Environmental Conservation as well, prior to reaching out to Mr. Sillerman or Representative Bishop.

¹⁵ Representative Bishop told the OCE that Robert Sillerman is one of his closest friends. Mr. Sillerman had held the title of “Finance Chair” for Representative Bishop’s campaign committee but has transitioned to an inactive role since 2006. Mr. Sillerman continues to hold fundraisers for Representative Bishop and suggests individuals for Representative Bishop to contact for fundraising purposes. Memorandum of Interview of Representative Bishop, April 18, 2013 (“Representative Bishop MOI”) (Exhibit 7 at 13-3308_0036).

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there was any way Mr. Sillerman could help and described some of the difficulties he had faced so far in obtaining approvals, stressing the time sensitive nature of the situation.¹⁷ In the email, the Constituent also referenced Representative Bishop and the Southampton Town Trustec, specifically identifying the Southampton Town Trustee as the “key guy to approve.”¹⁸ The Constituent told the OCE that he may have had a prior telephone conversation during which Mr. Sillerman suggested that the Constituent write out his request and email it to him.¹⁹

28. On May 21, 2012 at 2:13 PM, Mr. Sillerman emailed Representative Bishop regarding the Constituent’s request stating “attached is self explanatory . . . would really appreciate anything you could do.”²⁰ Representative Bishop told the OCE that the attachment was the email from the Constituent to Mr. Sillerman, discussed above.²¹
29. On May 21, 2012 at 3:20 PM, upon receiving the information from Mr. Sillerman, Representative Bishop forwarded the email and attachment to his congressional campaign Finance Director asking her to “[p]lease open attachments and print out.”²²
30. Although both Representative Bishop and the Finance Director told the OCE that the Finance Director has no role in congressional or legislative duties, Representative Bishop stated that he forwarded the email to her because she was sitting across from him at the time he received it, in his district office.²³ He stated that he likes to work with paper so he requested that she print out the attachments to Mr. Sillerman’s email.²⁴
31. On May 21, 2012 at 4:29 PM Representative Bishop responded to Mr. Sillerman in an email asking for the Constituent’s contact information, stating that he wanted to speak to him “before [he] call[ed] the Town Trustees.”²⁵ Representative Bishop stated that he had a “very good relationship” with the Southampton Town Trustec.²⁶ Representative Bishop relayed to Mr. Sillerman that he thought he could help.²⁷

¹⁶ Email from the Constituent to Robert Sillerman, May 21, 2012 (Exhibit 8 at 13-3308_0043).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Constituent MOI (Exhibit 2 at 13-3308_0005).

²⁰ Email from Robert Sillerman to Representative Bishop, May 21, 2012 (Exhibit 9 at 13-3308_0045).

²¹ Representative Bishop MOI (Exhibit 7 at 13-3308_0037).

²² Email from Representative Bishop to Finance Director, May 21, 2012 (Exhibit 10 at 13-3308_0047).

²³ Representative Bishop MOI (Exhibit 7 at 13-3308_0037).

²⁴ *Id.* Representative Bishop’s Finance Director told the OCE that she first became aware of the Constituent’s requests when Representative Bishop told her about his assistance for a constituent in his district concerning fireworks. She stated that when she solicited the Constituent for a contribution, she did not know he was the same individual that Representative Bishop had previously discussed as requesting assistance for a fireworks display. Memorandum of Interview of the Finance Director, April 4, 2013 (“Finance Director MOP”) (Exhibit 11 at 13-3308_0050-51). However, the Board notes that after Representative Bishop forwarded her the email, she would have seen the Constituent’s full name and his requests in the same set of documents.

²⁵ Email from Representative Bishop to Robert Sillerman, May 21, 2012 (Exhibit 12 at 13-3308_0055).

²⁶ *Id.*

²⁷ *Id.*

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32. Sometime after receiving the email and attachment from Mr. Sillerman, Representative Bishop notified his Communications Director and his then Legislative Director about the Constituent's issues.²⁸
33. The Communications Director told the OCE that Representative Bishop gave him an email address and asked him to reach out to the Constituent.²⁹ He then began contacting the appropriate government entities.³⁰ The then Legislative Director told the OCE that Representative Bishop and Representative Bishop's Chief of Staff asked him to "look into" the Constituent's matter and provided him with emails involving the Constituent.³¹ The two staffers did not tell the OCE whether they began carrying out activities relating to the Constituent's requests on May 21, 2012 or May 22, 2012.
34. On May 21, 2012 at 6:48 PM Representative Bishop emailed the Constituent stating that "Bob Sillerman has forwarded your concerns to me. Can you call me at . . . I need a little more information before I call the town trustees."³²
35. The Constituent and Representative Bishop then had a telephone conversation later that day on May 21, 2012. The Constituent stated that during the call, he had the sense that Representative Bishop had a good relationship with the Southampton Town Trustee.³³ He stated that Representative Bishop told him it was all going to be fine and that he would be able to get the permits that he was requesting.³⁴ The Constituent stated that "[Southampton Town Trustee] will be helpful" was the gist of the comments from Representative Bishop made during the call.³⁵
36. On May 21, 2012 at 8:03 PM the Constituent emailed Grucci Employee 2 informing him that he had spoken with Representative Bishop and that Representative Bishop had offered his assistance by contacting the Southampton Town Trustee.³⁶ The Constituent stated that Representative Bishop was going to make sure that "everything goes smoothly."³⁷
37. Representative Bishop told the OCE that he recalled making a telephone call to the Southampton Town Trustee the next morning, May 22, 2012.³⁸ Representative Bishop has known the Southampton Town Trustee for forty years.³⁹ The conversation lasted two or three minutes and concerned the Constituent's requests; however, Representative

²⁸ Representative Bishop MOI (Exhibit 7 at 13-3308_0037).

²⁹ Memorandum of Interview of the Communications Director, April 4, 2013 ("Communications Director MOI") (Exhibit 13 at 13-3308_0058).

³⁰ *Id.* at 13-3308_, 0059.

³¹ Memorandum of Interview of the then Legislative Director, April 16, 2013 ("Legislative Director MOI") (Exhibit 14 at 13-3308_0064).

³² Email from Representative Bishop to the Constituent, May 21, 2012 (Exhibit 15 at 13-3308_0068).

³³ Constituent MOI (Exhibit 2 at 13-3308_0005).

³⁴ *Id.*

³⁵ *Id.*

³⁶ Email from the Constituent to Grucci Employee 2, May 21, 2012 (Exhibit 16 at 13-3308_0070).

³⁷ *Id.*

³⁸ Representative Bishop MOI (Exhibit 7 at 13-3308_0038).

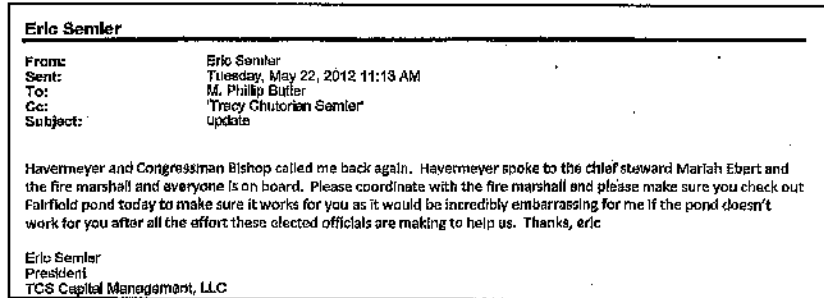
³⁹ *Id.* at 13-3308_0037.

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Bishop did not recall specifically requesting anything from the Southampton Town Trustee.⁴⁰

38. The Constituent corroborated this information, stating that Representative Bishop told him that he had a conversation with the Southampton Town Trustee.⁴¹
39. Although Representative Bishop stated that the Southampton Town Trustee simply described the status of the Constituent's matters during their telephone call, Representative Bishop told the OCE that he had a second telephone conversation with the Constituent, possibly on May 22, 2012, where he explained to the Constituent that he was "good to go" because he considered the issue resolved after speaking with the Southampton Town Trustee.⁴²
40. The Constituent also provided the same information to the OCE, namely, that the Southampton Town Trustee told him, "don't worry" and that they were "all good" from the Trustees' point of view.⁴³
41. On May 22, 2012 at 11:13 AM, the Constituent emailed Grucci Employee 2 and stated that both Representative Bishop and the Southampton Town Trustee had called him back.⁴⁴ He stated that the Southampton Town Trustee had spoken to individuals in the local approval process, that "everyone is on board," and if the pond plan did not work on Grucci's end, it would be embarrassing given "all the effort these elected officials are making to help us."⁴⁵



⁴⁰ *Id.* at 13-3308_0038.

⁴¹ Constituent MOI (Exhibit 2 at 13-3308_0006). The Southampton Town Trustee told the OCE that he did not speak with Representative Bishop, and at times during his interview, was less than forthright in answering questions. He stated that he spoke with someone from Representative Bishop's office regarding the Constituent's matter. He also recalled that the request was not unusual and that the office asked if there was anything he could do to cut through the "red tape" with the Plover program. He later told the OCE that he was never contacted by Representative Bishop or his staff. Memorandum of Interview of the Southampton Town Trustee, April 5, 2013 ("Southampton Town Trustee MOI") (Exhibit 17 at 13-3308_0073).

⁴² Representative Bishop MOI (Exhibit 7 at 13-3308_0038).

⁴³ Constituent MOI (Exhibit 2 at 13-3308_0006-7). The Southampton Town Trustee told the OCE that the trustees do not grant permits but rather "authorize" activity. His recollection was that the main issue was with the Piping Plovers and their proximity to the fireworks near the pond. Although the Southampton Town Trustee stated that he "facilitated" conversations between the Constituent, various government entities, and Grucci, he ultimately did not authorize anything because the Constituent decided to move his fireworks display to his roof. Southampton Town Trustee MOI (Exhibit 17 at 13-3308_0073).

⁴⁴ Email from the Constituent to Grucci Employee 2, May 22, 2012 (Exhibit 18 at 13-3308_0077).

⁴⁵ *Id.*

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D. Representative Bishop May Have Requested a Campaign Contribution In Connection with the Performance of an Official Act

42. After Representative Bishop made the telephone call to the Southampton Town Trustee and may have directed his congressional staff to take certain actions to resolve the Constituent's issues, Representative Bishop, Mr. Sillerman, the Constituent, and Representative Bishop's Finance Director discussed a contribution to Representative Bishop's congressional campaign committee.

43. On May 22, 2012 at 2:47 PM, Representative Bishop stated to Mr. Sillerman in an email:

"Ok, so just call me the friggin mailman-we are all set with [the Constituent]. Hey, would you be willing to reach out to him to ask for a contribution? If he donates before June 26, he and his wife can each do 5 large-if it is after June 26, they can each do a max of 2500..."⁴⁶

From: Tim Bishop
To: Robert E. X. Sillerman
Reply-To: Tim Bishop
Subject:
Sent: May 22, 2012 2:47 PM
OK, so just call me the friggin mailman-we are all set with Eric Sembler.
Hey, would you be willing to reach out to him to ask for a contribution? If he donates before June 26, he and his wife can each do 5 large-if it is after June 26, they can each do a max of 2500.
Hope all is going well, and hope to see you soon.

44. Representative Bishop told the OCE that in the email, he was relaying to Mr. Sillerman that they were "good to go" and that he asked Mr. Sillerman to request a contribution because, in the past, Mr. Sillerman would occasionally solicit contributions on his behalf.⁴⁷ Representative Bishop stated that he was in "full on fundraising mode," during this time and had just learned about a wealthy person in his district, so he asked Mr. Sillerman to request the contribution.⁴⁸

45. Representative Bishop stated that the significance of June 26, 2012 was that it was the end of the primary cycle in New York.⁴⁹ The Constituent and his wife could make a \$2,500 contribution each on or before June 26, 2012 for the primary election, and an

⁴⁶ Email from Representative Bishop to Robert Sillerman, May 22, 2012 (Exhibit 19 at 13-3308_0079). Representative Bishop told the OCE that in making a reference to the "mailman" he and Mr. Sillerman were making a joke that has existed between the two for several years. The "mailman" refers to accomplishing what one has asked the other to do. Representative Bishop MOI (Exhibit 7 at 13-3308_0039).

⁴⁷ Representative Bishop MOI (Exhibit 7 at 13-3308_0038).

⁴⁸ *Id.* at 13-3308_0039.

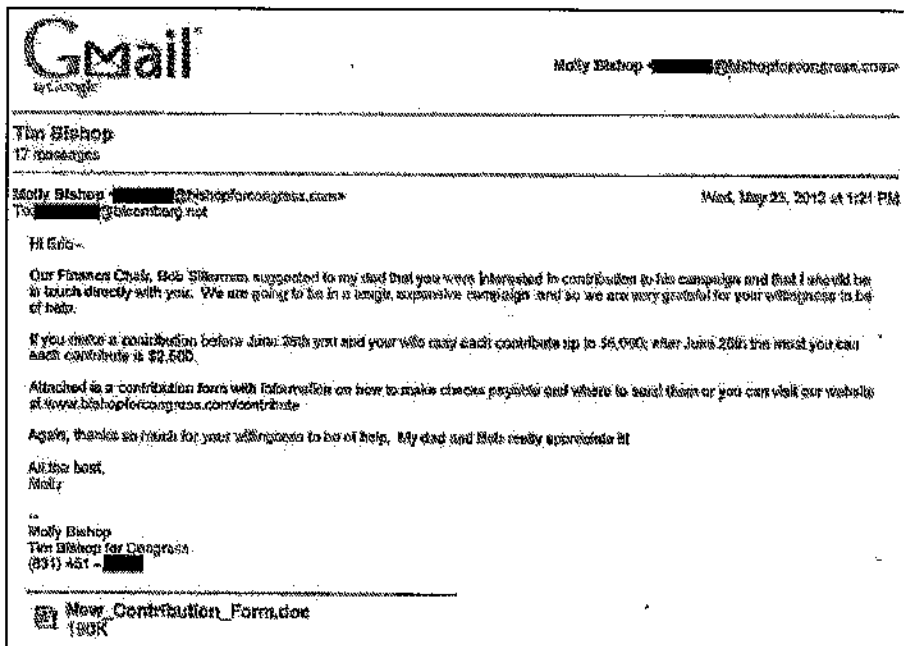
⁴⁹ *Id.*

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additional \$2,500 each for the general election.⁵⁰ After June 26, 2012, they could each make a \$2,500 contribution for the general election.⁵¹

46. Five minutes after the email discussed above, on May 22, 2012 at 2:52 PM, Mr. Sillerman emailed the Constituent. In the email he stated, "So I guess you and your wife really want to donate \$5K each to Tim Bishop, right?"⁵² The Constituent responded, "absolutely! how do we do it?"⁵³
47. Six minutes later, on May 22, 2012 at 2:58 PM, Mr. Sillerman emailed Representative Bishop stating that "He will donate \$5K each. Have [Finance Director] contact him."⁵⁴
48. Eight minutes later, on May 22, 2012 at 3:06 PM, Representative Bishop responded by email to Mr. Sillerman stating that "maybe we should be calling you the mailman."⁵⁵
49. The next day, on May 23, 2012, Representative Bishop's Finance Director emailed the Constituent, stating that "[o]ur Finance Chair, Bob Sillerman suggested to my dad that you were interested in a contribution to his campaign and that I should be in touch directly with you."⁵⁶ The Finance Director also stated in the email that they were going to be in a "tough, expensive campaign" and that "if you make a contribution before June 26th you and your wife may each contribute up to \$5,000; after June 26th the most you can contribute is \$2,500."⁵⁷



⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Email from Robert Sillerman to the Constituent, May 22, 2012 (Exhibit 19 at 13-3308_0080).

⁵³ Email from the Constituent to Robert Sillerman, May 22, 2012 (Exhibit 19 at 13-3308_0081).

⁵⁴ Email from Robert Sillerman to Representative Bishop, May 22, 2012 (Exhibit 19 at 13-3308_0082).

⁵⁵ Email from Representative Bishop to Robert Sillerman, May 22, 2012 (Exhibit 19 at 13-3308_0083).

⁵⁶ Email from Finance Director to the Constituent, May 23, 2012 (Exhibit 19 at 13-3308_0084).

⁵⁷ *Id.*

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50. The Finance Director stated that Representative Bishop asked her to follow up with the Constituent because Mr. Sillerman had informed Representative Bishop that the Constituent and his wife wanted to contribute the maximum amount.⁵⁸
51. The Constituent did not make a contribution immediately after receiving the request from the Finance Director. The Constituent stated that he did not contribute at that time because it was not something he thought he had to do right away.⁵⁹ He told the OCE that he forgot to make the contribution but intended to during this time.⁶⁰
52. Representative Bishop told the OCE that when he requested that Mr. Sillerman solicit the Constituent he did not think there was a timing issue relating to his assistance with the Constituent's fireworks approvals.⁶¹ Representative Bishop stated that he did not think at the time, "I did something for you so now you owe me."⁶²
53. The Constituent told the OCE that he had "mixed reactions" to the request by Mr. Sillerman on May 22, 2012, stating that he felt the solicitation was "abrupt."⁶³ He also stated that during that time he was impressed with what Representative Bishop was doing for him.⁶⁴ The Constituent stated he never spoke directly with Representative Bishop about a campaign contribution.⁶⁵

E. Representative Bishop Continued to Assist the Constituent and Request Campaign Contributions

54. On May 23, 2012, the Constituent emailed Representative Bishop, informing him that additional issues were raised by the U.S. Fish & Wildlife Service and the DEC concerning the height of the proposed fireworks display and asked Representative Bishop if he knew anyone that was "understanding and flexible."⁶⁶
55. Representative Bishop responded to the email the next morning on May 24, 2012 stating that he would "make a call . . . to the Regional Director of the DEC to see what [he] could do."⁶⁷ The Constituent told the OCE he wished to "reengage" Representative Bishop because he felt Representative Bishop had been successful in getting permission from the Southampton Town Trustee.⁶⁸

⁵⁸ Finance Director MOI (Exhibit 11 at 13-3308_0050).

⁵⁹ Constituent MOI (Exhibit 2 at 13-3308_0007).

⁶⁰ *Id.*

⁶¹ Representative Bishop MOI (Exhibit 7 at 13-3308_0040).

⁶² *Id.*

⁶³ Constituent MOI (Exhibit 2 at 13-3308_0007).

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Email from the Constituent to Representative Bishop, May 23, 2012 (Exhibit 20 at 13-3308_0086). According to the U.S. Fish & Wildlife Service, Piping Plover issues still remained at this time due to the pond's proximity to the Piping Plover nests.

⁶⁷ Email from Representative Bishop to the Constituent, May 24, 2012 (Exhibit 20 at 13-3308_0086).

⁶⁸ Constituent MOI (Exhibit 2 at 13-3308_0007).

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56. Representative Bishop could not recall whether he made a call to the DEC Regional Director or whether his then Legislative Director did at his request.⁶⁹ Representative Bishop stated that his intent in contacting the DEC would have been to see if there was any “give” to the height limitations on the fireworks display.⁷⁰
57. The DEC Regional Director told the OCE that he recalled receiving a message from Representative Bishop’s Communications Director regarding a constituent’s fireworks display.⁷¹ When he inquired internally about it further, a DEC employee told him that the matter had been resolved.⁷² The Regional Director then placed a telephone call to Representative Bishop’s office to inform them of the status.⁷³
58. Representative Bishop’s Communications Director stated that he had a brief telephone conversation with the Regional Director to alert him of their office’s interest in the Constituent’s matter.⁷⁴ The Communications Director recalled that the Regional Director told him he would look into it and get back to him.⁷⁵ He stated that the Regional Director called his office back at some point.⁷⁶
59. As discussed below, Representative Bishop’s congressional office also contacted the U.S. Fish & Wildlife Service to facilitate communications between the Constituent, the Service, and the Grucci fireworks company.
60. After receiving directives from Representative Bishop and the Chief of Staff, Representative Bishop’s then Legislative Director spoke to the Grucci company and was told that problems existed with the U.S. Fish & Wildlife Service and the DEC concerning the Constituent’s planned fireworks display.⁷⁷ He stated that he had a contact at the U.S. Fish & Wildlife Service and made a “generic” request that a conversation take place between the Service and Grucci.⁷⁸
61. On May 24, 2012, U.S. Fish & Wildlife Employee 1 emailed Representative Bishop’s then Legislative Director, informing him that U.S. Fish & Wildlife Employee 2 would reach out to the DEC and to Grucci for further information.⁷⁹ A telephone conversation between the two preceded the email.⁸⁰
62. On May 24, 2012, Representative Bishop then emailed the Constituent stating “have spoken with Fish and Wildlife. We will know more tomorrow, but I am cautiously

⁶⁹ Representative Bishop MOI (Exhibit 7 at 13-3308_0039).

⁷⁰ *Id.*

⁷¹ Memorandum of Interview of the DEC Regional Director, March 13, 2013 (Exhibit 21 at 13-3308_0088-89).

⁷² *Id.* at 13-3308_0088.

⁷³ *Id.*

⁷⁴ Communications Director MOI (Exhibit 13 at 13-3308_0059).

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Legislative Director MOI (Exhibit 14 at 13-3308_0064).

⁷⁸ *Id.* at 13-3308_0065.

⁷⁹ Email from U.S. Fish & Wildlife Employee 1 to Representative Bishop’s former Legislative Director, May 24, 2012 (Exhibit 22 at 13-3308_0091).

⁸⁰ Legislative Director MOI (Exhibit 14 at 13-3308_0065).

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optimistic that we are on our way to a positive resolution of this.”⁸¹ Representative Bishop’s Communications Director and then Legislative Director told the OCE that they would periodically update Representative Bishop on the status of the Constituent’s matter.⁸²

63. On at least one occasion, Representative Bishop emailed his congressional staff on the status of the Constituent’s matter and copied U.S. Fish & Wildlife Employee 1.⁸³
64. Various discussions concerning alternative plans for the fireworks display took place between the U.S. Fish & Wildlife Service, the DEC, Grucci, and Representative Bishop’s congressional staff on May 24, 2012 and May 25, 2012.⁸⁴ Ultimately, the Constituent agreed to move the display to the roof of his home.
65. On May 25, 2012 at 10:44 AM, U.S. Fish & Wildlife Employee 1 emailed Representative Bishop’s then Legislative Director and Communications Director, informing them that “we have resolved all issues with the fireworks company and notified them of such. The event is now in compliance with our guidelines and good to go.”⁸⁵ The then Legislative Director responded by stating that Representative Bishop deeply appreciated the assistance.⁸⁶
66. On May 25, 2012 at 11:18 AM, Representative Bishop emailed the Constituent informing him that his office had been “advised by Fish and Wildlife that all of their concerns have been resolved” and that the event is “good to go.”⁸⁷ The Constituent responded at 2:30PM thanking Representative Bishop and stating that he “would be nowhere” without him.⁸⁸
67. One minute later on May 25, 2012 at 2:31 PM, the Constituent sent an email to Representative Bishop, stating “[Finance Director] – we would be happy to. your dad is the first effective politician that i have met. very refreshing.”⁸⁹

```
----- Original Message -----
From: ERIC BEREN (TCS CAPITAL MANAGEMENT) [REDACTED]@berent.com
Sent: Friday, May 25, 2012 2:31 PM
To: Representative, Timothy
Subject: Re: also subject

timely -- we would be happy to. your dad is the first effective politician that i have met.
very refreshing.
```

⁸¹ Email from Representative Bishop to the Constituent, May 24, 2012 (Exhibit 22 at 13-3308_0092).

⁸² Communications Director MOI (Exhibit 13 at 13-3308_0059); Legislative Director MOI (Exhibit 14 at 13-3308_0065).

⁸³ Emails between Communications Director, former Legislative Director, Representative Bishop, and U.S. Fish & Wildlife Employee 1, May 24, 2012 (Exhibit 22 at 13-3308_0093).

⁸⁴ See Exhibit 5; Exhibit 22.

⁸⁵ Email from U.S. Fish & Wildlife Employee 1 to Representative Bishop’s former Legislative Director, May 25, 2012 (Exhibit 22 at 13-3308_0094).

⁸⁶ Email from Representative Bishop’s former Legislative Director to U.S. Fish & Wildlife Employee 1, May 25, 2012 (Exhibit 22 at 13-3308_0095).

⁸⁷ Email from Representative Bishop to the Constituent, May 25, 2012 (Exhibit 23 at 13-3308_0097).

⁸⁸ Email from the Constituent to Representative Bishop, May 25, 2012 (Exhibit 23 at 13-3308_0098).

⁸⁹ Email from the Constituent to Representative Bishop, May 25, 2012 (Exhibit 24 at 13-3308_0100) (Lowercase is in original form).

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68. The Constituent did not know why he sent the email to Representative Bishop instead of the Finance Director, but thought that it was in response to the contribution request made by the Finance Director on May 23, 2012.⁹⁰
69. Upon receiving the email shown above, Representative Bishop forwarded it to his Finance Director stating “fyi.”⁹¹ Representative Bishop and his Finance Director both told the OCE that Representative Bishop was “uncomfortable” with the Constituent’s email noted above, because it was sent to his government email address.⁹²
70. On May 28, 2012, the Constituent emailed Representative Bishop again, thanking him for “going out of [his] way to help . . .” and stating that “it would have never happened without you. You give me renewed hope that convoluted political bureaucracy can be surmounted. Your relentless focus on the task was so impressive.”⁹³
71. The Finance Director told the OCE that sometime in June 2012, she had an in-person conversation with Mr. Sillerman.⁹⁴ In that conversation, Mr. Sillerman asked her whether the Constituent had made a campaign contribution to Representative Bishop’s campaign committee.⁹⁵ After informing Mr. Sillerman that she believed the Constituent had not yet made a contribution, Mr. Sillerman told the Finance Director to send another email to the Constituent concerning a contribution.⁹⁶
72. On June 19, 2012, the Finance Director sent a “follow up” email to the Constituent stating, “I wanted to follow up with you regarding you and your wife’s contribution to my dad’s campaign . . . The deadline for donations to the Primary Cycle is Tuesday. We would be most grateful if you would be willing to contribute prior to that deadline.”⁹⁷
73. On June 26, 2012, the Finance Director sent a third email to the Constituent requesting a campaign contribution.⁹⁸ The Finance Director told the OCE that this email was sent to a “couple dozen people” and similar language was used to others.⁹⁹

⁹⁰ Constituent MOI (Exhibit 2 at 13-3308_0008).

⁹¹ Email from Representative Bishop to the Finance Director, May 25, 2012 (Exhibit 24 at 13-3308_0101).

⁹² Finance Director MOI (Exhibit 11 at 13-3308_0051); Representative Bishop MOI (Exhibit 7 at 13-3308_0040).

⁹³ Email from the Constituent to Representative Bishop, May 28, 2012 (Exhibit 25 at 13-3308_0103).

⁹⁴ Finance Director MOI (Exhibit 11 at 13-3308_0051).

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ Email from the Finance Director to the Constituent, June 19, 2012 (Exhibit 26 at 13-3308_0105).

⁹⁸ Email from the Finance Director to the Constituent, June 26, 2012 (Exhibit 26 at 13-3308_0106).

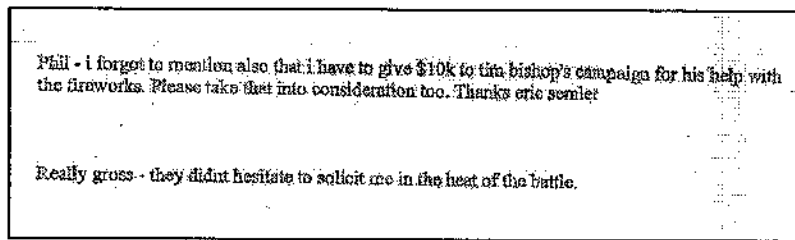
⁹⁹ Finance Director MOI (Exhibit 11 at 13-3308_0052).

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F. The Constituent Made Three References Connecting His Campaign Contribution to Representative Bishop's Official Acts

74. On May 29, 2012, three days after the event at the Constituent's home, and one day after thanking Representative Bishop for his "relentless focus," Grucci Employee 2 sent an internal email to Grucci employees that included the following undated email from the Constituent to Grucci Employee 2.¹⁰⁰ In it, the Constituent stated "i have to give \$10k to tim bishop's campaign for his help with the fireworks . . . Really gross – they didn't hesitate to solicit me in the heat of the battle."¹⁰¹



75. The Constituent told the OCE that he could not locate the email referenced above.¹⁰² When asked if he wrote the language presented in the email, the Constituent stated that he did not know the answer to the question.¹⁰³
76. Grucci Employee 2 told the OCE that he received an email or text from the Constituent, with the same language shown in the email.¹⁰⁴
77. On June 1, 2012, the Constituent again emailed Grucci Employee 2 stating that "your mistake as you know forced me to spend an exorbitant [*sic*] time dealing with coast guard and elected officials, one of whom is expecting a \$10,000 donation to his political campaign."¹⁰⁵ The Constituent stated that he was referencing Representative Bishop in the email.¹⁰⁶ He also stated that he meant that he was expecting himself to "pay" Representative Bishop because "guys like that should stay in office."¹⁰⁷ The Constituent told the OCE that "expecting" was not the right word to use in the email.¹⁰⁸
78. On June 21, 2012, in response to an email from Grucci Employee 2 asking whether or not the Constituent had to "pay Representative Bishop for his help," the Constituent stated "Yes-\$10k."¹⁰⁹ Because the Constituent was in a dispute with Grucci about a refund for

¹⁰⁰ Email from Grucci Employee 2 to Grucci Employees, May 29, 2012 (Exhibit 27 at 13-3308_0108).

¹⁰¹ *Id.* (Lowercase is in original form).

¹⁰² Constituent MOI (Exhibit 2 at 13-3308_0008).

¹⁰³ *Id.*

¹⁰⁴ Grucci Employee 2 MOI (Exhibit 4 at 13-3308_0018).

¹⁰⁵ Emails between the Constituent and Grucci Employee 2, June 1, 2012 (Exhibit 27 at 13-3308_0109).

¹⁰⁶ Constituent MOI (Exhibit 2 at 13-3308_0008).

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ Email from the Constituent and Grucci Employee 2, June 21, 2012 (Exhibit 27 at 13-3308_0110).

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the fireworks event, he told the OCE that he wanted them to “factor” in the contribution he made to Representative Bishop’s campaign committee.¹¹⁰

G. Certain Communications Were Publicly Released and Representative Bishop Requested that the Constituent Make Statements to the Press

79. On August 6, 2012, a reporter for *Politico* emailed Representative Bishop’s Communications Director, requesting the opportunity to interview Representative Bishop about his interactions with the Constituent.¹¹¹ The reporter stated that he had certain emails from the Constituent to Grucci.¹¹² Members of Representative Bishop’s congressional staff, a communications firm, and the Finance Director then discussed the strategy of how to handle the press inquiry in a series of emails on August 6, 2012.¹¹³
80. On August 8, 2012, Representative Bishop sent a text message to the Constituent, requesting that he speak to the *Politico* reporter. The Constituent declined stating that “there is no upside to speaking to the press” and that he had been advised by his attorney not to speak to Representative Bishop.¹¹⁴ The following series of text messages were then exchanged between the Constituent and Representative Bishop on August 8, 2012.

Representative Bishop: You can kill this story right now by setting the record straight-if not, this story will not go away, it will be the subject of press articles, mail hit pieces And attack ads-this will be exhibit A in why I am unfit to serve. Politico appears to be prepared to write a full on political corruption story. I have spoken to the reporter defending myself, but I was unable to explain your Admittedly exaggerated statement to Grucci and what you and I both know to be the truth. This story is not gonna [*sic*] go away and it will breed others-I am being screwed her [*sic*] simply because I responded to your request for help. I hope your refund from Grucci was worth my job.¹¹⁵

Constituent: I spoke to the reporter and defended you the best i could I told him the bald truth that you did nothing wrong, that you are a outstanding congressman who gets things done in an era of gridlock and that you never asked me for a donation while you were trying to help me. I am sorry that you are being treated so unfairly.¹¹⁶

¹¹⁰ Constituent MOI (Exhibit 2 at 13-3308_0009).

¹¹¹ Email from Politico Reporter to the Communications Director, August 6, 2012 (Exhibit 28 at 13-3308_0112).

¹¹² *Id.*

¹¹³ Emails between Representative Bishop’s congressional staff, a communications firm, and the Finance Director, August 6, 2012 (Exhibit 29 at 13-3308_0115-27).

¹¹⁴ Text Messages between Representative Bishop and the Constituent, August 8, 2012 (Exhibit 30 at 13-3308_0129-140).

¹¹⁵ *Id.* (Capitalization is in original form).

¹¹⁶ *Id.* (Lowercase is in original form).

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Representative Bishop: [Constituent]-I can't thank you enough!! Thanks, and as I said this morning I am sorry you are getting dragged into an ugly campaign. Thanks again.¹¹⁷

Constituent: The reported sounded very biased – i told him i used to be a reporter and that i can see he is fishing for a story that isn't there. I told him the story he should write is about grucci's horrible actions and your outstanding service for your constituents. But he kept asking me about my emails to grucci so i have a feeling that he will focus the article on them.¹¹⁸

81. The Constituent told the OCE that he decided to make a statement to the press because he thought it was the right thing to do and because he thought Representative Bishop did nothing wrong.¹¹⁹

82. In statements to the press, the Constituent asserted that after Representative Bishop had assisted him, Representative Bishop's campaign staff requested a campaign contribution, and the Constituent agreed to do so because Representative Bishop impressed him.¹²⁰ The Constituent acknowledged to the OCE that he was still seeking assistance from Representative Bishop after the first solicitation was made by Mr. Sillerman on May 22, 2012, at the request of Representative Bishop.¹²¹

83. The Board notes that Robert Sillerman played a significant in the interactions between the Constituent, the Finance Director, and Representative Bishop and was the individual who knew all three parties personally. He would not cooperate with the OCE's review.

84. Based on the evidence obtained by the OCE, the Board finds that there is a substantial reason to believe that Representative Bishop sought a campaign contribution, through an intermediary associated with his congressional campaign committee, from a constituent because of or in connection with his performance of an official act.

III. REPRESENTATIVE BISHOP'S CONGRESSIONAL CAMPAIGN COMMITTEE'S REPORTING OF THE CONSTITUENT'S CONTRIBUTION

A. Laws, Regulations, Rules, and Standards of Conduct

85. *Federal Election Campaign Act – 2 U.S.C. § 434(b)(5)*

“Each [Federal Election Commission] report . . . shall disclose . . . the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure.”

¹¹⁷ *Id.*

¹¹⁸ *Id.* (Lowercase is in original form).

¹¹⁹ Constituent MOI (Exhibit 2 at 13-3308_0010).

¹²⁰ Press Statements by the Constituent, August 15-16, 2012 (Exhibit 31 at 13-3308_0142).

¹²¹ Constituent MOI (Exhibit 2 at 13-3308_0010).

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86. *Contributions in the Name of Another* – 2 U.S.C. § 441a(f)

“No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution and no person shall knowingly accept a contribution made by one person in the name of another person.”

87. *Contributions by an LLC* – 11 C.F.R. § 110.1(g)(4)

“A contribution by an LLC with a single natural person member that does not elect to be treated as a corporation by the Internal Revenue Service . . . shall be attributed only to that single member.”¹²²

88. *Contribution Limits*

For the 2012 election cycle, an individual could give up to \$2,500 to each candidate or candidate committee, per election.¹²³

89. *House Rules*

House Rule 23, clause 1 states that “[a] Member . . . of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.”

90. *House Ethics Manual*

The House Ethics Manual states that “[w]hile FECA and other statutes on campaign activity are not rules of the House, Members and employees must also bear in mind that the House Rules require that they conduct themselves ‘at all times in a manner that shall reflect creditably on the House’ (House Rule 23, clause 1). In addition, the Code of Ethics of Government Service, which applies to House Members and staff, provides in ¶ 2 that government officials should ‘[u]phold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion.’ Accordingly, in violating FECA or another provision of statutory law, a Member or employee may also violate these provisions of the House rules and standards of conduct . . .

Moreover, under these rules, a Member or employee must take reasonable steps to ensure that any outside organization over which he or she exercises control – including the individual’s own authorized campaign committee or, for example, a ‘leadership PAC’ – operates in compliance with applicable law.”¹²⁴

91. *False Statements Act* – 18 U.S.C. § 1001

“(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

¹²² Citing 2 U.S.C. § 441a(a)(1).

¹²³ Federal Election Commission Contribution Limits for 2011-2012, available at, <http://www.fec.gov/info/contriblimits1112.pdf>.

¹²⁴ House Ethics Manual 122-23.

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(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title . . .”

B. Representative Bishop’s Congressional Campaign Committee Reported Receipt of the Constituent’s Campaign Contribution Prior to the Actual Date of Receipt

92. Representative Bishop’s congressional campaign committee reported two contributions from the Constituent and his wife, having been received on June 26, 2012, in the amount of \$2,500 each for the 2012 primary election.¹²⁵ The report was filed on July 15, 2012.

B. Full Name (Last, First, Middle Initial) Eric Semler		Date of Receipt 06 26 2012	
Mailing Address [REDACTED]		Transaction ID : C0865502	
City New York	State NY	Zip Code 10106-1999	Amount of Each Receipt this Period 2500.00
FEC ID number of contributing federal political committee [REDACTED]		Amount of Each Receipt this Period 2500.00	
Name of Employer TCS Capital Management LLC		Occupation President	
Receipt For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)		Election Cycle In-Data 2500.00	
C. Full Name (Last, First, Middle Initial) Tracy Semler		Date of Receipt 06 26 2012	
Mailing Address [REDACTED]		Transaction ID : C0865503	
City New York	State NY	Zip Code 10106-1999	Amount of Each Receipt this Period 2500.00
FEC ID number of contributing federal political committee [REDACTED]		Amount of Each Receipt this Period 2500.00	
Name of Employer [REDACTED]		Occupation homemaker	
Receipt For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)		Election Cycle In-Data 2500.00	

93. Representative Bishop stated that the Constituent contributed to his congressional campaign committee on June 26, 2012.¹²⁶ He told the OCE that June 26, 2012 was the closing day of the primary cycle, so he and his campaign staff were monitoring campaign activity closely.¹²⁷ He stated that his Finance Director may have personally told him about the Constituent’s contribution.¹²⁸

94. The Finance Director, who supervises the individual responsible for Federal Election Commission compliance, told the OCE that she thought the Constituent and his wife made a joint contribution of \$5,000 total.¹²⁹ She recalled that the contribution was submitted online.¹³⁰

95. The Constituent told the OCE that on July 9, 2012, thirteen days after the date in the report noted above, he made a \$5,000 contribution to Representative Bishop’s congressional campaign committee, via his company’s (“TCS Capital Management

¹²⁵ Tim Bishop for Congress 2012 FEC July Quarterly Report, filed July 15, 2012 (Exhibit 32 at 13-3308_0144).

¹²⁶ Representative Bishop MOI (Exhibit 7 at 13-3308_0040).

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Finance Director MOI (Exhibit 11 at 13-3308_0051).

¹³⁰ *Id.*

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LLC”) credit card.¹³¹ The Constituent stated that he makes all the authorizations for expenses on the card and that his company pays for expenses made on the card.¹³²

96. The Constituent emailed the Chief Financial Officer of TCS Capital Management LLC on July 9, 2013, requesting a \$5,000 donation to Representative Bishop’s campaign.¹³³

From: ERIC SEMLER, TCS CAPITAL MANAGEME
To: [REDACTED]@tccscapital.com
Subject: Fwd: From Tim Bishop
Date: 07/09, 2012 13:34:57

eamon - can you please make a \$5k donation from TCS to tim bishop's campaign?

97. As detailed in the excerpted credit card statement below, TCS Capital Management LLC lists a \$5,000 contribution to “TIM BISHOP FOR CONGRPATCHOGUE NY” on July 9, 2012.¹³⁴

07/09/12	TIM BISHOP FOR CONGRPATCHOGUE NY	\$5,000.00
	631-451- [REDACTED]	
	Description	
	MEMBERSHIP FEE	

98. The Constituent stated that at the time he felt that \$5,000 was the right amount to contribute because it was “just a feel.”¹³⁵

99. The Constituent did not know why Representative Bishop’s congressional campaign committee disclosed two separate \$2,500 contributions on June 26, 2012 from himself and his wife.¹³⁶ The witness stated that he did not make any additional contributions to Representative Bishop and that he and his wife pay their personal expenses with a different card.¹³⁷

100. The OCE sent a supplemental request for information to Representative Bishop on April 16, 2013, seeking additional information from his congressional campaign committee on contributions made by the Constituent, his wife, or TCS Capital Management LLC. Representative Bishop declined to cooperate with the OCE’s request.

¹³¹ Constituent MOI (Exhibit 2 at 13-3308_0009).

¹³² *Id.*

¹³³ Email from the Constituent to his Chief Financial Officer, July 9, 2013 (Exhibit 34 at 13-3308_0148).

¹³⁴ TCS Capital Management LLC’s American Express Statement (Exhibit 33 at 13-3308_0146).

¹³⁵ Constituent MOI (Exhibit 2 at 13-3308_0009).

¹³⁶ *Id.*

¹³⁷ *Id.*

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C. Representative Bishop's Congressional Campaign Committee May Have Reported Receipt of the Constituent's Campaign Contribution from Sources Other than the Actual Source and Accepted a Contribution Over the Legal Limit

101. As discussed above and illustrated by documentary and testimonial evidence, TCS Capital Management made a \$5,000 contribution to Representative Bishop's congressional campaign committee via a company credit card on July 9, 2012. TCS Capital Management LLC is a limited liability company that is 100% owned by the Constituent.¹³⁸
102. Representative Bishop's congressional campaign committee reported the contribution as two separate \$2,500 contributions from the Constituent and his wife, without disclosing TCS Capital Management LLC, or the Constituent as a sole member, as the source of any contribution and reported the date of receipt as June 26, 2012, when the Constituent's actual contribution date was July 9, 2012, thirteen days after the primary cycle contribution deadline.
103. On August 13, 2012, Representative Bishop's congressional campaign committee wrote four checks totaling \$5,000 to the 911 Veterans of Long Island, the U.S. Veterans Motorcycle Club of Long Island, Honor Flight Long Island, and the Vietnam Veterans of America – Chapter 11, respectively.¹³⁹ In public statements, Representative Bishop identified these payments as attributable to the Constituent's contribution.
104. The Board notes that Representative Bishop and his Finance Director made several statements in documents and in testimony provided to the OCE, highlighting the June 26, 2012 deadline for primary contributions and its significance to them.
105. The Board also notes the following facts concerning Representative Bishop's involvement in the contribution: Representative Bishop's solicitation, the email from the Constituent discussing his desire to contribute sent directly to Representative Bishop, and Representative Bishop's statements to the OCE that he closely monitored his campaigns fundraising activity during the end of the primary cycle – specifically the receipt of contributions.
106. Based on the evidence obtained by the OCE, the Board finds that there is a substantial reason to believe that Representative Bishop did not take reasonable steps to ensure that his congressional campaign committee operated in compliance with federal campaign finance laws. If Representative Bishop knowingly or willfully assisted his congressional campaign committee in misrepresenting the date or source of a contribution, he may have also violated certain additional provisions of federal law, including 18 U.S.C. § 1001.

¹³⁸ The Constituent's counsel informed the OCE that TCS Capital Management LLC did not file paperwork with the IRS to choose to be treated as a corporation for income tax purposes. Therefore, the company is treated as a partnership with a sole member, whose campaign contributions are attributed to the single member.

¹³⁹ Checks from Representative Bishop's congressional campaign committee to various groups, August 13, 2012 (Exhibit 35 at 13-3308_0150-151).

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IV. CONCLUSION

107. At the request of his congressional campaign committee's Finance Chair, Robert Sillerman, Representative Bishop agreed to assist a constituent in obtaining the necessary approvals for a fireworks event, hosted by the Constituent, from various government entities. Representative Bishop communicated personally with public officials with responsibilities in the approval process and also directed his staff to facilitate the necessary processes to the benefit of the Constituent.
108. On May 22, 2012, the Constituent and Representative Bishop believed that the requisite permissions had been granted and that the fireworks event could proceed.
109. Representative Bishop then requested, in an email highlighting his performance of official acts, that Mr. Sillerman solicit a campaign contribution from the Constituent.
110. When more issues with the fireworks display became apparent, Representative Bishop continued to assist the Constituent and his Finance Director continued to request campaign contributions.
111. Therefore, there is a substantial reason to believe that Representative Bishop sought a campaign contribution because of or in connection with an official act in violation of House rules, standards of conduct, and federal law.
112. Based on these findings, the OCE Board recommends that the Committee on Ethics further review the above allegation concerning Representative Bishop.
113. Representative Bishop's congressional campaign committee reported contributions from the Constituent and his wife, \$2,500 each, on June 26, 2012 that predated the actual contribution, of \$5,000 from TCS Capital Management LLC, on July 9, 2012. As discussed in interviews and explained in documents provided to the OCE, June 26, 2012 was a significant date to Representative Bishop's congressional campaign committee.
114. In addition, Representative Bishop's congressional campaign committee may have accepted a contribution over the legal limit from a source other than the one reported. The \$5,000 contribution made from TCS Capital Management LLC on July 9, 2012 was not reported as being received from the Constituent or his company. Accordingly, Representative Bishop's congressional campaign committee may have also accepted a \$5,000 contribution from a single source, over the \$2,500 per election limit.
115. Therefore, there is a substantial reason to believe that Representative Bishop did not take reasonable steps to ensure that his congressional campaign committee operated in compliance with federal campaign finance laws.
116. Representative Bishop would not provide the OCE with certain information concerning his congressional campaign committee's receipt of the Constituent's contribution. The Board notes the following facts concerning his involvement in the contribution: Representative Bishop's solicitation, the email from the Constituent discussing his desire to contribute sent directly to Representative Bishop, and Representative Bishop's

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statements to the OCE that he closely monitored his campaigns fundraising activity during the end of the primary cycle – specifically the receipt of contributions. If Representative Bishop knowingly or willfully assisted his congressional campaign committee in misrepresenting the date or source of a contribution, he may have violated additional provisions of federal law, including 18 U.S.C. § 1001.

117. Based on these findings, the OCE Board recommends that the Committee on Ethics further review the above allegation concerning Representative Bishop.

V. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPEONAS

118. Representative Bishop refused to provide the OCE with certain documents concerning his congressional campaign committee's receipt of the Constituent's contribution.
119. Robert Sillerman refused to interview with the OCE or provide any requested documents.
120. The Board recommends that the Committee on Ethics issue subpoenas to Representative Bishop and to Robert Sillerman.

EXHIBIT 1

Eric Semler

From: Philip Butler [REDACTED]@grucci.com>
Sent: Wednesday, January 25, 2012 1:03 PM
To: Eric Semler
Cc: Yasmin Fernandez; Philip Butler; Donna Hough; [REDACTED]@marcyblum.com
Subject: Grucci Fireworks 2012 - May

Eric:

Thank you and we will be honored to produce our fireworks entertainment for family again this May.

As requested, we will contact Marcy to do the logistical needs, but please review the following as we now should prepare a contract prior to permit filings:

1. Date May 26, 2012
2. Same location as 2009
3. Also, Same budget as 2009.

If there aren't any changes, Yasmin will prepare a contract and e-mail it to you by Friday.

Philip

EXHIBIT 2

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EXOFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: The Constituent
REVIEW No(s): 13-3308
DATE: April 11, 2013
LOCATION: One Bryant Park
New York, NY
TIME: 2:30 p.m. to 4:00 p.m. (approximate)
PARTICIPANTS: Paul J. Solis
Omar S. Ashmawy
James Benjamin
Steven Ross
Christopher Boyd

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is the President of TCS Capital Management, LLC. It is an investment fund. It is 100% owned by the witness.
3. Mr. Bob Sillerman is someone the witness knows more recently as a highly regarded business man in media companies. The witness never really knew him well until the last year or two when the witness invested in a new business with Mr. Sillerman called Viggle.
4. The witness has not spoken to Mr. Sillerman since the witness's son's bar mitzvah.
5. The witness did not know who Rep. Bishop was or that Mr. Sillerman had a relationship with Rep. Bishop until the week of the bar mitzvah when the witness sought his help. The witness stated that he did not know what Rep. Bishop looked like and had never met him.
6. The witness wasn't going to call Mr. Sillerman, but then the fireworks vendor, Fireworks by Grucci, asked the witness if he knew anyone on the Southampton Town Trustee board. That's when the witness thought of Mr. Sillerman.
7. The witness called Mr. Sillerman and asked him for his help. Mr. Sillerman said that he knew "Tim." The witness did not realize that "Tim" referred to Rep. Tim Bishop. The witness thought Mr. Sillerman was referring to a Trustee.
8. Mr. Sillerman then wrote an email to Rep. Bishop and copied the witness.

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9. The witness did not know Molly Bishop at the time, until Ms. Bishop sent the witness an email. It was at that point that the witness realized Ms. Bishop was the daughter of Rep. Bishop and worked on the campaign, raising money.
10. The witness does not know Mr. Mark Copeland.
11. The witness does not know Mr. Oliver Longwell.
12. The witness was shown email [TB_000001]. This is an email the witness wrote to Mr. Sillerman. The witness thinks he called Mr. Sillerman before emailing him. He asked Mr. Sillerman if he knew anyone who could help him. The witness thought Mr. Sillerman suggested writing it out and sending it to him.
13. The witness did not remember Mr. Sillerman mentioning any names at that point. He told the witness that he would see what he could do.
14. The witness was shown email [TB_000007]. The email looked familiar to the witness. The witness was asked if this email was the first time Rep. Bishop reached out to him. The witness replied that the way he remembered what happened, Rep. Bishop told Mr. Sillerman to get the witness to call him. This email represents an attempt to connect with Rep. Bishop.
15. The witness did not think he called Rep. Bishop before getting the email, but he did not remember.
16. The witness was shown email [AG_00023]. The witness was asked if he recalled his brief conversation with Rep. Bishop. The witness stated he recalled just the sense that Rep. Bishop had a good relationship with Fred Havemeyer on the Southampton Board of Trustees, and that he said it was all going to be fine and that he would be able to get the permits. "Fred will be helpful" was the gist.
17. The witness did not remember if Rep. Bishop mentioned Mr. Sillerman when he spoke to him.
18. At this point, the witness was focused on getting permission on the alternative display at the pond behind the witness's house.
19. The witness explained as background, that he had used the Grucci fireworks company previously in 2009 for his wife's birthday. The witness was excited to replicate the experience. Because his son's bar mitzvah was Memorial Day weekend he wanted to get a jump on it, anticipating high demand for Grucci's services.
20. Somehow the witness learned that they were not going to have a fireworks display from the ocean. Grucci admitted that they did not file for the permit on time. They told the witness that the Coast Guard decided to start enforcing certain rules and that he was the first "victim."
21. The witness thought that Grucci was ineffectual. They suggested the beach, but that was not possible because of the Piping Plover issues.
22. Then Grucci suggested the pond near the witness's home as a location for the display, but they said that there were only a few days left to get the permit and asked the witness if he knew anyone.

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- Then they learned that there were height limitations related to a display at the pond that ultimately made the location unworkable. Finally they decided on the roof of the witness's house.
23. The witness then explained that there was a whole other component to this matter that related to the witness trying to get a refund. The witness felt overcharged and was very frustrated trying to get them to give him a refund.
 24. On May 21st the witness asked Mr. Sillerman for help. Rep. Bishop spoke to Mr. Havemeyer and Mr. Havemeyer said that everything would be ok. But then they learned about the height restrictions that made the pond not work as a location.
 25. The witness thought that Rep. Bishop mentioned that he spoke to Mr. Havemeyer. The witness also spoke to Mr. Havemeyer and Mr. Havemeyer told the witness that he spoke to Rep. Bishop.
 26. The witness got the impression that Mr. Havemeyer was the "key guy" and recalled Mr. Havemeyer being very helpful. The witness recalled speaking to Mr. Havemeyer more than anyone else.
 27. The witness spoke to Rep. Bishop two or three times in this timeframe. The witness felt Rep. Bishop was more of a facilitator – that he would talk to Mr. Havemeyer.
 28. Outside of this timeframe, the one other time the witness spoke to Rep. Bishop was in August when the Politico reporter tried to reach Rep. Bishop and the witness and Rep. Bishop was "pleading" with the witness to defend him.
 29. The witness was shown email [TB_000170]. The witness recalled this message. He believed the calls referred to were separate calls – not a conference call involving both Rep. Bishop and Mr. Havemeyer. When Rep. Bishop called him back, Rep. Bishop told the witness that he had spoken to Mr. Havemeyer and "we're in the clear" or words to that effect. The witness said he was paraphrasing.
 30. The witness did not know if the calls referenced in the emails were the same one. His recollection was that these were brief reassuring phone calls – not a lot of substance.
 31. When Mr. Havemeyer called the witness, he was a "lovely guy" and told the witness, "Eric don't worry."
 32. The witness did not have a lot of experience with politicians. He was impressed with Rep. Bishop's and Mr. Havemeyer's ability to cut through the "red tape." By that he meant getting the proper permissions. The witness did not feel that on his own he could have gotten these permits.
 33. Asked if Mr. Havemeyer referenced Rep. Bishop in his call with the witness, the witness stated that he did not know, but he thinks Mr. Havemeyer complimented Rep. Bishop. The witness remembered Mr. Havemeyer being very complimentary of Rep. Bishop.
 34. At that point the witness was aware that Rep. Bishop and Mr. Havemeyer had a conversation on the topic of his fireworks display.

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35. The witness was shown email [AG_00025]. Asked if this was the first time he had made a contribution to Rep. Bishop. The witness replied, "Yes, I think so."
36. The witness stated that he had "mixed reactions" to the solicitation made by Mr. Sillerman in the email. He thought it was "abrupt." At the same time he also was "really impressed" by what Rep. Bishop was doing for him. The witness described Mr. Sillerman as a kind of "flip guy." He also described him as a "course guy."
37. At this point, the witness thought they were all set to have the display from the pond. They had not yet found out about the height limitations.
38. The witness was shown email [AG_00026]. The witness recalled the email and confirmed that he sent the message to Mr. Sillerman in response to his request for a contribution to Rep. Bishop's campaign. He did not think he received a response from Mr. Sillerman after he agreed to contribute. Shortly after this email he received an email from Molly Bishop regarding a contribution to Rep. Bishop's campaign.
39. Rep. Bishop never spoke to the witness at all about a contribution.
40. Regarding Mr. Sillerman's role with Rep. Bishop's campaign, the witness did not know of any formal role. At this point he thought Mr. Sillerman was just a close friend and a big supporter.
41. The witness was shown email [AG_00034]. This is the email from Molly Bishop requesting a contribution to Rep. Bishop's campaign. The witness only recalled two requests for a contribution – one from Molly Bishop and one from Mr. Sillerman. The witness stated that Mr. Sillerman must have called Ms. Bishop and told her to contact the witness regarding a contribution.
42. The witness did not contribute right after receiving the email. He planned to, but it was not something he thought he had to do right away. It slipped his mind, but the intention was there. He liked the idea of supporting a politician in his community who was effectual and cut through red tape and gridlock. The witness stated that "we need more people like Tim Bishop in Washington."
43. The witness was shown email [TB_000017]. The witness recalled the communication. Mr. Havemeyer actually told the witness that they were "all good" with the pond from the Trustees point of view. However, the problem was that Fish and Wildlife or DEC was limiting the height of the fireworks display.
44. The witness learned from Grucci that there was another snag [with Fish and Wildlife or DEC] – the witness's reaction was to "reengage" Rep. Bishop and see if he could help, because the witness felt Rep. Bishop had been successful getting permission from Mr. Havemeyer.
45. The witness was shown email [AG_00042]. The witness recalled the communication. The witness did not know where he got the email. The witness meant this email to go to Rep. Bishop as opposed to Oliver Longwell. He was trying to explain that because of the height restrictions they were going to do the display from the roof.

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46. The witness stated that Grucci was trying to fight the height limits by saying it was a pyrotechnic display not a fireworks display and that the height restrictions were for fireworks. The witness then stated that he thought there was an implication that Grucci was asking for something, that they hit a snag.
47. The witness was shown email [TB_000040-41]. The witness recalled this communication. The witness explained that the language of the email meant that Rep. Bishop had been "instrumental" in helping him. There were two issues that he was instrumental in helping with: Mr. Havemeyer and the Southampton Trustees and the DEC regarding the height limits.
48. When asked what he thought Rep. Bishop had done to assist him, the witness stated that he thought Rep. Bishop made some calls.
49. The witness was shown email [TB_000042]. The witness remembered this communication. He did not know why it was addressed to "Molly" but sent to Rep. Bishop. He guessed that it was in response to a contribution request, but did not know why it may have been sent to Rep. Bishop instead of Molly Bishop.
50. The witness continued to explain that the email went to his "Bloomberg email," which is not the one he uses often, so he may have just hit "reply." The witness thought it may be a reply to one of the emails from Molly Bishop, but could not explain why this message was sent to Rep. Bishop.
51. The witness was shown email [TB_000046]. The witness stated that the reference to "going out of your way" was a reference to "whatever [Rep. Bishop] did." The witness was "thanking him for that... whatever he did to help us."
52. The witness was shown email [TB_000181]. Asked if he recalled the email, the witness replied that "I couldn't find [the email]." He stated that he tried to track them down, but could not find it.
53. Asked if he recalled writing the words "Phil – i forgot to mention also that I have to give \$10k to tim bishop's campaign for his help with the fireworks . . .," he stated "I may have."
54. When asked again if he wrote the language quoted above, the witness stated that "I don't know the answer to that." Then the witness stated that "I could have written it or texted it." He also stated that he "probably" wrote it.
55. Regarding the Politico article, the witness stated that he thought it was taken out of context. He stated that after the bar mitzvah ended his anger towards Grucci built up and he felt they owed him a refund. They offered him an \$8,500 refund and he immediately responded explaining why it was not fair, listing many things to support why he deserved a larger refund.
56. The witness was shown email [AG_00057]. The witness stated that he recalled the email. "One of whom" is a reference to Rep. Bishop. Asked if someone relayed to him that they were expecting a donation, the witness stated that he was expecting himself to pay "because guys like that should stay in office." The witness explained that "expecting" wasn't the right word to use.
57. The witness stated that he had already committed himself to making the contribution. No one told the witness that they expected him to make a contribution.

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58. The witness was shown email [TB_000049]. Prior to this communication the witness had not made any contributions to Rep. Bishop's campaign committee. The witness did not remember if he responded to the email from Molly Bishop.
59. When asked why he had still not made a contribution at this point, the witness stated "It's a good question. I let it slip." He stated that he did not feel any pressure, but had no specific reason. "I think it was just laziness on my part."
60. Between this email regarding a contribution and the first email regarding a contribution, both from Molly Bishop, there was no other communication between the witness and Ms. Bishop.
61. The witness thought Mr. Sillerman had "disappeared from the timeline" at this point. The witness also stated that up until the Politico story broke, Mr. Sillerman and he had regular communication about the company and the witness's investment in it.
62. He thought he may have received another email from Ms. Bishop, but he didn't remember.
63. The witness was shown email [AG_00056]. The witness stated that his mindset when he wrote this email was that at this point he had not "paid." He should not have said it, but he did "maybe because I was planning to." The witness then stated that if Mr. Butler "was tallying up a refund, I wanted him to factor that in."
64. The witness went on to state that there was a "cause and effect factor here. If Grucci had not screwed up then I would never have met [Rep. Bishop] and I wanted them to factor what was paid out of my funds." He also stated, "I'm just trying to make the best case I can for a refund" and that he felt compelled to play "hardball" with Grucci.
65. The witness stated that he had never made a political contribution before. As he previously stated, he had never heard of Rep. Bishop.
66. When asked why he mentioned \$10,000, the witness stated that it was because it was what he anticipated on contributing and he thought that was what Ms. Bishop had said in her email to him.
67. The witness was shown email [AG_00056]. The witness stated that this was the third solicitation from Molly Bishop.
68. The witness did not know why he decided to make the contribution on July 9th. He did not know why it took that long to respond. He made a \$5,000 contribution from TCS, his company. He thought he just paid it using an American Express account. It was a business credit card that has the TCS and the witness's name on it. The witness makes all the authorizations for the use of this card.
69. The witness did not know how it was presented to the campaign – whether online or otherwise.
70. When asked why he decided on \$5,000, the witness stated, "I guess I just decided that was the right amount...just a feel."
71. The witness's CFO has authority to make transactions on the witness's behalf.

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72. Asked why the associated FEC disclosure shows two contribution of \$2,500 each from the witness and his wife, the witness stated, "I don't know. Maybe that happened."
73. The witness also did not know why FEC records show that the contribution was made on June 26, 2012 if the email authorizing it and the credit card statement show a date of July 9, 2012.
74. The American Express account used to make the contribution is paid by a management company that TCS has.
75. The witness pays his and his wife's personal expenses with a different, personal credit card. The witness did not make any other contribution from any other account.
76. The witness was shown email [AG_00077]. The witness was referring to Ms. Bishop when he said "campaign staff." By "later" he meant after Mr. Havemeyer and Rep. Bishop told him that everything was ok. That's when there was a request for a contribution.
77. The witness stated that he thought the phone call between Rep. Bishop and Mr. Havemeyer was before Mr. Sillerman sent the email asking if he wanted to make a donation.
78. The witness stated that he "wanted to reward a politician who can be so effective" and that was the context of his statements.
79. When asked why he made the statement to the press, the witness stated that he just felt it was the right thing to do. No one did anything wrong and Rep. Bishop deserved his support.
80. The witness also acknowledged that the situation was a little more nuanced than how the witness described the timeline to the reporter in that he had sought additional help from Rep. Bishop after the first contribution request.
81. When asked about his reluctance to speak with the press, the witness stated that having been a reporter he knows that things are taken out of context, but Rep. Bishop was very concerned that they were going to write a very negative article portraying him unfavorably. The witness stated that "the human in [him] wanted to help," and that "[he] was very impressed by the guy."
82. When asked if Rep. Bishop ask him to say something specific to the press, the witness stated that he did not remember. He did not think so.
83. The witness has not had any further communication with Rep. Bishop since August 2012. He has not had any further communication with Mr. Sillerman except for a conference call for investors. The witness was advised by his attorney to avoid them.
84. The reason the witness made the contribution is because Rep. Bishop is a "stellar politician."

This memorandum was prepared on April 22, 2013 after the interview was conducted on April 11, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on April 11, 2013.

Omar S. Ashmawy
Chief Counsel

EXHIBIT 3

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Fireworks by Grucci Employee 1
REVIEW No(s): 13-3308
DATE: April 12, 2013
LOCATION: 1425 RXR Plaza
Uniondale, NY
TIME: 11:14 a.m. to 11:48 a.m. (approximate)
PARTICIPANTS: Paul J. Solis
Omar S. Ashmawy
Alexander Bateman

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is a logistics personnel manager for Fireworks by Grucci. He has held this position for nine years. He is responsible for obtaining permits for the company's fireworks displays. Before holding that position the witness was a part-time security guard for the company. The witness is also a pyrotechnician.
3. Mr. Phil Butler was the sales manager for Fireworks by Grucci at the time of the Semler fireworks display. Mr. Butler is now retired.
4. The witness explained his standard practice at work. When the witness is asked to do a job, he receives a notification of a fireworks show with the time, date, location and duration of the show. He then uses that information to determine in which jurisdiction the show will take place and the number of permits required for the show. A fireworks show may require between 1 and 6 permits depending on the nature of the show and the jurisdiction it is in.
5. In the case of the Semler fireworks display, initially the display was going to take place on a barge anchored in the ocean off the beach in front of Mr. Semler's house. The display required the permission of the local Southampton Fire Marshal, Fish and Wildlife, the New York Department of Environmental Conservation (DEC) and the Coast Guard.
6. The approval for the barge display could not be obtained because there is a 135 day window for Coast Guard permits and they were in that window, so they could not get approval.
7. The witness first learned of the Semler fireworks display when he received an email from Mr. Butler at the sales department.

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8. After the barge display was not an option, there was conversation between Mr. Semler and Mr. Butler to see if the show could be moved. The next option was to move it to the beach, but that was not possible because of the Piping Plover issue. While the Coast Guard approval was not required, Fish and Wildlife and DEC approval was required and they would not grant approval because of the Plovers.
9. The witness explained that he is the person who goes back and forth with government agencies to obtain permission for the fireworks shows.
10. Then the company tried to move the fireworks display to a pond across from Mr. Semler's house. However, that location was not approved because Fish and Wildlife had height restrictions on the fireworks shells.
11. Next, as the idea to launch the fireworks from the pond was being rejected, the witness was talking to the Southampton Fire Marshal, Ms. Cheryl Kraft to see about moving the display to the roof of Mr. Semler's house.
12. The Fire Marshal said that the idea would work and asked the witness for a site plan and arranged for a site check. The witness recalled that the Fire Marshal told him that Mr. Semler was being difficult because he was calling her office every day.
13. In addition to the Fire Marshal's approval, Fish and Wildlife, the DEC and the FAA also gave approval for the show. The Southampton Board of Trustees also gave approval because they have to approve any fireworks shows in Southampton -- regardless of whether it is on the beach or someone's house.
14. These various approvals were discussed by email with some follow up by telephone. The various parties were on an email chain and they are all, generally, "pretty much" in constant contact with one another.
15. The witness knows of Mr. Fred Havemeyer, but does not know him personally. He just submits his requests to the Board of Trustees without any personal contact. According to the witness, the whole Southampton Board of Trustees must give their approval for fireworks displays. The Trustees do not give approval to the witness, but provide input and approval to the Fire Marshal.
16. Fish and wildlife provides their approval in writing, usually in a letter. However, on this occasion it was by email.
17. The Fire Marshal gives a permit that is delivered the day of the display.
18. The witness spoke to Mr. Semler while working on the fireworks show. He spoke to him to verify the location of the show and because Mr. Semler was asking about the status of the show.
19. This particular show was more difficult than others mostly because of issues related to the Plovers. Most people will accept it when Fireworks by Grucci say they can't do a show, but Mr. Semler was insistent.
20. Mr. Semler mentioned Representative Bishop in at least one email to the witness.

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21. The witness was shown email (AG_000028).
22. The witness was asked about his reaction to the email, but replied that it would be better to give the context. The witness explained that “Eric” was involved in making phone calls and “muddying up things.”
23. The witness explained that the witness had already spoken to the Fire Marshal to get the show moved to Mr. Semler’s roof – all the witness needed to do was get the Fire Marshal a drawing.
24. The witness then showed OCE counsel an email that was sent to Mr. Semler in response to the email the witness was previously shown.
25. The witness remembered Mr. Semler mentioning Representative Bishop in two emails – one was the email that OCE counsel showed him and the other time was in an email from Mr. Semler to the witness that said that Representative Bishop was talking to the DEC.
26. The witness explained that at this point the witness had been told the approval for the rooftop show would be coming. Therefore, Representative Bishop’s involvement was unnecessary.
27. None of the various approval authorities and government agencies mentioned Representative Bishop to the witness.
28. The witness had telephone conversations with Mr. Semler. The witness does not remember Representative Bishop’s name coming up in those conversations.
29. In the witness’s experience it is not typical to have politicians involved in fireworks displays. He said that about 5% of shows may have someone involved – such as when they do a show in New York City and the mayor’s office is involved. However, the witness does not remember another time when a federal office holder was involved.
30. The witness was asked again about his reaction to the email mentioning Representative Bishop. The witness replied that he had no reaction. “I had everything taken care of.”
31. The witness never heard from Representative Bishop directly, but was contacted by one of his employees who tried to get a hold of the witness. The employee was named Oliver.
32. The witness then provided an email from his boss to the witness. The witness also provided an email from Mr. Oliver Longwell to the witness.
33. The witness was contacted by Mr. Longwell on a few occasions. Mr. Longwell left a voicemail message for the witness on May 24, 2012. The witness did not return the call. Mr. Longwell also called the witness on May 25, 2012. On this occasion the witness spoke to Mr. Longwell and told him that all approvals were in place.
34. Previous to this instance, the witness had never been contacted by a Congressman’s office about a fireworks show.

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35. Mr. Butler did not mention anything about contributions made by Mr. Semler to Representative Bishop to the witness. The only mention made to the witness by Mr. Butler of Representative Bishop was in an email telling the witness that Mr. Semler reached out to Representative Bishop's office.
36. The witness did not know about any contribution to Representative Bishop until he read about it in the press.

This memorandum was prepared on April 22, 2013 after the interview was conducted on April 12, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on April 12, 2013.

Omar S. Ashmawy
Chief Counsel

EXHIBIT 4

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Fireworks by Grucci Employee 2
REVIEW No(s): 13-3308
DATE: April 19, 2013
LOCATION: 508 Solar Isle Drive
Fort Lauderdale, FL
TIME: 2:05 p.m. to 3:05 p.m. (approximate)
PARTICIPANTS: Paul J. Solis
Kedric L. Payne
Alex Bateman (counsel)
Danielle Butler (counsel)

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness has been an employee of Fireworks by Grucci for over thirty years. He is currently the VP of sales and marketing. His duties include soliciting, sales, marketing.
3. The witness has never met Mr. Eric Semler but his company has done two prior fireworks shows for Mr. Semler, one in 2008 and one in 2010.
4. The witness does not Mr. Robert Sillerman but knows he is a wealthy individual who lives in Southampton. The witness does not know about any personal relationship between Rep. Bishop and Mr. Sillerman.
5. The witness has never met Rep. Bishop. Rep. Bishop ran against his brother-in-law in 2002 for a congressional seat.
6. Mr. Semler called and emailed Grucci in February 2012 because he was interested in a fireworks display for his son's bar mitzvah. He sent a deposit in sometime in late February. From that point on it was the witness's job to follow-up with Mr. Semler and make sure Grucci got paid.
7. The witness stated that everything seemed to be going perfect when the coast guard denied permits for the fireworks show. In previous years the coast guard had a sixty or ninety day requirement for filing paperwork but at that time the deadline changed to 120 days before the event, the paperwork had to be filed. It was then the witness's job to make the client aware of complications.

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8. Ed Rubio kept Mr. Semler informed as well and looked for other possibilities. The most viable option was off Mr. Semler's rooftop.
9. The witness stated that it was established that the display could be done off the rooftop even though a piping plover nest was within the legal limits of the display.
10. The witness was shown document [AG_000006]. The witness stated that he believed this email reinforces a phone call he had with Mr. Semler earlier. The witness thought that this was his way of letting Ed and Donna Grucci know that Fred Havemeyer was interceding. The witness stated that the Southampton Town Trustees have sway as to whether something can happen in town.
11. The witness believed that the denial of holding the fireworks display in Mr. Semler's pond came from Mr. Havemeyer. Usually the fire marshal is in the lead on whether this can be done but this was the first time Mr. Havemeyer and the Town Trustees were involved.
12. The witness stated that he described obtaining the permit as a "longshot" in the email because events are never approved when there is a piping plover issue. When asked why a permit was issued in this case the witness stated that he was shocked that it was.
13. The witness was not involved in communications with the NY Department of Environmental Conservation. The witness did not speak to the Southampton fire marshal regarding Mr. Semler's event. And the witness did not speak to anyone at the U.S. Fish & Wildlife Service regarding Mr. Semler's event.
14. The witness was shown document [AG_000023]. The witness recalled the email and was sure that he and Mr. Semler talked over the phone as well. He usually has an email to backup a phone conversation.
15. In the witness's experience, he has never seen a congressman get involved in obtaining fireworks permits.
16. The witness did not speak with Rep. Bishop about Mr. Semler's event but could not recall if he spoke to a member of his staff. The witness knows who Mark Copeland is but did not know who Oliver Longwell was.
17. The witness stated that it is Ed Rubio's job to obtain permits but as his boss, he monitors what is going on. Nobody spoke to the witness about why the various government agencies would have granted the permits for the event because that would have been Ed's job.
18. The witness stated that Mr. Semler's event was more difficult than other events he has worked on in terms of getting permits and getting things done.
19. The witness was shown document [TB_000181]. The witness did not recall whether he received this in text or email form but recalled receiving the message from Mr. Semler. The witness stated that he did not change or manipulate any of the language in this message.
20. The witness stated that "our helpful congressman" meant that Rep. Bishop was getting paid for that he should do for free.

CONFIDENTIAL

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

21. The witness stated that he did not recall speaking with Mr. Semler by telephone after the event. All communication was by email.
22. The witness was shown document [AG_000056]. The witness stated that he asked whether Mr. Semler had to “pay” Rep. Bishop for his help out of curiosity. At the time Mr. Semler was requesting a refund for the fireworks display.
23. The witness stated that it was obvious to him that the show would not have happened without Rep. Bishop’s intervention because of the proximity to the plover’s nest.
24. The witness stated that he released some of the information shared between himself and Mr. Semler to Diana Weir. Diana is a good friend, a local political person and was Randy Altschuler’s campaign manager. Ms. Weir told the witness she released the information to news outlets. The witness gave her the information because he considered the activity to be suspect.

This memorandum was prepared on May 1, 2013 after the interview was conducted on April 19, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on April 19, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 5



Steve Papa/R5/FWS/DOI
05/23/2012 11:40 AM

To: Personnel Assistant <[redacted]@grucci.com>
cc: Edward Rubio <[redacted]@grucci.com>, Logistics Assistant
<[redacted]@grucci.com>,
<[redacted]@gw.dec.state.ny.us>
bcc:

Subject: Re: F&W- TCS Capital Management LLC - Semler Party-
May 26, 2012

Hi Ed,

Our fireworks guidelines found at <http://pipingplover.fws.gov> recommend 0.75 mile buffer from launch site to plover breeding areas in order to avoid direct impacts. The barge location in the revised plan is approximately 535 ft from the ocean side plover nest.

Steve

Steven T. Papa
Senior Fish and Wildlife Biologist
Endangered Species/Conservation Planning Assistance
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967
(631) 286-0485 ext. [redacted] (tel)
(631) 286-4003 (fax)
[redacted]@fws.gov (email)
<http://longisland.fws.gov> (web)
Personnel Assistant <[redacted]@grucci.com>



Personnel Assistant
<[redacted]@grucci.com>
05/22/2012 12:27 PM

To: [redacted]@fws.gov <steve_papa@fws.gov>
cc: Edward Rubio <[redacted]@grucci.com>, Logistics Assistant
<[redacted]@grucci.com>
Subject: F&W- TCS Capital Management LLC - Semler Party- May
26, 2012

May 21, 2012

TO: Mr. Steve Papa
COMPANY: U.S. Fish & Wildlife Service
PHONE: 631-581-2941
FAX: 631-581-2972
FROM: Edward Rubio
TOTAL PAGES: 2

Dear Mr. Papa:

Attached please find REVISED site map for the Fireworks Display noted below:

Event: TCS Capital Management LLC -- Secret Party
Location: Fairfield Pond, Sagaponack, NY 11962
Latitude: 40° 55' 43"N
Longitude: 72° 16' 3.58"W
Date: May 26, 2012
Rain Date: May 27, 2012
Time: Approximately 9:00 PM
Duration: 12-13 minutes

We would appreciate your assistance in getting a notice out to the Coast Guard with copy to us of your agency having no objections to this site being used.

Thank you for your help and cooperation in this matter.

Sincerely,

Edward Rubio

Edward Rubio

Logistics Manager

Fireworks by Grucci, Inc.

Cell: [REDACTED]

CC: Ms. Michelle Gibbons -- FAX: 631-444-0272

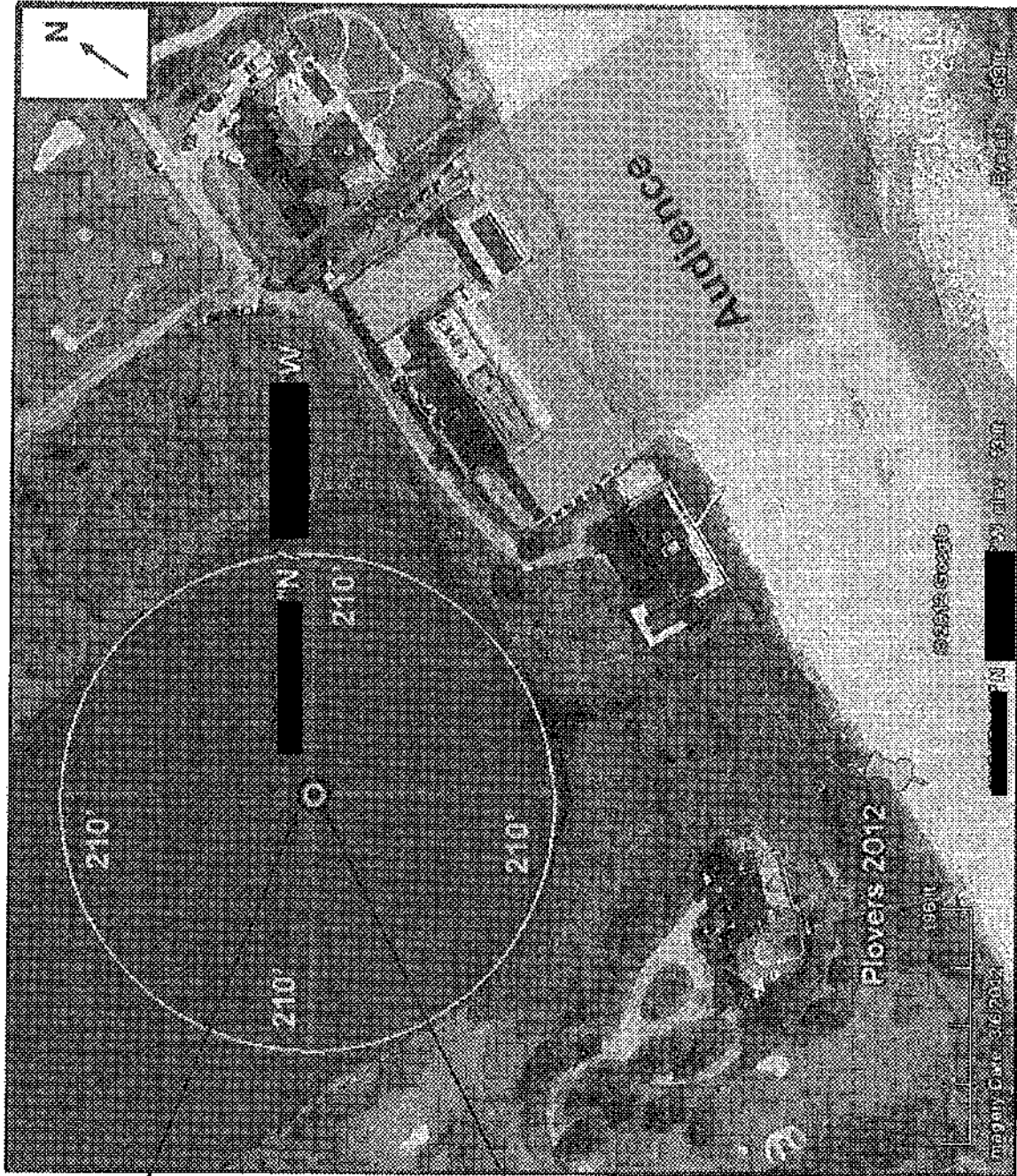


image001.png Fish & Wild Life NY REV3.pdf Fairfield Pond Site Plan rev 1.pdf

FWS_0030

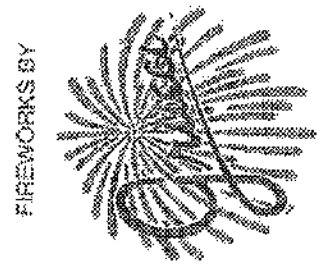
13-3308_0022

**Semler Party – Sagaponack, NY
May 26, 2012- Fireworks by Grucci**



Float Location
2" max devices
NFPA 1123
210' Radius Safety Zone
Lat. [redacted]°N
Long [redacted]°W

**Comets, Mines, Gerbs,
Aerial Shells and MSB's**



All information contained on this document is copyright material and the intellectual property of Fireworks by Grucci Inc. Reproduction and/or circulation without approval of Fireworks by Grucci is prohibited.
Rev 15/17/12



Ed Rubio
 <[REDACTED]@grucci.com>
 05/23/2012 12:04 PM

To <[REDACTED]@fws.gov>, Personnel Assistant
 <[REDACTED]@grucci.com>
 cc Logistics Assistant <[REDACTED]@grucci.com>,
 <[REDACTED]@gw.dec.state.ny.us>,"
 <[REDACTED]@southamptontownny.gov>, Donna Grucci Butler
 bcc

Subject Re: F&W- TCS Capital Management LLC - Semler Party-
 May 26, 2012

History: @ This message has been replied to.

Hello Steve,

We do understand that the guideline is based on high aerial fireworks, that is why Chip had mentioned in his email to both of us last week that we could display close proximate devices from the pond. The devices we were discussing was up to 2" comets and mines. These devices are much quieter then aerial shells and can be used much closer to an approximate audience. Can you please process an approval for this as we do understand this has been approved in the past.

Thanks Ed

Edward Rubio Fireworks by Grucci Office 631-286-0088 ext [REDACTED] Cell [REDACTED]
 E-mail: [REDACTED]@Grucci.com

[REDACTED]@fws.gov wrote:

>Hi Ed,
 >
 >Our fireworks guidelines found at <http://pipingplover.fws.gov> recommend
 >0.75 mile buffer from launch site to plover breednig areas in order to
 >avoid direct impacts. The barge location in the revised plan is
 >approximately 535 ft from the ocean side plover nest.
 >
 >Steve
 >
 >
 >Steven T. Papa
 >Senior Fish and Wildlife Biologist
 >Endangered Species/Conservation Planning Assistance
 >U.S. Fish and Wildlife Service
 >Long Island Field Office
 >340 Smith Road
 >Shirley, NY 11967
 >(631) 286-0485 ext [REDACTED] (tel)
 >(631) 286-4003 (fax)
 >[REDACTED]@fws.gov (email)
 ><http://longisland.fws.gov> (web)
 >
 >
 >
 >Personnel Assistant <[REDACTED]@grucci.com>
 >05/22/2012 12:27 PM
 >
 >To
 >[REDACTED]@fws.gov" <[REDACTED]@fws.gov>
 >cc
 >Edward Rubio <[REDACTED]@grucci.com>, Logistics Assistant



Steve Papa/R5/FWS/DOI
05/23/2012 01:23 PM

To: Ed Rubio <[redacted]@grucci.com>
cc: [redacted]@grucci.com, Donna Grucci Butler
<[redacted]@grucci.com>, Logistics Assistant
<[redacted]@grucci.com>, "
bcc: [redacted]@grucci.com>, "

Subject: Re: F&W- TCS Capital Management LLC - Seminar Party-
May 26, 2012

Hi Ed,

I am unclear as to how to interpret the decibel/visual cue ratings from the different type of pyrotechnics. Maybe you could elaborate further. Also, I do not recall this event in the past.

Thanks,

Steve

Steven T. Papa
Senior Fish and Wildlife Biologist
Endangered Species/Conservation Planning Assistance
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967
(631) 286-0485 ext [redacted] (tel)
(631) 286-4003 (fax)
[redacted]@fws.gov (email)
<http://longisland.fws.gov> (web)
Ed Rubio <[redacted]@grucci.com>



Ed Rubio
<[redacted]@grucci.com>
05/23/2012 12:04 PM

To: <[redacted]@fws.gov>, Personnel Assistant
<[redacted]@grucci.com>
cc: Logistics Assistant <[redacted]@grucci.com>,
<[redacted]@gw.dec.state.ny.us>, "
<[redacted]@southamptontownny.gov>, Donna Grucci Butler
<[redacted]@grucci.com>, <[redacted]@grucci.com>
Subject: Re: F&W- TCS Capital Management LLC - Seminar Party-
May 26, 2012

Hello Steve,

We do understand that the guideline is based on high aerial fireworks, that is why Chip had mentioned in his email to both of us last week that we could display close proximate devices from the pond. The devices we were discussing was up to 2" comets and mines. These devices are much quieter than aerial shells and can be used much closer to an approximate audience. Can you please process an approval for this as we do understand this has been approved in the past.

Thanks Ed

Edward Rubio Fireworks by Grucci Office 631-286-0088 ext [redacted] Cell [redacted]



Steve Papa/R5/FWS/DOI
05/23/2012 01:39 PM

To: Ed Rubio <[REDACTED]@grucci.com>
cc: [REDACTED]@grucci.com, Donna Grucci Butler
<[REDACTED]@grucci.com>, Logistics Assistant
<[REDACTED]@grucci.com>, "A"
bcc:

Subject: Re: F&W- TCS Capital Management LLC - Senior Party-
May 26, 2012

Ed,

Can you also include in your response the number of aerial effects, low-level effects and set piece devices? Thanks Steve

Steven T. Papa
Senior Fish and Wildlife Biologist
Endangered Species/Conservation Planning Assistance
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967
(631) 286-0485 ext [REDACTED] (tel)
(631) 286-4003 (fax)
[REDACTED]@fws.gov (email)
<http://longisland.fws.gov> (web)
Ed Rubio <[REDACTED]@grucci.com>



Ed Rubio
<[REDACTED]@grucci.com>
05/23/2012 12:04 PM

To: <[REDACTED]@fws.gov>, Personnel Assistant
<[REDACTED]@grucci.com>
cc: Logistics Assistant <[REDACTED]@grucci.com>,
<[REDACTED]@gw.dec.state.ny.us>,
<[REDACTED]@southamptontownny.gov>, Donna Grucci Butler
<[REDACTED]@grucci.com>, <[REDACTED]@grucci.com>
Subject: Re: F&W- TCS Capital Management LLC - Senior Party-
May 26, 2012

Hello Steve,

We do understand that the guideline is based on high aerial fireworks, that is why Chris had mentioned in his email to both of us last week that we could display close proximate devices from the pond. The devices we were discussing was up to 2" comets and mines. These devices are much quieter than aerial shells and can be used much closer to an approximate audience. Can you please process an approval for this as we do understand this has been approved in the past.

Thanks Ed

Edward Rubio Fireworks by Grucci Office 631-286-0038 ext. [REDACTED] Cell: [REDACTED]
E-mail: [REDACTED]@Grucci.com



Ed Rubio
 <[REDACTED]@grucci.com>
 05/23/2012 02:00 PM

To <[REDACTED]@fws.gov>
 cc <[REDACTED]@grucci.com>, Donna Grucci Butler
 <[REDACTED]@grucci.com>, Logistics Assistant
 <[REDACTED]@grucci.com>,
 bcc

Subject: Re: F&W- TCS Capital Management LLC - Semler Party-
 May 26, 2012

History: This message has been replied to.

Hello Steve,

This show did happen a few years back but it was on a barge not in the pond. We have been told that other shows have been displayed with in the close proximity of the piping plovers in the past using these smaller devices, that is what I was referring to. I am out of the office but we try to supply you some documents. Please keep in mind we do have a plan in place for this event as well.

Donna can you send a copy of the part of our proposals that show the difference between the devices.

Chris do we have a video that we may be able to send Steve of the devices that we would like to use.

Edward Rubio Fireworks by Grucci Office 631-286-0088 ext [REDACTED] Cell [REDACTED]
 E-mail: [REDACTED]@Grucci.com

[REDACTED]@fws.gov wrote:

>Hi Ed,
 >
 >I am unclear as to how to interpret the decibel/visual cue ratings from
 >the different type of pyrotechnics. Maybe you could elaborate further.
 >Also, I do not recall this event in the past.
 >
 >Thanks.
 >
 >Steve
 >
 >Steven T. Papa
 >Senior Fish and Wildlife Biologist
 >Endangered Species/Conservation Planning Assistance
 >U.S. Fish and Wildlife Service
 >Long Island Field Office
 >340 Smith Road
 >Shirley, NY 11967
 >(631) 286-0485 ext [REDACTED] (tel)
 >(631) 286-4003 (fax)
 >[REDACTED]@fws.gov (email)
 ><http://longisland.fws.gov> (web)
 >
 >
 >
 >Ed Rubio <[REDACTED]@grucci.com>



Steve Papa/R5/FWS/DOI
05/23/2012 02:22 PM

To: Ed Rubio <[redacted]@grucci.com>
cc: ocarlino@grucci.com, Donna Grucci Butler
<[redacted]@grucci.com>, Logistics Assistant
<[redacted]@grucci.com>,
bcc:

Subject: Re: F&W- TCS Capital Management LLC - Semler Party-
May 26, 2012

Ed,

Based on what I know about the event at this time, this activity would likely result in adverse effects to the piping plover. Unfortunately, with the event planned just two days from now, there is no possibility of obtaining an incidental take permit from the Service (under the provisions of Section 10 of the Endangered Species Act).

Also, I believe the plant you referenced has the barge located 3/4 mile in the ocean.

I would recommend rescheduling for September to be safe.

Steve

Steven T. Papa
Senior Fish and Wildlife Biologist
Endangered Species/Conservation Planning Assistance
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Stirley, NY 11967
(631) 286-0485 ext [redacted] (tel)
(631) 286-4003 (fax)
[redacted]@fws.gov (email)
<http://longisland.fws.gov> (web)
Ed Rubio <[redacted]@grucci.com>



Ed Rubio
<[redacted]@grucci.com>
05/23/2012 02:00 PM

To: <[redacted]@fws.gov>
cc: [redacted]@grucci.com, Donna Grucci Butler
<[redacted]@grucci.com>, Logistics Assistant
<[redacted]@grucci.com>,
<[redacted]@southamptontownny.gov>,
<[redacted]@gw.dec.state.ny.us>, Personnel Assistant
<[redacted]@grucci.com>

Subject: Re: F&W- TCS Capital Management LLC - Semler Party-
May 26, 2012.

Hello Steve,

This show did happen a few years back but it was on a barge not in the pond. We have been told that other shows have been displayed with in the close proximity of the piping plovers in the past using these smaller devices, that



Ed Rublo
<[REDACTED]@grucci.com>
05/24/2012 03:20 PM

To <[REDACTED]@fws.gov>
cc <[REDACTED]@grucci.com>; Donna Grucci Butler
<[REDACTED]@grucci.com>; Logistics Assistant
<[REDACTED]@grucci.com>;
bcc

Subject Re: F&W- TGS Capital Management LLC - Semler Party-
May 26, 2012

Hello Steve,

It was a pleasure taking with you today. This is the follow up as you requested during our conversation.

We are requesting the approval to display close proximate devices from the roof top of the Semler residence. We do have the approvals from the FAA, Coast Guard and Fire Marshal to proceed with the display. At this point we need the approval of Fish and Wildlife to display stage gerbs, stage comets, stage mines and lance devices (these are used to design a set-piece). None of these devices have any loud noises to them that would be heard in an aerial fireworks display. These devices are all close proximate allowing the audience to be as close as 15' from the devices when discharged. As well none of these devices will exceed 20' in height off the roof top, or be louder then a car driving past on the street.

We really do appreciate you issuing us your verbal approval today and providing us with your written approval tomorrow, hope you have a great day, Ed.

Edward Rublo: Fireworks by Grucci Office 631-286-0088 ext [REDACTED] Cell [REDACTED]
E-mail: [REDACTED]@grucci.com

[REDACTED]@fws.gov wrote:

>Ed,
>
>Based on what I know about the event at this time, this activity would
>likely result in adverse effects to the piping plover. Unfortunately,
>with the event planned just two days from now, there is no possibility of
>obtaining an incidental take permit from the Service (under the provisions
>of Section 10 of the Endangered Species Act).
>
>Also, I believe the plan you referenced has the barge located 3/4 mile in
>the ocean.
>
>I would recommend rescheduling for September to be safe.
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>Steve
>
>
>
>Steven T. Papa
>Senior Fish and Wildlife Biologist
>Endangered Species/Conservation Planning Assistance
>U.S. Fish and Wildlife Service
>Long Island Field Office
>340 Smith Road
>Shirley, NY 11967
>(631) 286-0485 ext [REDACTED] (tel)

FWS_0048

13-3308_0029



Ed Rubio
 <[REDACTED]@gruccl.com>
 05/21/2012 03:59 PM

To <[REDACTED]@fws.gov>
 cc <[REDACTED]@southamptontownny.gov>,
 <[REDACTED]@gw.dec.state.ny.us>, Frederick Hamilton
 <[REDACTED]@gw.dec.state.ny.us>, [REDACTED]@aol.com"

Subject Re: F&W- TCS Capital Management LLC - Semiar Party-
 May 26, 2012

Hello Steve and Chip,

I have been asked if it would be at all possible to use close proximate devices up to 50' in height. These are still the same devices used for stage displays. The reason for this request is do to the proximity of the audience and a tent that is along the house. The audience will not be able to see anything below 10' to 15' in height, so displaying 20' devices they will only see 5' to 10' but if the device is up to 50' they will be able to see at least the top 20'-30'.

Please let us know if this is possible, thank you.

Edward Rubio Fireworks by Grucci Office 631-286-0088 ext [REDACTED] Cell [REDACTED]
 E-mail: [REDACTED]@Gruccl.com

[REDACTED]@fws.gov wrote:

>Ed,
 >
 >Based on what I know about the event at this time, this activity would
 >likely result in adverse effects to the piping plover. Unfortunately,
 >with the event planned just two days from now, there is no possibility of
 >obtaining an incidental take permit from the Service (under the provisions
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 >I would recommend rescheduling for September to be safe.
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 >Steven T. Papa
 >Senior Fish and Wildlife Biologist
 >Endangered Species/Conservation Planning Assistance
 >U.S. Fish and Wildlife Service
 >Long Island Field Office
 >340 Smith Road
 >Shirley, NY 11967
 >(631) 286-0485 ext [REDACTED] (tel)
 >(631) 286-4003 (fax)
 >[REDACTED]@fws.gov (email)
 >http://longisland.fws.gov (web)
 >
 >
 >
 >Ed Rubio <[REDACTED]@gruccl.com>
 >05/23/2012 02:00 PM



Ed Rubio
<[REDACTED]@grucci.com>
05/24/2012 03:59 PM

To <[REDACTED]@fws.gov>
cc <[REDACTED]@southamptontownny.gov>,
<[REDACTED]@gw.dec.state.ny.us>, Frederick Hamilton
<[REDACTED]@gw.dec.state.ny.us>, [REDACTED]@aol.com">
bcc

Subject: Re: F&W- TCS Capital Management LLC - Semler Party-
May 26, 2012

Hello Steve and Chip,

I have been asked if it would be at all possible to use close proximate devices up to 50' in height. These are still the same devices used for stage displays. The reason for this request is do to the proximity of the audience and a tent that is along the house. The audience will not be able to see anything below 10' to 15' in height, so displaying 20' devices they will only see 5' to 10' but if the device is up to 50' they will be able to see at least the top 20'-30'.

Please let us know if this is possible, thank you.

Edward Rubio Fireworks by Grucci Office 631-286-0088 ext [REDACTED] Cell [REDACTED]
E-mail: [REDACTED]@Grucci.com

[REDACTED]@fws.gov wrote:

>Ed,
>
>Based on what I know about the event at this time, this activity would
>likely result in adverse effects to the piping plover. Unfortunately,
>with the event planned just two days from now, there is no possibility of
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>Steve
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>
>
>Steven T. Papa
>Senior Fish and Wildlife Biologist
>Endangered Species/Conservation Planning Assistance
>U.S. Fish and Wildlife Service
>Long Island Field Office
>340 Smith Road
>Shirley, NY 11967
>(631) 286-0485 ext [REDACTED] (tel)
>(631) 286-4003 (fax)
>[REDACTED]@fws.gov (email)
><http://longisland.fws.gov> (web)
>
>
>
>Ed Rubio <[REDACTED]@grucci.com>
>05/23/2012 02:00 PM

FWS_0061

13-3308_0031



Steve Papa/R5/FWS/DOI
05/25/2012 10:32 AM

To: Edward Rubio <[redacted]@grucci.com>
cc: Chris Carino <[redacted]@grucci.com>, [redacted]@aol.com"
<[redacted]@aol.com>, [redacted]@gw.dec.state.ny.us"
<[redacted]@gw.dec.state.ny.us>,
bcc:

Subject: RE: F&W- TCS Capital Management LLC - Semler Party-
May 26, 2012

Ed,

Unfortunately, 2 PM will not work for me today. But, I would like to come down to your facility at another time to see a demonstration if that is at all possible.

As we discussed yesterday, May 24, 2012, and further described (and amended slightly) in your follow-up emails, the event has been revised to include the following:

- 1) the launch site is the roof of the Semler residence located on 3 Fairfield Pond Lane, Southampton, NY
- 2) The devices that will be used include close proximate devices which have decibel levels of less than or equal to 20 decibels;
- 3) The devices can reach heights of about 50 ft above the launch site
- 4) The fireworks show will last several minutes (2-3 minutes based on our conversation)
- 5) Gucci Fireworks has hired a plover monitor to be present during the event to monitor for any potential disturbances and to ensure that there is adequate buffer between the event and the plover nesting site (at least 50 meters)

Based on the description of the event provided above, including the selection of devices, the duration of the show (several minutes), and ensuring there is an on-site plover monitor, the proposed event would not be likely to adversely affect the piping plover pair nesting south and a little west of Fairfield Lane Pond in Southampton. We will coordinate with the monitor in obtaining a post event monitoring report.

If you have any questions, or require further assistance, please contact me at the number below.

Sincerely,

Steven T. Papa
Senior Fish and Wildlife Biologist
Endangered Species/Conservation Planning Assistance
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967
(631) 286-0485 ext [redacted] (tel)
(631) 286-4003 (fax)
[redacted]@fws.gov (email)
<http://longisland.fws.gov> (web)
Edward Rubio <[redacted]@grucci.com>



Edward Rubio
<[redacted]@grucci.com>
05/25/2012 10:01 AM

To: [redacted]@fws.gov" <[redacted]@fws.gov>,
[redacted]@aol.com" <[redacted]@aol.com>
cc: Chris Carino <[redacted]@grucci.com>, [redacted]@aol.com"
<[redacted]@aol.com>, [redacted]@gw.dec.state.ny.us"
<[redacted]@gw.dec.state.ny.us>,

EXHIBIT 6

Eric Semler

From: Eric Semler
Sent: Monday, May 21, 2012 12:34 PM
To: [REDACTED]@grucci.com
Subject: Re: Semler May 26, 2012

Yes thx
Eric Semler
President
TCS Capital Management, LLC
888 Seventh Avenue, Suite 1504
New York, NY 10019
(212) 621-[REDACTED] (Direct)
(212) 621-[REDACTED] (EA)
(212) 621-8790 (Fax)

Sent from my BlackBerry

From: M. Phillip Butler [REDACTED]@grucci.com]
Sent: Monday, May 21, 2012 12:33 PM
To: M. Phillip Butler <[REDACTED]@grucci.com>; Edward Rubio [REDACTED]@grucci.com>; Eric Semler
Subject: Semler May 26, 2012

Did you receive this???????

From: M. Phillip Butler
Sent: Monday, May 21, 2012 12:31 PM
To: M. Phillip Butler; Edward Rubio; [REDACTED]@tccapital.com
Subject: RE: Semler May 26, 2012

From: M. Phillip Butler
Sent: Monday, May 21, 2012 12:04 PM
To: Edward Rubio; Dorina Grucci Butler
Subject: Semler May 26, 2012

Eric – Southampton Trustee in charge to the waterways in your district is Fred Havermeier Cell [REDACTED]

He's in charge, but all requests must to approved by entire board, this approval is a LONG shot, but only you can sway- so, ask him to do a phone call "vote"

Philip

From: Edward Rubio
Sent: Monday, May 21, 2012 11:31 AM

EXHIBIT 7

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Tim Bishop
REVIEW No(s): 13-3308
DATE: April 18, 2013
LOCATION: 306 Cannon HOB
Washington, DC
TIME: 1:10 p.m. to 2:10 p.m. (approximate)
PARTICIPANTS: Paul J. Solis
Omar S. Ashmawy
Brian Svoboda

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness did not sign a written acknowledgement of the warning at the time of the interview.
2. The witness was asked about several individuals.
3. Mr. Bob Sillerman is one of the witness's closest friends since 1978. He is one of the people that when the witness first began running for Congress helped him. He had a formal title of "finance chair." However, Mr. Sillerman transitioned to an informal or inactive role since the 2006 cycle. Mr. Sillerman was never dismissed from his role as finance chair and his title was never taken away. At one point there used to be stationary with his title on it, but that stationary hasn't been used in some time.
4. Mr. Sillerman continues to be involved with the campaign primarily through an annual fundraising event he holds at his house in the district. He has also held fundraisers at his home in Manhattan. In addition, he will – from time to time – suggest individuals to the witness to solicit for campaign contributions. The witness estimated that this may happen about ten times per year, but stated that it was just a guess.
5. Mr. Sillerman does no work with the Congressional office.
6. The witness didn't know Mr. Eric Semler and had never heard his name before Mr. Sillerman asked for his help with the fireworks display, to "secure a permit for him." The witness now knows that Mr. Semler had a business relationship with Mr. Sillerman.
7. The witness had never heard of Mr. Semler prior to the May 21, 2012 email from Mr. Sillerman, containing a forwarded email from Mr. Semler.

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8. Ms. Molly Bishop has no title or role with the witness's congressional office, as it would violate ethics rules to employ family members.
9. Ms. Bishop is the witness's New York State and Long Island based fundraiser since 2002. She handles everything to do with personal solicitations and fundraising events that are Long Island based. She also pays all the bills and does all the bookkeeping for the witness's campaign committee, Bishop for Congress. She also sends everything to the campaign's Federal Election Commission compliance person.
10. The witness also has a Washington, DC based fundraiser, Molly Allen & Associates.
11. The witness was shown an email (TB_000002).
12. The witness was familiar with the conversation. The witness was asked if the email address shown as "zzBishop, Timothy" was his email address. The witness stated that he did not know. It appeared to be, but is actual email address is [REDACTED]@mail.house.gov. However, "zzBishop, Timothy" is how it appears when printed.
13. This email is the first time the witness heard of Mr. Semler. This email is the cover "memo" as following it was Mr. Semler's email to Mr. Sillerman outlining his predicament.
14. The witness was asked what help he could have provided, and replied that he did not know. At this time he did not know what the problem was or who the permitting authority was, if it was a timing problem, or if the event was in violation of laws and regulations.
15. The reference to "membership" is a joke. As is the reference to what Jews do at bar mitzvahs.
16. Mr. Sillerman has a very nice home on the beach in Long Island and opens his home to the witness and his family every weekend in the summer. He teases the witness that he and the other families who are invited have a membership in the "FoonDune Beach Club." "Foon" is Mr. Sillerman's nickname. "Dune" is a reference to the fact the house is on the beach. Approximately 7-8 families are invited to the house each weekend. The witness goes as his schedule allows.
17. After receiving the email, the witness notified Mr. Oliver Longwell, who works in his district office, and Mr. Mark Copeland, who works in the Washington, DC office.
18. He then called Fred Havermayer to find out what was going on. The witness has known Mr. Havemayer for 40 years. His conversation with Mr. Havemeyer was approximately 2-3 minutes.
19. The witness was shown email (TB_000003).
20. The witness sent the email to Ms. Bishop because when he received it he was sitting across from Ms. Bishop, making fundraising calls at the Long Island Office, and he prefers to work with paper. The witness did not remember having any conversation with Ms. Bishop about this matter.
21. The witness was shown email (TB_000005).

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22. The witness explained that his memory is that Mr. Semler's email to Mr. Sillerman referred to Mr. Havemeyer, a Southampton Town Trustee, which led the witness to believe that matter was within the purview of the Trustees, but before the witness called Mr. Havemeyer he wanted additional information in order to be better informed. So he wanted to speak with Mr. Semler first.
23. The witness recalled speaking with Mr. Semler early in the evening of May 21, 2012. The witness asked Mr. Semler for a rundown of what was going on so that he could then call Mr. Havemeyer.
24. Mr. Semler asked the witness to help him get the permit for the fireworks display. Mr. Semler was full of anger with the Grucci company for the way they handle this matter.
25. After speaking with Mr. Semler, the witness thinks he called Mr. Havemeyer the next morning.
26. The witness does not remember specifically, but he believes that he asked Mr. Havemeyer to describe what was going on, in a 2-3 minute conversation. The witness assumed that's what Mr. Havemeyer did.
27. It was after this conversation that the witness then looped in Mr. Longwell and Mr. Copeland for the first time.
28. At first, the witness thought the problem was just a timing issue and thought it was done after speaking with Mr. Havemeyer. However, he learned later that there was also a Fish and Wildlife issue.
29. The witness did not remember what Mr. Havemeyer's specific response was. The witness did not remember requesting anything of Mr. Havemeyer.
30. The witness recalled one conversation with Mr. Semler with confidence – the one on May 21, 2012. There may have been one on May 22, 2012, but the witness was not certain. There may have also been another conversation later in the week on Thursday or Friday, but the witness could not be sure.
31. Asked about the content of those conversations, the witness explained that in the second conversation he relayed to Mr. Semler that he was "good to go" because they thought it was a town issue and it was resolved after speaking with Mr. Havemeyer.
32. Later in the week, the witness received an email from Mr. Semler late in the evening saying that there was a big problem.
33. The witness was shown an email (TB_000008).
34. In this email the witness was telling Mr. Sillerman that they were "good to go." He was relaying to Mr. Sillerman the information that he had relayed to Mr. Semler. He was informing Mr. Sillerman because Mr. Sillerman was the person who had brought the matter to the witness attention.

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35. The reference to the "mailman" was a reference to a basketball player, Carl "The Mailman" Malone. It was a running joke between Mr. Sillerman and Mr. Semler for several years. When the witness was the provost at Southampton College and Mr. Sillerman was the chancellor at the school they would ask each other for things. When they accomplished what the other had asked for, they would say that.
36. The witness asked for Mr. Sillerman to solicit a contribution from Mr. Semler because just as Mr. Sillerman would suggest people to the witness for solicitations, Mr. Sillerman would occasionally solicit people on the witness's behalf.
37. The witness was in "full on fundraising mode," and had just learned about a wealthy person in his district, so he asked Mr. Sillerman to solicit him at some point.
38. Asked why he didn't ask Ms. Bishop to do it, the witness stated that he did not know. He did not have a specific reason. He thought he did it because Mr. Sillerman was the one with the relationship with Mr. Semler, not the witness and not Ms. Bishop.
39. The significance of June 26, 2012 was that it was the end of the primary cycle in New York. Mr. Semler and his wife could make a contribution of \$5,000 each on or before June 26, 2012. After June 26, 2012, they could only make a \$2,500 contribution each.
40. The witness was shown email (TB_000009).
41. At the time, the witness assumed Mr. Sillerman had spoken to Mr. Semler, but he did not know. Since then, the witness has looked over the emails and he does not know if Mr. Sillerman had a conversation with Mr. Semler in the 11 minutes between emails.
42. The witness did not remember Ms. Bishop telling him that she reached out to Mr. Semler on May 23, 2012. The witness remembers giving Ms. Bishop Mr. Semler's name and email and telling her that Mr. Sillerman suggested that she should follow up. This occurred in Ms. Bishop's office in Long Island.
43. The witness recalls telling Ms. Bishop, "This is a guy who wants to help us."
44. The witness does not think he had any conversation with Mr. Sillerman about Mr. Semler until everyone learned about the news article in Politico. There may have been some emails that referenced Mr. Semler, but definitely no conversation.
45. The witness is shown email (TB_000017).
46. This email is the email the witness referred to earlier that Mr. Semler sent at 10:35pm.
47. The witness did not remember if he made the call to the New York Department of Environmental Conservation (DEC) or if Mr. Copeland called. It may have been the witness or Mr. Copeland.
48. The witness was asked about the reference to "I'll see what I can do." The witness stated that he did not know what he could do. He was just going to see if "there was any give there" because the DEC had limited the fireworks display to a height of ten feet, which is low for a fireworks display. The witness recalled that there was.

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49. The witness did not reach out to Fish and Wildlife. Mr. Copeland did that because he had more interaction with David Stilwell on a day to day basis.
50. The witness did not remember the specifics of whether Mr. Copeland and Mr. Longwell were providing updates to him, but it was "hard to stay away from it." As a result, the witness may have been the one initiating updates.
51. Constituents do not email the witness personally as a matter of course. Lots of people have the witness's personal email, but few have his government email. The witness assumes that Mr. Sillerman gave the government email to Mr. Semler.
52. The witness is shown email (TB_000043).
53. The witness did not know why Mr. Semler emailed the witness but addressed it to "Molly." The witness guessed that Mr. Semler hit reply from the witness's earlier email to Mr. Semler, but thought he was replying to Ms. Bishop's email to Mr. Semler of May 23, 2012. However, that was just a "deduction" on his part.
54. The witness sent the email to Ms. Bishop with an "FYI" because it was addressed to her, but he also went over to Ms. Bishop and orally told her not to follow up with Mr. Semler because the witness was uncomfortable that there was conversation about fundraising on a government email.
55. The witness was asked to explain why Ms. Bishop followed up with Mr. Semler after the witness told her not to. The witness explained that he told her not to follow up "at that time."
56. The follow up that Ms. Bishop sent out was "boiler plate emails."
57. The witness confirmed that Mr. Semler made a contribution to his campaign on June 26, 2012. He knows it was June 26th because Ms. Bishop told him it was June 26th. She "probably" told him personally.
58. It was the closing day of the cycle and they were watching the contribution activity very closely.
59. The witness was asked about his quotes made in the Politico news article on August 15, 2012. The witness stated that the quotes were approximately what he said.
60. Some people for whom the witness's office has done casework have made contributions. The witness's office has successfully completed 15,000 cases. The witness stated that it is a "limited universe, so it happens."
61. There have been times when checks have been received with thank you notes. They have returned those checks.
62. The witness was asked why he asked Mr. Sillerman to solicit Mr. Semler for a contribution in email (TB_000008). The witness stated that he did not think it was a timing issue. He knows who is, and he knows how he operates. What they did for Mr. Semler is what they've done for thousands of people. The witness did not think: "I did something for you so know you owe me dough."

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63. It never occurred to the witness that he was comingling an official act with “donors.” What did occur to him, concerning Mr. Semler’s email (TB_000043), was that he did not like discussing fundraising on a government email. So he wanted a cooling off period. The witness did not know what the right length of a cooling off period was, but that is why.

This memorandum was prepared on April 22, 2013 after the interview was conducted on April 18, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on April 18, 2013.

Omar S. Ashmawy
Chief Counsel

EXHIBIT 8

-----Original Message----- From: "ERIC SEMLER (TCS CAPITAL MANAGEME)" Date: Mon, 21

May 2012 13:50:16 To: Subject: fireworks bob -- thanks so much for offering to help with the

fireworks for my son's bar mitzva. the event is this saturday night in sagaponack. grucci failed to get

our application with the coast guard filed in time -- they require 135 days notice and we gave only 65

days even though i signed a contract with grucci last november. we cant do the show on the beach in

front of our house because the plovers are nesting there so grucci wants to do it in a small pond on the

other side of our house. we were told that we need southampton trustees permission and grucci told me

to call fred havermeier who is in charge of the waterways and apparently would be the key guy to

approve. clearly time is of the essence and i am not sure if i should call fred today or wait for

congressman bishop to help. thanks again and sorry to drag you into this. eric

--

Molly Bishop

Tim Bishop for Congress

(631) 451 - [REDACTED]

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13-3308_0043

EXHIBIT 9

zzBishop, Timothy

From: Nathan Sillerman [mailto:nsillerman@msn.com]
Sent: Monday, May 21, 2012 2:13 PM
To: zzBishop, Timothy
Cc: Eric Senter
Subject: Fw: Breworks
Attachments: sil_body.html, image001.png, 9C53E27F-8044-4172-85E7-7519C8C0FC09.png

Hey Tim:

The attached is self explanatory.
Fucking plovors, let's just eat them all.
Alternatively would really appreciate anything you can do. This is for Eric's sons Bar
Mitzvah. That's an event where Jews try and outdo one another by spending as much money as
possible.

Thanks for the help. I may not revoke your membership if you get this done.

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13-3308_0045

EXHIBIT 10

zzBishop, Timothy

From: zzBishop, Timothy
Sent: Monday, May 21, 2012 3:20 PM
To: [REDACTED]@mcboonville.org
Subject: FW: fireworks
Attachments: alt_body.htm; image001.png; 0C55E27F-8644-4172-85E7-7819C8C6FDD9.png

Please open attachments and print out.

----- Original Message -----
From: Robert Sillerman [REDACTED]@functioning.com
Sent: Monday, May 21, 2012 02:17 PM
To: zzBishop, Timothy
Cc: Eric Seiler [REDACTED]@inspire.net
Subject: FW: fireworks

Hey Tim,

The attached is self explanatory.
Fucking plovors. Let's just eat them all.
Alternatively would really appreciate anything you can do. This is for Eric's sons for
sitzeak. That's an event where Jews try and outdo one another by spending as much money as
possible.

Thanks for the help. I may not revoke your membership if you get this done.

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13-3308_0047

EXHIBIT 11

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Bishop's Finance Director
REVIEW No(s): 13-3308
DATE: April 4, 2013
LOCATION: 31 Oak Street
Patchogue, NY
TIME: 9:40 a.m. to 10:55 a.m. (approximate)
PARTICIPANTS: Paul J. Solis
Omar S. Ashmawy
Brian Svoboda (counsel)

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness did not sign a written acknowledgement of the warning at the time of the interview.
2. The witness's position is Finance Director with Tim Bishop for Congress, the campaign committee for Rep. Tim Bishop. She has held the position for 10 years.
3. Her duties are to oversee all fundraising activities and she is responsible for all financial matters, such as bills, etc. She supervises two consultants, a Washington DC PAC fundraiser and a Federal Election Commission compliance professional.
4. The witness manages all local PAC activities.
5. The witness has a consulting company, MCB Consulting. The company provides services relating to political fundraisers. The company has had clients other than Tim Bishop for Congress over the years. All of her other clients have been local, not federal.
6. The witness thinks her company was formed in 2006. Prior to forming the company, she held a paid position, as opposed to a 1099, with the campaign.
7. The witness is Rep. Bishop's daughter.
8. She does no work for Rep. Bishop's congressional staff, nor does she do any non-paid or volunteer work for the Congressional office.
9. The witness's interaction with Rep. Bishop's congressional staff is limited to scheduling. She has occasion to ask about Rep. Bishop's schedule or ask that time be held for fundraising events. Also occasionally people leave messages on her voicemail that belong to the congressional

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office. Also, on occasion, people will ask about Rep. Bishop's position on issues and the witness will call and ask the Chief of Staff.

10. The witness does not know Mr. Eric Semler, however, she knew of him. They never met or interacted in anyway prior to the campaign solicitation. The witness did not know who Mr. Semler was prior to the fireworks event. The witness did not know of any personal relationship between Rep. Bishop and Mr. Semler.
11. Mr. Bob Sillerman is a close family friend and has been for the witness's whole life – for 34/35 years. For the past few years Mr. Sillerman has not had any role in the campaign committee, though he has opened his home for fundraising events every cycle.
12. In the early days Mr. Sillerman helped introduce Rep. Bishop to political donors in New York City. Back then, he was referred to as their finance chair. Now, on occasion, while it is not official, they refer to Mr. Sillerman as their finance chair if they are corresponding with someone they know through him.
13. Mr. Sillerman is not paid by the campaign and has never been paid by the campaign. He is not authorized to speak on the campaign's behalf. The witness stated that if Mr. Sillerman finds out someone has a house in the Hamptons, he will tell that person to contribute money to Rep. Bishop's campaign.
14. Regarding the Semler fireworks event, the witness knew that sometime at the end of May, Rep. Bishop was helping someone with a fireworks permit. The witness did not know the name of the person. It was casually mentioned to the witness by Rep. Bishop that Grucci "screwed this guy over."
15. Rep. Bishop told the witness that Mr. Sillerman had a colleague or friend who had a contract with Grucci and they hadn't submitted the application for a permit. The witness recalled only one casual conversation and did not remember when it took place.
16. By "helping" the witness thought that all that was required was that they had missed the deadline to submit the application and would Rep. Bishop be helpful to ask the town to still review the application.
17. At this point, all knowledge on the part of the witness was based on the one conversation she had with Rep. Bishop. She did not speak with Mr. Sillerman.
18. The witness was shown email [TB_000011]. The witness confirmed she wrote the email. The email is an example of using Mr. Sillerman's title as finance director, because she did not know Mr. Semler except through Mr. Sillerman.
19. The witness did not know if she had a conversation with Rep. Bishop prior to this email.
20. Rep. Bishop told the witness that Mr. Sillerman told him that she should follow up with Mr. Semler because they want to make a contribution. Rep. Bishop told the witness to send an email to Mr. Semler because Mr. Sillerman told him that he wants to contribute the maximum and he needs to know how.

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21. The witness did not remember when this conversation would have occurred. It would have been sometime in late May because of the reference to contributing the maximum for the primary and general election cycle.
22. At this point, the witness did not know that Mr. Semler was the person involved with the fireworks issue.
23. Sometime in June Mr. Sillerman asked the witness if Mr. Semler ever made a contribution. The witness told Mr. Sillerman no, she did not think so. Mr. Sillerman said to send Mr. Semler another email. This conversation was at a social event. The witness did not remember which one. She recalled it as a gathering of mutual friends. Rep. Bishop was not a party to this conversation.
24. During this in-person conversation, Mr. Sillerman did not mention fireworks or Grucci to the witness. This conversation was the only time the witness spoke to Mr. Sillerman on this issue.
25. The witness stated that Mr. Sillerman has over the years – about eight or nine times over the last six years – connected contributors to the campaign.
26. Mr. Semler ultimately made a contribution to the campaign. The witness thought it was a joint contribution for \$5,000 total, from Mr. Semler and his wife. The witness thinks it was made online. When asked how she knew about Mr. Semler's wife's interest in contributing, the witness stated that she thought Rep. Bishop told her.
27. Mr. Semler has made no other contribution to the campaign.
28. The witness was shown email [TB_000043]. The email is a forward from Rep. Bishop to the witness. The witness's recollection is that she spoke to Rep. Bishop by phone before she received the email. She remembers opening up the email after knowing about it.
29. Rep. Bishop had received the email on his government account and he wanted her to know not to respond to anything on this chain of correspondence. He also let her know that he was not going to respond to the email because he didn't like that it was going to his government account. Rep. Bishop felt uncomfortable about it.
30. The witness stated that she did not like it either because she did not understand why Mr. Semler was emailing Rep. Bishop about a contribution. "FYI" referred to the fact that Rep. Bishop wanted the witness to see the email because he wanted her to know and did not want her to respond to it.
31. Despite the fact that the email is addressed to "Molly," the witness did not receive the email. It went only to Rep. Bishop. The witness did not know if Mr. Semler meant to send it to the witness.
32. Next, the witness did nothing. She put Mr. Semler on a list of people who might be helpful but did not want to communicate with him for a while.
33. The witness was shown email [TB_000049]. The witness recalled the email. The witness stated that they were getting close to the end of the quarter and she was sending follow up emails. She

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did not remember if the email was a result of the conversation she had with Mr. Sillerman in June. The witness did not remember if the conversation with Mr. Sillerman was before or after this email. Mr. Semler did not respond to the email.

34. The witness was shown email [TB_000050]. The witness wrote this email. She sent out several emails like this on the day of this email and the day before to people. The language in the email was copied, pasted, and forwarded to a "couple dozen people." Other people would have received the same language.
35. Comparing the three emails sent to Mr. Semler, the first email was the more tailored one because she references Mr. Sillerman. The term "follow up" in the second email to Mr. Semler would have been typical language.
36. The witness was asked about her knowledge of the following individuals.
37. Ms. Lisa Santeramo was the campaign manager. She was on leave at the time from the congressional staff where she had been the district director. She is no longer with the campaign or the congressional staff.
38. Mr. Bobby Pierce is the campaign communications director. He has no role on the congressional staff.
39. Mr. Peter Spiro is Rep. Bishop's Chief of Staff. He still holds that position. He held no paid position with the campaign. He does not volunteer for the campaign, but when "major things are happening we let him know." He plays a role in major campaign decisions.
40. The witness did not know exactly what Mr. Eric Rotundi's role was. He was a field director, but also at some point did work for other campaigns and started working for the party.
41. Mr. John Schneider was a former staff member. He left the congressional staff in December 2011. He held the position of Deputy Chief of Staff, based in the district. In 2006 he was manager for the campaign.
42. Mr. Jon Vogel was a partner in the media consulting firm the campaign had to produce television commercials.
43. Mr. Ed Peavy was a consultant at the mail consulting firm hired by the campaign.
44. The witness was shown email [TB_00058]. The witness confirmed that the email address was reflected in the email.
45. The witness knows now that Mr. Copeland and Mr. Longwell were copied on the email because they had assisted with the fireworks issue. She did not know that at the time of their assistance.
46. She became aware of it after the reporter from Politico called the office. After phone call "we did an information dump of what everyone knew."
47. Reference to "campaign chairman" was a reference to Mr. Sillerman.

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48. "We were happy to do what we could" means that Rep. Bishop's office helps everybody and did not include anything the witness did for Mr. Semler.
49. The witness thinks this email was written on the first day they learned of this. "My response here is not a well thought out response."
50. The witness thinks it was a matter of the timing of the application.
51. At this point – at the point of the email – the witness did not know to what extent Rep. Bishop's office helped Mr. Semler.
52. Reference to the campaign chairman soliciting was a reference meaning that "we knew that he wanted to make a contribution."
53. The witness stated that Mr. Sillerman sometimes exaggerates.
54. The witness was shown email [TB_000192]. The email address belongs to the witness. The witness stated that they thought Mr. Semler was dishonest at this point. Mr. Semler misrepresented his dealings with the campaign and with Rep. Bishop to Grucci. She stated that Mr. Semler acted as if he had to make a donation to claim a refund for his fireworks contact. It was not the case that he had to.

This memorandum was prepared on April 22, 2013 after the interview was conducted on April 4, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on April 4, 2013.

Omar S. Ashmawy
Chief Counsel

EXHIBIT 12

zzBishop, Timothy

From: zzbishop, Timothy
Sent: Monday, May 21, 2012 4:28 PM
To: [REDACTED]@functioninc.com
Subject: Re: fireworks

Bob can you get me Eric's contact info-I want to speak with him before I call the Town Trustees-I have a very good relationship with Havermeyster, so I think I can help.

----- Original Message -----

From: Robert Stillman [REDACTED]@functioninc.com
Sent: Monday, May 21, 2012 02:11 PM
To: zzbishop, Timothy
Cc: Eric Seider [REDACTED]@slamborg.net
Subject: Fw: fireworks

Hey Tim:

The attached is self explanatory.
Fucking plovors. Let's just eat them all.
Alternatively would really appreciate anything you can do. This is for Eric's son's Bar Mitzvah. That's an event where Jews try and outdo one another by spending as much money as possible.

Thanks for the help. I may not revoke your membership if you get this done.

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13-3308_0055

EXHIBIT 13

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Bishop's Communications Director
REVIEW No(s): 13-3308
DATE: April 4, 2013
LOCATION: 31 Oak Street
Patchogue, NY
TIME: 11:10 a.m. to 12:01 p.m. (approximate)
PARTICIPANTS: Paul J. Solis
Omar S. Ashmawy
Brian Svoboda (counsel)

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness did not sign a written acknowledgement of the warning at the time of the interview.
2. The witness is the Communications Director for Representative Bishop. He has held that position since January 2012. Prior to being the Communications Director, the witness was the Press Secretary for the office. The witness also previously worked as a Legislative Correspondent and intern for Representative Bishop's office.
3. As Communications Director, the witness is the point of contact with press, writes press releases, manages the website, and staffs the Member at certain meetings. The witness also explained that because it is a small office, he sometimes handles "inter-governmental" issues that involve multiple government agencies. He does this "pretty often" and estimated that 70% of his time is spent working on his duties as Communications Director and 30% of his time is spent working on inter-governmental issues.
4. The witness has only done volunteer work for Representative Bishop's campaign. He will occasionally volunteer to be "another set of eyes" on campaign materials and on press issues, including the issue that is the subject of this review.
5. The witness knew Ms. Molly Bishop but never worked with her on "official duties" and has never discusses any official functions of the congressional office with her, such as casework and such. The witness thought her title was Financial Director for the campaign.
6. The witness knew of Mr. Eric Semler, but did not know him personally. He knew of Mr. Semler mostly by reading about him in the press. He knew that Mr. Semler was a wealthy constituent of Representative Bishop, a home owner in the district, and works in finance.

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7. The witness also knew that Mr. Semler was a constituent because of a casework issue was “referred to [him] by the Congressman.”
8. The witness knows of Mr. Bob Sillerman. He knows that Representative Bishop and Mr. Sillerman have a very close relationship that dates to their time as colleagues at Southampton College. Representative Bishop and Mr. Sillerman are close personal, family friends.
9. The witness does not know what Mr. Sillerman’s official title is as it relates to his role with Representative Bishop’s campaign, but he knows that he was a “senior person on the committee” assisting with fundraising. When asked to explain what assisting with fundraising meant, the witness stated that he did not know a lot about that.
10. The witness was then asked to explain what he knew about the events surrounding the Semler fireworks display.
11. The witness explained that he is “not a caseworker really” and that he didn’t have a portfolio like other caseworkers. The witness thought that Representative Bishop came to him. He remembered that he and Representative Bishop were speaking that day about some matter relating to the press and that the witness just happened to be in the room.
12. Representative Bishop gave the witness an email address and asked the witness to reach out to Mr. Semler about his request.
13. The witness did not remember exactly what Representative Bishop said to him. The witness remembered that the issue was time sensitive and that it dealt with environmental permits. The witness also remembered that it was “less time than we like to have with inter-governmental issues.”
14. Representative Bishop did not mention Mr. Sillerman in this conversation.
15. The witness was tasked to contact Mr. Semler by email, get details on his situation, and then begin working as an inter-governmental liaison to satisfactorily bring the issue to a close.
16. The witness did not remember specifically what his email to Mr. Semler said, but it would have been something like “I was asked by Representative Bishop to reach out to you...”
17. The witness received a long chain of emails from Mr. Semler that contained emails from the Southampton Trustees, Fish and Wildlife, and the fireworks vendor.
18. The witness was asked if the request from Representative Bishop was typical. The witness replied that to the extent that this was an environmental request, it was standard. The particular circumstances were somewhat notable as not a lot of people have fireworks at their parties. But the matter was not atypical in the substance of the request.
19. The witness was asked what the overall issue was. The witness stated that he thought it was the firework vendor’s job to secure the permits and that did not happen in a timely manner. The witness also stated that the short notice – i.e. the timing of the request – was “relevant.”
20. The witness did not think he had any phone calls with Mr. Semler.

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21. The witness explained that he forwarded emails to Mr. Mark Copeland. Mr. Copeland was more experienced with intergovernmental issues and, while the witness may have made some preliminary contacts with some agencies, Mr. Copeland was to be the point of contact on this issue. This particular was more in Mr. Copeland's portfolio.
22. Also, although the witness did not remember specifically, the witness thought Representative Bishop asked the witness to loop Mr. Copeland in.
23. When asked about his contacts with government agencies, the witness explained that he had recently refreshed his recollection.
24. The witness remembered a brief call with Mr. Peter Scully at the New York State Department of Environmental Conservation to alert him of the office's interest in this particular matter. The witness thinks Mr. Scully told the witness that he would look into it and get back to the witness's office.
25. That is all the witness remembered about agency contacts. He did not remember much about agency contacts, in general, and did not remember if Mr. Scully called the witness or Mr. Copeland back. However, the witness knows that Mr. Scully got back to the office.
26. When asked what the issues were, the witness explained that the main issue was the differences between a pyrotechnic display and a fireworks display and that the reason this was an issue was the piping plover – a bird with a habit in the region. The witness's understanding was that the large scope of the display they were hoping to have would unduly burden the plover. As a result, the question was whether the display could be reduced to meet everyone's interest.
27. When asked where this understanding would have come from, the witness stated that he would have stayed abreast of the issue by email – as he was copied on “a lot” of emails – and maybe phone calls. The witness stated that it was hard to explain, but that it was mostly emails that he was copied on.
28. Representative Bishop would not have provided the details of the issue to the witness.
29. When asked if he had any contact with the Southampton Town Trustees, the witness stated that he did not remember, but possibly.
30. The witness was shown email [TB_000031]. The witness recalled the email. The witness stated that a lot of that he just said and his recollections were reflected in this email. He confirmed that the top of the email shows that Representative Bishop emailed the witness.
31. The witness did not think he communicated with Fireworks by Grucci, the vendor at issue, because the witness was transferring everything to Mr. Copeland. The witness stated that while he did not remember, if he did communicate with the vendor it would probably have been by email as opposed to a phone call. Based in the email chain, someone communicated with the vendor -- it was either the witness or Mr. Copeland – probably Mr. Copeland.
32. The witness was asked about the frequency of emails he received from Representative Bishop on this subject. He witness states that there were other emails from Representative Bishop, but he did not know how many more of these suggestions from the Member came to him. The witness stated, “Maybe a couple more.” The communication from the Member would have been by

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email, generally. The Member was in the district office at the time, so there may have been conversations, but the witness did not remember the details of the interactions.

33. The witness was asked about the office's "goal." The witness stated that the goal was to find a way that the celebration could be enhanced by the fireworks without violating the laws and directives that protect the plovers. It became clear that the solution was a redesigned display.
34. It was the witness's decision to contact Mr. Scully.
35. When asked about contacts with Fish and Wildlife, the witness stated that all he recalled was the "cc's." Mr. Copeland had developed a strong relationship with Mr. Dave Stillwell, an employee of the Fish and Wildlife agency and so Mr. Copeland would have contacted him.
36. When asked if he would have mentioned Mr. Semler by name to Mr. Scully, the witness explained that he would have had to – so that everyone know what we were referencing. The witness thought that would have been the way they would have referred to this issue.
37. The witness was asked to explain what happened next.
38. The witness stated that he did not know how much Representative Bishop's office was involved in hammering out the compromise. The witness thought that was primarily with the vendor and the agencies.
39. The stated that "we expressed our interest and that we wanted to play a liaison role"
40. The witness explained that ultimately the fireworks display was scaled down. Exactly how it was scaled down, he did not know. He was not involved and he did not think Mr. Copeland was involved.
41. The witness thought that Representative Bishop would have learned about the resolution of the issue when Mr. Stillwell sent an email to Mr. Copeland, that the witness was copied on, and the witness then forwarded to Representative Bishop or told him in person. Representative Bishop told the witness, "Fantastic. Good job."
42. The witness explained that the time sensitive nature of this was what made it a constituent service issue.
43. The witness was asked what effect Representative Bishop's office had on this issue. The witness stated that he thought they "restarted the process" and got everyone "to resolve a resolvable issue in a tight time frame." He also stated that "without our involvement it might not have happened."
44. The witness was asked about the office's reaction to the news story in Politico that made this matter public. The witness stated that the office was concerned that the issue would be a focus of the campaign and that as an office they would have to be prepared that the office's official operations would be perceived as politicized.
45. The witness was asked about the emails in the Politico news story between Mr. Semler and Grucci that were referenced in the article. The witness stated that he had been provided a pdf copy of the emails prior to publication by the article's author. When he saw them, the witness

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was “stunned.” Before seeing the emails, the witness knew nothing about any interactions between Mr. Sillerman and Mr. Semler or between Ms. Bishop and Mr. Semler.

This memorandum was prepared on April 22, 2013 after the interview was conducted on April 4, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on April 4, 2013.

Omar S. Ashmawy
Chief Counsel

EXHIBIT 14

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Bishop's former Legislative Director
REVIEW No(s): 13-3308
DATE: April 16, 2013
LOCATION: 425 Third Street, SW
Washington, DC
TIME: 2:05 PM to 2:50 PM (approximate)
PARTICIPANTS: Brian Svoboda
Paul Solis
Michael Carnevale

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. A copy of the warning was retained by counsel to the witness.
2. The witness was the Legislative Director of Representative Tim Bishop's Congressional office between 2008 and 2012.
3. The witness had been employed by Representative Bishop's Congressional office from 2003 until September or October 2012. He began as a Staff Assistant, and then worked as a Legislative Correspondent, a Legislative Assistant, and a Senior Legislative Assistant, before becoming the Legislative Director in 2008.
4. The witness never worked as a paid employee of Representative Bishop's campaign committee. However, he was a volunteer worker on several of Bishop's campaigns, comprising all House campaigns from 2004 through 2012. He also volunteered for campaign work for other elected officials. Although the witness did not receive a salary, the witness was reimbursed for travel costs related to his campaign work for Bishop.
5. The witness worked closely with Oliver Longwell during his time at Representative Bishop's office. Longwell is the Communications Director for Bishop's Congressional office. The witness never directly supervised Longwell, although Longwell did have some legislative responsibilities that the witness would have some degree of oversight of.
6. Molly Bishop is Representative Bishop's daughter, and his Long Island campaign liaison. She has had some role on Bishop's campaign committee the entire time the witness worked for Bishop. Molly never had any legislative or Congressional responsibilities that the witness is aware of.

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7. When the witness volunteered on Representative Bishop's campaign, Molly Bishop did not supervise him. The witness was more involved in policy and field work, and Molly was more involved in fund raising, so their responsibilities did not overlap significantly.
8. The witness has never met Eric Semler. He only knows that Semler is a constituent. He knows there was a party at Semler's house related to a Bar Mitzvah. The witness was tasked with helping to resolve Semler's constituent issue.
9. It was Representative Bishop and Pete Spiro, the Chief of Staff, who tasked the witness with trying to resolve the Semler matter. The witness recalls discussing it with both of them, but does not remember which of them came to him first.
10. The witness indicated that Representative Bishop told him there was an issue with the constituent's Bar Mitzvah, and that he would like the witness "to look into it" to resolve a constituent problem. The witness was also provided with an e-mail exchange involving Semler. The witness does not recall who turned the e-mail exchange over to him.
11. The witness updated both Spiro and Representative Bishop as he progressed on the Semler matter, which is typical on issues the witness would work on. Neither Bishop nor Spiro gave specific instructions on what to do other than to look into the issue. The witness had some latitude as to how to resolve the problem to the benefit of the constituent.
12. The witness is not aware of any other relationship between Representative Bishop and Semler beyond being a constituent.
13. The witness knows Bob Sillerman as an old friend of Representative Bishop. The witness has met Sillerman on approximately two occasions. Sillerman never worked on the Congressional side as far as the witness knows. Sillerman has worked on the campaign side, and held fundraisers for Representative Bishop and other elected officials. Sillerman might have held the title of "Finance Chair" at some point. The witness does not know if Sillerman was paid for his work on the Campaign Committee.
14. The witness described the problem with Semler's fireworks permit as the result of someone at the fireworks company making an error in requesting permits. They were unable to effectively communicate with state and federal officials about the difference between fireworks and pyrotechnics. There was some concern that plovers could be disturbed by the pyrotechnics in question.
15. The witness learned of the crux of the problem by reading the e-mails he was provided with between Grucci staff and others.
16. The witness started his work on the matter by speaking with staff at Grucci fireworks. They explained what the problem was, and that the New York Department of Environmental Conservation and the U.S. Fish and Wildlife Service did not accept their explanations. The witness does not recall the names of the Grucci staff he spoke with, except that he spoke with two different men at different times, one of whom he believed was the supervisor of the other.

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17. The witness next reached out to a contact at the Fish and Wildlife Service, David Stilwell, in order to attempt to facilitate a conversation between Fish and Wildlife, and Grucci Fireworks. Grucci was then able to provide documentation that satisfied Fish and Wildlife, so that the pyrotechnics event was able to proceed as planned. The witness had known Stilwell for several years, and was the witness's only contact for this matter at Fish and Wildlife. Stilwell occasionally comes to Washington to discuss Fish and Wildlife issues.
18. Prior to sending the e-mail (FWS_0001-6), the witness had a phone conversation with David Stilwell. The witness called him after speaking with Grucci to gauge the situation. He requested that a conversation take place between Fish and Wildlife and Grucci Fireworks.
19. Stilwell wrote back to the witness in the e-mail (TB_000031-32). This was the next communication after the witness's e-mail to Stilwell. The witness does not recall asking Stilwell to take specific actions. Since he understood the issue to be a miscommunication, the witness thought it could be resolved if the two sides would speak, which is what he asked Stilwell to do. The request was more "generic" like "hey can you guys reach out to Grucci"?
20. The witness collaborated with Oliver Longwell on the Semler matter, but the witness does not recall whether Longwell forwarded any materials to the witness.
21. The witness does not recall having any direct contact himself with Semler.
22. In the e-mail (TB_000031), in the portion where Representative Bishop requests that that witness reach out to Grucci fireworks, the witness believes he had already made initial contact with someone from Grucci.
23. The witness does not recall speaking with anyone from the New York Department of Environmental Conservation, but could have. Oliver Longwell primarily spoke with the DEC staff.
24. During this period, Representative Bishop periodically followed up, possibly because this was a time-sensitive case, and a holiday weekend. The witness would not characterize Bishop's follow-up as more or less than in other similar cases.
25. The witness identified the e-mail (TB_000035) as a message from Stilwell to the witness indicating that the parties had communicated effectively with each other and were on their way to resolving the problem. The witness contacted Grucci fireworks to confirm that they had the same understanding before considering the matter resolved.
26. The witness knew that Grucci and the regulators had been communicating prior to his involvement, but he doesn't know to what extent the talks were productive. He believes that Grucci was trying to scale back the pyrotechnic display after the original rejection of their permit and was not getting a timely response. The witness describes his role in this matter as helping to facilitate a timely response to Grucci's request.
27. The witness sent a reply e-mail to Stilwell thanking him for his help, and he does not recall any further contact with Fish and Wildlife about this matter. Usually if Fish and Wildlife agrees to a permit, the NY DEC will follow suit.

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28. The witness wrote to Stilwell that Representative Bishop expressed deep appreciation for Stilwell's assistance. The witness does not recall if Bishop asked him to thank Stilwell or Fish and Wildlife. Sometimes, the witness would speak on Representative Bishop's behalf in situations where he would merely be conveying goodwill. This might have been one of those situations. There were also situations where Bishop would ask the witness to thank someone for him, after which the witness would do so.
29. The witness has spoken in the past with Fred Havemeyer of the Southampton Town Trustees, although he does not know Havemeyer personally. The witness does not recall discussing the Semler matter with Havemeyer.
30. The witness does not recall helping any other constituent with fireworks or pyrotechnic issues prior to this matter, nor does he recall any other Bishop staff members working on such a matter for a constituent.
31. The witness does not recall Representative Bishop or Chief of Staff Spiro ever asking him to contact a specific government agency about the Semler matter. He would paraphrase the assignment as being more like "Take a look at this and see if you can help the constituent." The witness specialized in environmental issues. If the constituent problem was a veterans' problem, for example, another staffer would have likely been tasked to it.
32. The witness never heard anything about Mr. or Mrs. Semler making a campaign contribution or potentially making one during the period of time when he was assisting with this issue. The first time he learned of a contribution being involved was when a Politico reporter brought it to the attention of Representative Bishop's staff several months after the fireworks display.
33. Molly Bishop would sometimes be involved in conversations with the witness and other congressional staff when press-related issues arose. She would sometimes be included in e-mail exchanges among staff about non-legislative issues. Whether she would participate would depend on the type of issue involved.
34. The witness summarized his role in the Semler matter as a facilitator of conversation between parties that had previously not been communicating effectively.

This memorandum was prepared on April 16, 2013 after the interview was conducted on April 16, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on April 16, 2013.

Michael Carnevale
OCE Law Clerk

EXHIBIT 15

----- Original Message -----

From: Timothy RBishop <[REDACTED]@mail.house.gov>

At: 5/21 18:48:48

Bob Sillerman has forwarded your concerns to me.

Can I ask you to call me at [REDACTED] -I need a little more information before I call the
Town Trustees.

Look forward to hearing from you.

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13-3308_0068

EXHIBIT 16

Eric Semler

From: Eric Semler
Sent: Tuesday, May 22, 2012 7:23 AM
To: [REDACTED]@gruccl.com
Subject: Re: Semler

where is kraft the fire marshall and what is her first name?

Eric Semler
President
TCS Capital Management, LLC
888 Seventh Avenue, Suite 1504
New York, NY 10019
(212) 621-[REDACTED] (Direct)
(212) 621-[REDACTED] (EA)
(212) 621-8790 (Fax)

Sent from my BlackBerry

----- Original Message -----

From: M. Phillip Butler [REDACTED]@gruccl.com
Sent: Tuesday, May 22, 2012 12:08 AM
To: Eric Semler
Cc: M. Phillip Butler <[REDACTED]@gruccl.com>
Subject: Semler

Wow- and wonderful. Great news. Now just need to get that good work to FM Kraft.

Phillip Butler - [REDACTED]

On May 21, 2012, at 8:03 PM, "Eric Semler" <[REDACTED]@tccapital.com> wrote:

> Congressman bishop called me tonite. He is going to call havermeyer in the am for us but he didnt think he was the right person. He is going to make sure everything goes smoothly for us.

>

>

> Eric Semler
> President
> TCS Capital Management, LLC
> 888 Seventh Avenue, Suite 1504
> New York, NY 10019
> (212) 621-[REDACTED] (Direct)
> (212) 621-[REDACTED] (EA)
> (212) 621-8790 (Fax)

>

> Sent from my BlackBerry

EXHIBIT 17

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Southampton Town Trustee
REVIEW No(s): 13-3308
DATE: March 14, 2013
LOCATION: 116 Hampton Road
Southampton, NY 11968
TIME: 2:00 p.m. to 2:45 p.m. (approximate)
PARTICIPANTS: Paul J. Solis
Omar S. Ashmawy
Carl Benincasa, Assistant Town Attorney

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is a Southampton Town Trustee, an elected position that he has held for approximately eight years. The witness is the Secretary/Treasurer of the board of trustees.
3. The witness duties, as Trustee, include all of the responsibilities contained in an originating document called the "Dongan" patent. Those duties include serving as custodian of the town's natural resources. These resources include protected animal species.
4. The witness became involved in the approval process of the Semler firework display because the Southampton Town Trustees administer the Piping Plover program. The Trustees employ a Chief Plover Steward and hire three to five part-time employees to assist in the administration of the program. The witness is the Trustee liaison to the Plover program.
5. The witness recalled that the Chief Plover Steward received a call from the Grucci company. The witness became involved directly because there was a problem as a result of the presence of Plover birds. The witness also recalled an issue with the New York State Department of Environmental Conservation.
6. The witness recalled that he was "brought in" to this matter at the end when there was discussion about putting the fireworks display near or on top of Mr. Semler's house.
7. The witness stated that it was not unusual for the witness to be involved because many of the homes on the beach, such as Mr. Semler's, want to have events on the beach.

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8. When asked about his interactions with Fish and Wildlife, the stated that they speak and when there is a problem they try to work out a way to protect the birds and allow for the owners to exercise their property rights.
9. The witness explained that when a request for a fireworks display involves the Trustees, the Trustees must give their "authorization." This authorization is not a permit, but it is formal. The witness is the primary person to who gives this formal authorization. He speaks to the other Trustee, but they do not "get especially involved." The authorization is a "routine thing."
10. Regarding the request for a fireworks display by Mr. Semler, the witness recalls that there was a difficulty. The first request was for a massive display near a pond bordering the beach. The witness then recalled that the plan for the display may have started on the beach, then moved to the pond, and then finally to the top of Mr. Semler's house.
11. The problem with the plans was the Plovers. A fireworks display at the pond in the month of May would create a problem with the health of the Plovers.
12. The witness recalled that toward the end "someone" contacted the witness to see if he would talk to the New York State Department of Environmental Conservation. As a result of this request, the witness made and received calls from the Grucci company, Fish and Wildlife, and Mr. Semler. The witness mostly spoke with the Grucci company and Fish and Wildlife. The witness said he "facilitated" the efforts of the various parties.
13. The witness described his conversation with Mr. Semler as "very simple." Mr. Semler wanted to have a fireworks display and he asked if there was anything the witness could do. The witness told Mr. Semler that he'd look into it.
14. The witness stated that he did not speak with Rep. Bishop. The witness recalled that Rep. Bishop's office called the witness's office. The witness "thinks" he called them back. When asked who from Rep. Bishop's office called, the witness could not remember.
15. The witness did not remember if Mr. Semler referred to or brought up Rep. Bishop when the witness spoke to Mr. Semler.
16. When asked if the witness eventually authorized the fireworks display, the witness stated that he didn't authorize anything because Mr. Semler decided to put the display on the roof of his house. As a result, the witness would not have to get involved. The New York State Department of Environmental Conservation still had jurisdiction, but the witness no longer did.
17. The witness then stated that "That's nothing I wouldn't do for anybody."
18. The witness was asked again if he remember who he spoke when he returned the call to Rep. Bishop's office. The witness stated that he did not remember. However, he did remember that he spoke to a man. He thought the man he spoke to was "young."
19. The witness was asked if he remembered what the message said and what Rep. Bishop's office asked of the witness, if anything. The witness stated that he did not remember the message that was left for him. However, the witness described it as "not unusual" – that "someone wanted to

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have a party, that there was a problem, and is there anything you can do to help us or help Mr. Semler to get through the red-tape with the Plover program.”

20. The witness was shown email [AG_000024].
21. The witness stated that “we did not call in conjunction. I called then he called.” The witness stated that the email was correct. The witness called Mr. Semler to tell him it was okay. It was a “courtesy.”
22. The witness was shown email [AG_000028].
23. After reviewing the email, the witness recalled speaking to Cheryl Kraft. The witness stated that “out of politeness we go out of our way to help them.” They did not help them because of Rep. Bishop or politics. The witness read the email as simply being courteous.
24. When asked about the substance of his conversation with Cheryl Kraft, the witness stated that he could not remember. The conversation “didn’t stick” but it had to be about fireworks and the Plovers.
25. The witness then stated that he did not do any political favors or anything he would not normally do.
26. When asked if he told anyone about the message from Rep. Bishop’s office, the witness first stated no. Then he stated “I don’t know. Who would I tell?” After some follow up questions, the witness then stated “I’m sure I did” and that the substance of any comments would have been that “there was some interest” in this matter.
27. The witness then stated, “Granted, Congressmen’s offices don’t call over here very often.”
28. The witness was then asked if when he spoke to Mr. Semler did the witness mention that Rep. Bishop’s office called. The witness stated that he “didn’t think so. Maybe.” The witness later stated that if he did mention the name, he did so “innocently.”
29. The witness then stated that there was a context to these communications. The context was that there “was a critical time element to this” and that “they were getting close to that time.”
30. When asked how often Rep. Bishop or his office contacts the witness about an issue, the witness replied, “Never.”
31. The witness has known Rep. Bishop for approximately 30 years, but very distantly.
32. The witness did not know Mark Copland or Oliver Longwell. The witness said that he had never heard their names before, but it could have been one of them that called him.
33. The witness knows who Robert Sillerman is, but has never met him. The witness did not remember receiving a call or email from Mr. Sillerman.
34. The witness then stated, “I am not a baby. I know when I’m getting push politically and I do not think I was here.”

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35. In response to follow up questions, the witness stated that he did not know if anyone had mentioned Rep. Bishop's name when dealing with them on the approval process of the Semler fireworks display. The witness stated that had we asked the weekend after maybe he would have remembered, but not now.

This memorandum was prepared on March 17, 2013 after the interview was conducted on March 14, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on March 14, 2013.

Omar S. Ashmawy
Chief Counsel

EXHIBIT 18

Eric Semler

From: Eric Semler
Sent: Tuesday, May 22, 2012 11:13 AM
To: M. Phillip Butler
Cc: 'Tracy Chutorian Semler'
Subject: update

Havermeyer and Congressman Bishop called me back again. Havermeyer spoke to the chief steward Mariah Ebert and the fire marshal and everyone is on board. Please coordinate with the fire marshal and please make sure you check out Fairfield pond today to make sure it works for you as it would be incredibly embarrassing for me if the pond doesn't work for you after all the effort these elected officials are making to help us. Thanks, eric

Eric Semler
President
TCS Capital Management, LLC
888 Seventh Avenue, Suite 1504
New York, NY 10019
(212) 621-████ (Direct)
(212) 621-████ (EA)
(212) 621-8790 (Fax)

EXHIBIT 19

From: Tim Bishop

To: Robert F. X. Sillerman

Reply To: Tim Bishop

Subject:

Sent: May 22, 2012 2:47 PM

Ok, so just call me the friggin' maffian-we are all set with Eric Semler.

Hey, would you be willing to reach out to him to ask for a contribution? If he donates before June 26, he and his

wife can each do 5 large-if it is after June 26, they can each do a max of 2500.

Hope all is going well, and hope to see you soon.

Sent from my Verizon Wireless BlackBerry

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13-3308_0079

From: Robert Sillerman <[REDACTED]@functionxinc.com>
To: ERIC SEMLER, TCS CAPITAL MANAGEME
Subject:
Date: 05/22, 2012 14:52:16

So I guess you and your wife really want to donate \$5K each to Tim Bishop,
right?

AG_000025

13-3308_0080

From: ERIC SEMLER, TCS CAPITAL MANAGEME
To: <[REDACTED]@functionxinc.com>
Subject: Re:
Date: 05/22, 2012 14:52:39

absolutely! how do we do it?

----- Original Message -----

From: Robert Sillerman <[REDACTED]@functionxinc.com>
At: 5/22 14:52:16

So I guess you and your wife really want to donate \$5K each to Tim Bishop,
right?

AG_000026

13-3308_0081

From: Bob Sillarman

To: Tim Bishop

ReplyTo: Bob Sillarman

Subject: Re:

Sent: May 22, 2012 2:59 PM

He will donate \$5K each. Have Molly contact him.

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13-3308_0082

From: <[REDACTED]@bishopforcongress.com>

Date: Tue, May 22, 2012 at 3:06 PM

Subject: Re:

To: Bob Sillerman <[REDACTED]@functioninc.com>

Maybe we should be calling you the mailman. Thanks Bob!

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000010

13-3308_0083



Molly Bishop <[REDACTED]@bistropforcongress.com>

Tim Bishop
17 messages

Molly Bishop <[REDACTED]@bistropforcongress.com>
To: [REDACTED]@clearberg.net

Wed, May 23, 2012 at 1:21 PM

Hi Eric -

Our Finance Chair, Bob Silberman suggested to my dad that you were interested in contribution to his campaign and that I should be in touch directly with you. We are going to be in a tough, expensive campaign and so we are very grateful for your willingness to be of help.

If you make a contribution before June 26th you and your wife may each contribute up to \$5,000; after June 26th the most you can each contribute is \$2,500.

Attached is a contribution form with information on how to make checks payable and where to send them or you can visit our website at www.bishopforcongress.com/contribute

Again, thanks so much for your willingness to be of help. My dad and Bob really appreciate it!

All the best,
Molly

Molly Bishop
Tim Bishop for Congress
(331) 451-[REDACTED]

[New Contribution Form.doc](#)
190K

CONFIDENTIAL

000011

13-3308_0084

EXHIBIT 20

zzBishop, Timothy

From: ERIC SEMLER (TCS CAPITAL MANAGEME) [REDACTED]@bloomberg.net]
Sent: Thursday, May 24, 2012 8:14 AM
To: zzBishop, Timothy
Subject: Re: <no subject>

Thanks so much

Sent From Bloomberg Mobile MSG

----- Original Message -----

From: Timothy zzBishop <[REDACTED]@mail.house.gov>
At: 5/24/2012 6:25

I will make a call this morning to the Regional Director of the DEC to see what I can do. Will be back in touch as soon as I connect with him.

----- Original Message -----

From: ERIC SEMLER (TCS CAPITAL MANAGEME) [REDACTED]@bloomberg.net]
Sent: Wednesday, May 23, 2012 10:35 PM
To: zzBishop, Timothy
Subject: Re: <no subject>

Hi tim,

We have a big problem with our fireworks show. The DEC is now limiting our fireworks height to 10' when they need to go 250' - this effectively makes the show impossible. Is there anyone at the DEC who is understanding and flexible? Thanks eric semler

Sent From Bloomberg Mobile MSG

----- Original Message -----

From: Timothy zzBishop <[REDACTED]@mail.house.gov>
At: 5/21/2012 13:40

Bob Sillerman has forwarded your concerns to me.
Can I ask you to call me at 631-655-[REDACTED] I need a little more information before I call the Town Trustees.
Look forward to hearing from you.

CONFIDENTIAL

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13-3308_0086

EXHIBIT 21

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Regional Director of the New York Department of Environmental Conservation
REVIEW No(s): 13-3308
DATE: March 13, 2013
LOCATION: 484 Randall Road
Ridge, NY 11961
TIME: 1:05 p.m. to 1:25 p.m. (approximate)
PARTICIPANTS: Paul J. Solis
Omar S. Ashmawy

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is the Long Island Regional Director of the New York State Department of Environmental Conservation (DEC).
3. The DEC is the New York State equivalent of the Environmental Protection Agency. Long Island is one of nine regions state-wide.
4. One of their responsibilities is the management of the wildlife population. They share work with federal agencies – notably management of endangered species and notably the Piping Plover.
5. The witness explained that from time to time during the summer there may be issues of interference with Plover populations because of fireworks. In those instances, Fish and Wildlife will consult with DEC.
6. In this specific instance as it relates to the Semler fireworks display, Rep. Bishop's office contacted the witness and said that they have a constituent wants to have fireworks.
7. The witness spoke to Mr. Chip Hamilton to ask about the matter. Mr. Hamilton told him that it was resolved and that a decision had been made to move the fireworks display.
8. Following his conversation with Mr. Hamilton the witness called Rep. Bishop's office and told them. The witness did not remember who he spoke to. It was his only call to Rep. Bishop's office.
9. The witness was shown email (TB_000030).

CONFIDENTIAL

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

10. After reviewing the email, the witness recalled that he had spoken to Oliver Longwell. The witness knew Mr. Longwell as a professional contact. Regarding the content of the email, the witness stated that the email must have been sent before the witness spoke to them the first time and before speaking to Mr. Hamilton.
11. The witness knows Rep. Bishop as a professional contact. He may speak to him twice a year.
12. When asked whether the call from Rep. Bishop's staff was unusual, the witness replied that his office gets approximately twelve inquires a year about various matters. The call was not out of order.
13. There has been no contact between the witness and Rep. Bishop or his office on this particular issue after the matter became public.

This memorandum was prepared on April 22, 2013 after the interview was conducted on March 13, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on March 13, 2013.

Omar S. Ashmawy
Chief Counsel

EXHIBIT 22

From: [REDACTED]@fws.gov [REDACTED]@fws.gov]
Sent: Thursday, May 24, 2012 02:57 PM
To: Copeland, Mark
Cc: Longwell, Oliver
Subject: Re: F&W- TCS Capital Management LLC – Semier Party- May 26, 2012

Mark,

I have spoken to Steve Papa and he has reached out to the DEC and he is requesting further information from the fireworks company as we have learned that the event has been modified. I believe the fire works company is trying to minimize the scale of the event which is a positive but I will not be able to give you our conclusion until I have reviewed this new information.

I will keep you updated as I have new information. I don't expect to have more today. It is very unfortunate that our agency was brought into this by the project proponents at such a late date as it makes it very challenging to come up with a satisfactory solution for all.

David

David Stilwell
Field Supervisor
U.S. Fish & Wildlife Service
New York Field Office (Region 5)
3817 Luker Rd.
Cortland, NY 13045
(607) 753-[REDACTED] (voice)
(607) 753-9699 (fax)
[REDACTED] (cell)
<http://nyfo.fws.gov> (web)
[REDACTED]@fws.gov (email)

CONFIDENTIAL

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13-3308_0091

----- Original Message -----

From: [REDACTED]@mail.house.gov

To: ERIC SEMLER

At: Thursday, May 24, 2012 4:06:36 PM Eastern Daylight Time

Have spoken further with Fish and Wildlife. We will know more tomorrow, but I am cautiously optimistic that we are on our way to a positive resolution of this. Will be back in touch tomorrow morning, I hope.

CONFIDENTIAL

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13-3308_0092

zzBishop, Timothy

From: zzBishop, Timothy
Sent: Thursday, May 24, 2012 3:39 PM
To: Longwell, Oliver
Subject: Re: F&W- TCS Capital Management LLC - Semler Party- May 26, 2012

Ok-and you are gonna communicate with Grucci to tell them what DEC/Fish and Wildlife need?

From: Longwell, Oliver
Sent: Thursday, May 24, 2012 03:32 PM
To: zzBishop, Timothy
Cc: Copeland, Mark
Subject: RE: F&W- TCS Capital Management LLC - Semler Party- May 26, 2012

I just talked to Peter Scully at DEC, he is going to tell me what they need from Grucci in terms of the scaled-back fireworks display, so no need to get back to Eric Semler today.

Oliver Longwell - Congressman Tim Bishop
Office: (631) 289- [REDACTED] Cell: [REDACTED]

From: zzBishop, Timothy
Sent: Thursday, May 24, 2012 3:26 PM
To: Copeland, Mark; [REDACTED]@fws.gov
Cc: Longwell, Oliver
Subject: Re: F&W- TCS Capital Management LLC - Semler Party- May 26, 2012

Thanks Mark-to be clear, are you reaching out to the company?
When should I get back to Eric Semler?

From: Copeland, Mark
Sent: Thursday, May 24, 2012 03:05 PM
To: [REDACTED]@fws.gov; [REDACTED]@fws.gov
Cc: Longwell, Oliver
Subject: Re: F&W- TCS Capital Management LLC - Semler Party- May 26, 2012

David - appreciate you looking into this. We will ask the company involved to offer Steve and DEC any info they need expeditiously.

They always seem to come to us at the last moment too!

Thanks again!

Please forgive any typos.
Sent using BlackBerry

From: [REDACTED]@fws.gov [REDACTED]@fws.gov
Sent: Thursday, May 24, 2012 02:57 PM
To: Copeland, Mark
Cc: Longwell, Oliver

CONFIDENTIAL

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13-3308_0093

From: David_Stilwell@fws.gov [REDACTED]@fws.gov
Sent: Friday, May 25, 2012 10:44 AM
To: Copeland, Mark
Cc: Longwell, Oliver
Subject: Re: F&W- TCS Capital Management LLC – Semier Party- May 26, 2012

Mark,

We have resolved all issues with the fireworks company and notified them of such. The event is now in compliance with our guidelines and good to go.

Have a good Memorial Day weekend.

David

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13-3308_0094

From: Copeland, Mark
Sent: Friday, May 25, 2012 11:08 AM
To: [REDACTED]@fws.gov
Cc: Longwell, Oliver
Subject: RE: F&W- TCS Capital Management LLC – Semler Party- May 26, 2012

David – Mr. Bishop wanted me to reiterate his deep appreciation for your assistance with this issue, as well as his deep appreciation for the work of the FWS Long Island office.

Have a great weekend!

Mark Copeland
Legislative Director
Rep. Tim Bishop (NY-01)
306 Cannon House Office Building
Washington, D.C. 20515
(202) 225-[REDACTED] phone
(202) 225-3143 fax
<http://timbishop.house.gov/>

CONFIDENTIAL

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13-3308_0095

EXHIBIT 23

----- Original Message -----
From: Timothy z181stap <[REDACTED]@mail.house.gov>
At: 5/25 11:38:02

You should be hearing from the folks at Goucci, but we have been advised by Fish and Wildlife that all of their concerns have been resolved in conversation with the fireworks company, and the event is now good to go. Enjoy, and congratulations to your son and your entire family on this happy occasion.

CONFIDENTIAL

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13-3308_0097

----- Original Message -----
From: ERIC SENNER (ICA CAPITAL MANAGEME) [REDACTED]@loosbers.net]
Sent: Friday, May 25, 2012 02:30 PM
To: Bishop, Timothy
Subject: Re: <<@ subject>>

Tim -- what a huge relief! thank you for all your help -- we would be nowhere without you.
Have a great weekend and I hope we get the chance to meet in person sometime soon. Best,
eri:

CONFIDENTIAL

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13-3308_0098

EXHIBIT 24

----- Original Message -----

From: ERIC SENLER (TCS CAPITAL MANAGEMENT) [REDACTED]@tcsnet.com

Sent: Friday, May 25, 2012 02:33 PM

To: SENLER, Timothy

Subject: Re: *** subject ***

olly -- we would be happy to. your dad is the first effective politician that i have met.
very refreshing.

CONFIDENTIAL

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13-3308_0100

zzBishop, Timothy

From: zzBishop, Timothy
Sent: Friday, May 25, 2012 2:43 PM
To: [REDACTED]@svcbconsulting.org
Subject: FW: <no subject>

Eyl.

----- Original Message -----

From: ERIC SENLER (TCS CAPITAL MANAGEME) [REDACTED]@bloomberg.net
Sent: Friday, May 25, 2012 02:31 PM
To: zzBishop, Timothy
Subject: Re: <no subject>

molly -- we would be happy to. your dad is the first effective politician that i have met, very refreshing.

----- Original Message -----

From: Timothy zzBishop <[REDACTED]@mail.house.gov>
At: 5/25 11:18:01

You should be hearing from the folks at Grucci, but we have been advised by Fish and Wildlife that all of their concerns have been resolved in conversation with the fireworks company, and the event is now good to go. Enjoy, and congratulations to your son and your entire family on this happy occasion.

----- Original Message -----

From: ERIC SENLER (TCS CAPITAL MANAGEME) [REDACTED]@bloomberg.net
Sent: Thursday, May 24, 2012 06:56 PM
To: zzBishop, Timothy
Subject: Re: <no subject>

Tim

Yours analog - thanks so much. Fingers and toes crossed

Sent From Bloomberg Mobile MSG

----- Original Message -----

From: Timothy zzBishop <[REDACTED]@mail.house.gov>
At: 5/24/2012 16:45

Have spoken further with Fish and Wildlife. We will know more tomorrow, but I am cautiously optimistic that we are on our way to a positive resolution of this. Will be back in touch tomorrow morning, I hope.

----- Original Message -----

From: ERIC SENLER (TCS CAPITAL MANAGEME) [REDACTED]@bloomberg.net
Sent: Wednesday, May 23, 2012 18:35 PM
To: zzBishop, Timothy

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13-3308_0101

EXHIBIT 25

zz@bishop, Timothy

From: ERIC SEMLER (TCS CAPITAL MANAGEME) [REDACTED]@bloomberg.net
Sent: Monday, May 28, 2012 9:25 AM
To: zz@bishop, Timothy
Subject: Re: <no subject>

Tim

I just want to thank you again for going out of your way to help us. The fireworks were terrific and I really can't believe we pulled it off. It would never have happened without you. You give me renewed hope that convoluted political bureaucracy can be surmounted - your relentless focus on the task was so impressive.

I hope you had a great weekend too and thanks again for your help.

BEST,

Eric

--
Sent from Bloomberg for iPad

----- Original Message -----

From: [REDACTED]@mail.house.gov
To: ERIC SEMLER
At: Thursday, May 24, 2012 4:46:36 PM Eastern Daylight Time

Have spoken further with Fish and Wildlife. We will know more tomorrow, but I am cautiously optimistic that we are on our way to a positive resolution of this. Will be back in touch tomorrow morning, I hope.

----- Original Message -----

From: ERIC SEMLER (TCS CAPITAL MANAGEME) [REDACTED]@bloomberg.net
Sent: Wednesday, May 23, 2012 10:35 PM
To: zz@bishop, Timothy
Subject: Re: <no subject>

Hi Tim,

We have a big problem with our fireworks show. The DEC is now limiting our fireworks height to 10' when they need to go 150' - this effectively makes the show impossible. Is there anyone at the DEC who is understanding and flexible? Thanks Eric Semler

--
Sent From Bloomberg Mobile MSO

----- Original Message -----

From: Timothy zz@bishop [REDACTED]@mail.house.gov
At: 5/21/2012 18:14

Bob Sillerman has forwarded your concerns to me.

Can I ask you to call me at 631-855-[REDACTED] I need a little more information before I call the Town Trustees.
Look forward to hearing from you.

CONFIDENTIAL

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13-3308_0103

EXHIBIT 26



Molly Bishop <[REDACTED]@bishopforcongress.com>

Contributions to my dad

1 message

Molly Bishop <[REDACTED]@bishopforcongress.com>
To: eesw@bloomberg.net

Tue, Jun 19, 2012 at 10:20 PM

Hi Mr. Samler,

I wanted to follow-up with you regarding you and your wife's donations to my dad's campaign. Thank you so much for your willingness to be supportive!

The deadline for donations to the Primary cycle is Tuesday. We would be most grateful if you would be willing to contribute prior to that deadline.

Checks can be made payable to Tim Bishop for Congress, PO Box 437, Farmingville, NY 11738 or processed online at www.bishopforcongress.com/contribute

Please don't hesitate to reach out to me directly with any need - 631-451-[REDACTED]

All the best and many thanks,
Molly

Molly Bishop
Tim Bishop for Congress
(631) 451 - [REDACTED]

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13-3308_0105

Molly Bishop [REDACTED]@bishopforcongress.com
To: [REDACTED]@blcoomb.org.net
Bcc: [REDACTED]@blcoomb.org.net

Tue, Jun 26, 2012 at 7:49 AM

Hi Ed,

Hope you are doing well.

I can't begin to thank you enough for your willingness to support my re-election effort. Today marks the end of the Primary cycle and with the Republican primary concluded, this race will begin in earnest as a battle between two contrasting visions for Long Island's future.

I'm writing today because we're up against something new--SuperPACs. These outside groups don't have to disclose their shadowy, anonymous donors. They could even be backed by foreign money and we would never know. SuperPACs have already spent nearly three-quarters of a million dollars attacking the values you and I share. On top of this, we're running against the same outsourcing multi-millionaire who poured \$4 million of his own money into the 2010 race.

Tomorrow morning, Randy Altschuler will be the official nominee of the Republican Party, after moving to Long Island only a few years ago with his outsourcing fortune. We'll almost certainly be outspent this election. If Randy can't raise money, he'll just reach into his own pocket. But we have to make it close. We have to make sure that we have the resources to run a campaign worthy of the district and worthy of the high stakes for Long Island's future that will be decided in this election. With your help, this campaign will prevail over Randy Altschuler's Tea Party agenda and the unknown, foreign special interests backing him.

Please make a contribution today before the primary cycle closes out. Maximum contributions are \$5,000 per person and can be made online at www.bishopforcongress.com/contribute or mailed to Tim Bishop for Congress, PO Box 437, Farmingville, NY 11735.

Thank you so much!

Tim

Tim Bishop
Member of Congress

Molly Bishop
Tim Bishop for Congress
(631) 451 - [REDACTED]

CONFIDENTIAL

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13-3308_0106

EXHIBIT 27

-----Original Message-----

From: M. Phillip Butler

Sent: Tuesday, May 29, 2012 12:14 PM

To: Donna Gucci Butler; Felix James Gucci; F Felix & Madeline; M. Phillip Butler

Subject: Selmer Feedback

Our helpful congressman

Eric Eric Semler President TCS Capital Management, LLC

888 Seventh Avenue, Suite 1504

New York, NY 10019

(212) 621- (Direct)

(212) 621- (BA)

(212) 621-8790 (Fax)

Phil - i forgot to mention also that i have to give \$10k to tim bishop's campaign for his help with the fireworks. Please take that into consideration too. Thanks eric semler

Really gross - they didnt hesitate to solicit me in the heat of the battle.

Sent from my BlackBerry

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13-3308_0108

From: Eric Semler [REDACTED]@tcscapital.com]
Sent: Friday, June 01, 2012 6:10 PM
To: M. Phillip Butler
Cc: Donna Grucci Butler; Eamon Smith; [REDACTED]@gmail.com
Subject: Re: Semler Fireworks May 26, 2012

Phil,

I am sorry but your proposal is unfair and an insult to my intelligence. We have multiple correspondence from grucci indicating that this show would be at least half the cost because of the barge savings. In addition, our show was only five minutes instead of the 15 minutes that we contracted for. Your website explicitly lists the price of a 5 minute show at \$7,500 (before your discount). I would have been happy to pay you for a show from the barge but you neglected to inform the coast guard in time even though I clearly gave you notice of our event 8 months ahead in writing. Your mistake as you know forced me to spend an exorbitant time dealing with the coast guard and local officials, one of whom is expecting a \$10,000 donation to his political campaign. It is not my fault that you could not deliver the product for which I contracted with you. The fact that you had to spend \$18k on labor is your cost of failing to deliver on the contract. Furthermore you promised me in writing there would be no damage from the show on my roof, which you knew I was anxious about. As it turns out, fire and ash from the show damaged my roof (as you acknowledged) but even worse permanently damaged my neighbors new bentley which they are asking me to replace. As I look at this situation, it appears that the cost of the show plus damages from it entitle me to a full refund plus further damages. At the very least I demand a full refund. I would hope we can resolve this amicably and continue to do business together in the future.

Eric

Eric Semler
President
TCS Capital Management, LLC
888 Seventh Avenue, Suite 1504
New York, NY 10019
(212) 621- [REDACTED] (Direct)
(212) 621- [REDACTED] (EA)
(212) 621-8790 (Fax)

Sent from my BlackBerry.

From: M. Phillip Butler [REDACTED]@grucci.com]
Sent: Friday, June 01, 2012 05:36 PM
To: Eric Semler
Cc: Donna Grucci Butler <[REDACTED]@grucci.com>; M. Phillip Butler <[REDACTED]@grucci.com>
Subject: Semler Fireworks May 26, 2012

Eric – as requested the following is our valuation.

Eric Semler

From: Eric Semler
Sent: Thursday, June 21, 2012 3:32 AM
To: [REDACTED]@grucci.com
Subject: Re: Semler Fireworks May 26, 2012

Yes - \$10k. I also have to pay my neighbor for damage to his bentley from the ash. I would like a full refund - the cost of the show per your website is \$7500 (pre-discount). The damages exceed that. If I dont receive payment from you by friday June 22 for the full amount we paid, then I will assume you are not willing to resolve this amicably.

Eric Semler
President
TCS Capital Management, LLC
888 Seventh Avenue, Suite 1504
New York, NY 10019
(212) 621-[REDACTED] (Direct)
(212) 621-[REDACTED] (EA)
(212) 621-8790 (Fax)

Sent from my BlackBerry

From: M. Phillip Butler [REDACTED]@grucci.com
Sent: Wednesday, June 20, 2012 11:45 PM
To: Eric Semler
Cc: M. Phillip Butler <[REDACTED]@grucci.com>
Subject: Semler Fireworks May 26, 2012

Did you ever have to pay Bishop for his help?

Philip Butler -631-576-9817

On Jun 20, 2012, at 5:39 PM, "M. Phillip Butler" <[REDACTED]@grucci.com> wrote:

Phil ive been very patient and i have not heard from you for several weeks now. You are sitting on my money and i would like to have this resolved now. Eric Eric Semler President TCS Capital Management, LLC

888 Seventh Avenue, Suite 1504

New York, NY 10019

(212) 621-[REDACTED] (Direct)

(212) 621-[REDACTED] (EA)

EXHIBIT 28

Oliver Longwell <[REDACTED]@gmail.com> Mon, Aug 6, 2012 at 4:37 PM

To: Peter M Spiro <[REDACTED]@verizon.net>, Bobby Pierce <[REDACTED]@gmail.com>, Lisa Santeramo

<[REDACTED]@gmail.com>, Molly Bishop <[REDACTED]@aol.com>, Mark Copeland <[REDACTED]@gmail.com>

See below. Not good.

-----Original Message-----

From: John Bresnahan <[REDACTED]@politico.com>

Sent: Monday, August 06, 2012 4:12 PM

To: Longwell, Oliver

Subject: Eric Semler/fireworks display

Oliver - This is John Bresnahan over at Politico (cell [REDACTED] office 703-647-[REDACTED]). I am doing about Mr.

Bishop's interaction with Eric Semler, a constituent who was looking to put on a fireworks display near his home

earlier this summer. Semler when was having problems getting permits for the show and asked Bishop's office

for help.

According to some e-mails sent by Mr. Semler (which I have), Bishop sought a \$10,000 campaign contribution

from Semler. Semler called the campaign solicitation "really gross - they didn't hesitate to solicit me in the heat

of battle."

Bishop's office did contact local conservation officials to get the permit for the fireworks display. FEC records

also show that Semler and his wife (Tracy) donated \$5,000 to Bishop's campaign on June 26.

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13-3308_0112

I wanted to interview Mr. Bishop about this incident and get his comments on what occurred. Please give me a

call when you get a chance and we can set up an interview. I am planning on posting this story on Wednesday.

Thanks,

John Bresnahan

Politico

EXHIBIT 29

From: Lisa Santeramo <[REDACTED]@gmail.com> Mon, Aug 6, 2012 at 4:38 PM

To: Oliver Longwell <[REDACTED]@gmail.com>, Pete email <[REDACTED]@verizon.net>, Bobby Pierce <[REDACTED]@gmail.com>, Molly email <[REDACTED]@aol.com>, [REDACTED]@gmail.com" <[REDACTED]@gmail.com>

What are the facts here?

Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

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13-3308_0115

From: [REDACTED]@aol.com <[REDACTED]@aol.com> Mon, Aug 6, 2012 at 5:03 PM

Reply-To: [REDACTED]@aol.com

To: Lisa Wieber <[REDACTED]@gmail.com>, Oliver Longwell <[REDACTED]@gmail.com>, Peter M Spiro

<[REDACTED]@verizon.net>, Bobby Pierce <[REDACTED]@gmail.com>, [REDACTED]@gmail.com"

<[REDACTED]@gmail.com>

I think that our response is that this guy reached out to campaign chairman for help. We were happy to do what

we could for him and later our campaign chairman solicited him and we followed up on his offer to be of help.

Sent from my Verizon Wireless BlackBerry

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13-3308_0116

From: mark copeland <[REDACTED]@gmail.com> Mon, Aug 6, 2012 at 5:07 PM

To: [REDACTED]@gmail.com

Cc: Oliver Longwell <[REDACTED]@gmail.com>, Pete email <[REDACTED]@verizon.net>, Bobby Pierce <[REDACTED]@gmail.com>, Molly email <[REDACTED]@aol.com>

Here are the facts as I know them:

In late May, our office was alerted to a request by Mr. Semler that they had been unable to receive the proper federal and state permissions for a pyrotechnic display for his son's bar mitzvah on May 26th during the Memorial Day weekend. Apparently, there was a concern that the pyrotechnic display may have a negative impact on local animal habitats. In short, the Semlers/Grucci Fireworks were unable to adequately articulate the size and scope of the pyrotechnic event to USFWS, NYSDEC. There is a technical difference between "firework" and "pyrotechnic." Over the course of May 24th and 25th, I spoke with the Grucci company and I contacted USFWS to clarify the intent, size and scope of the Semler's event. After receiving additional information about the event from the Grucci Company, USFWS and NYSDEC agreed with us that the event would not negatively effect any species, and allowed the appropriate permits to be finalized ahead of the planned bar mitzvah.

Questions?

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13-3308_0117

From: mark copeland <[REDACTED]@gmail.com> Mon, Aug 6, 2012 at 5:23 PM

To: Lisa Santeramo <[REDACTED]@gmail.com>

Cc: Oliver Longwell <[REDACTED]@gmail.com>, Pete email <[REDACTED]@verizon.net>, Bobby Pierce <[REDACTED]@gmail.com>, Molly email <[REDACTED]@aol.com>

We get requests to help folks like this all the time. This request was not unusual. Last week, Lisa fielded a request to contact the Coast Guard to ensure the Mastic drawbridge does not rise during an upcoming marathon.

CONFIDENTIAL

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13-3308_0118

██████████@bishopforcongress.com <██████████@bishopforcongress.com> Mon, Aug 6, 2012
at 5:45 PM

Reply-To: ██████████@bishopforcongress.com

To: Lisa Wieber <██████████@bishopforcongress.com>, Bobby Pierce
<██████████@gmail.com>

Does this help us or hurt us?

Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

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13-3308_0119

████@bishopforcongress.com <████@bishopforcongress.com> Mon, Aug 6, 2012 at 5:48 PM

Reply-To: █████@bishopforcongress.com

To: Tim Bishop <████@bishopforcongress.com>, Bobby Pierce <████@gmail.com>

We don't know we are just gathering info at the moment.

Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

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13-3308_0120

From: [REDACTED]@verizon.net <[REDACTED]@verizon.net> Mon, Aug 6, 2012 at 5:53 PM

To: [REDACTED]@gmail.com, [REDACTED]@gmail.com

Cc: [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@aol.com

Scroll to page 150 for the relevant section of the Ethics guidelines:

http://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf

Bad timing and perception is one thing, but TB clearly didn't ask the guy to pay up for solving his problem, which is what

this section prohibits

CONFIDENTIAL

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13-3308_0121

From: Lisa Santeramo <[REDACTED]@gmail.com> Mon, Aug 6, 2012 at 8:25 PM

To: Jon Schneider <[REDACTED]@gmail.com>, Dad. Campaign email <[REDACTED]@bishopforcongress.com>, Molly Bishop

<[REDACTED]@aol.com>, Peter M Spiro <[REDACTED]@verizon.net>, Oliver Longwell <[REDACTED]@gmail.com>, Mark

Copeland <[REDACTED]@gmail.com>

Cc: Bobby Pierce <[REDACTED]@gmail.com>

After being contacted by Mr. Semler, Congressman Bishop's office worked quickly to secure the necessary

approvals for a fireworks show for his son's bar mitzvah. The office helps constituents with their problems all

the time. Mr. Semler chose to contribute to Congressman Bishop's re-election campaign a month after the issue

was resolved. We accept contributions from supporters who value everything the Congressman does and

stands for, not individual issues. If Mr. Semler is uncomfortable with his contribution, we would be happy to

return it.

CONFIDENTIAL

000114

13-3308_0122

From: mark copeland <[REDACTED]@gmail.com> Mon, Aug 6, 2012 at 8:46 PM

To: Lisa Santeramo <[REDACTED]@gmail.com>

Cc: Jon Schneider <[REDACTED]@gmail.com>, Dad Campaign email <[REDACTED]@bishopforcongress.com>, Molly Bishop

<[REDACTED]@aol.com>, Peter M Spiro <[REDACTED]@verizon.net>, Oliver Longwell <[REDACTED]@gmail.com>, Bobby

Pierce <[REDACTED]@gmail.com>

Solid. My thoughts:

After receiving a constituent request, Congressman Bishop's office worked quickly to assist Mr. Semler and his family by facilitating conversations with the appropriate federal and state agencies to address the needs of his son's bar mitzvah. Congressman Bishop was happy to successfully advocate on behalf of his constituent's as he has done on countless others across Suffolk County. Mr. Semler chose to contribute to Congressman Bishop's re-election campaign over a month after the original request was resolved.

Congressman Bishop's campaign is proud to accept contributions from supporters who value the Congressman's hard work and deep understanding of the issues that face middle class Long Island families. If Mr. Semler is uncomfortable with his contribution, the campaign would be happy to return it.

CONFIDENTIAL

000118

13-3308_0123

mark copeland <[REDACTED]@gmail.com> Mon, Aug 6, 2012 at 8:50 PM

To: Lisa Santeramo <[REDACTED]@gmail.com>

Cc: Jon Schneider <[REDACTED]@gmail.com>, Dad Campaign email
<[REDACTED]@bishopforcongress.com>, Molly Bishop

<[REDACTED]@aol.com>, Peter M Spiro <[REDACTED]@verizon.net>, Oliver Longwell
<[REDACTED]@gmail.com>, Bobby

Pierce <[REDACTED]@gmail.com>

A cleaner version....

After receiving a constituent request, Congressman Bishop's office worked quickly to assist Mr. Semler and his family by facilitating conversations with the appropriate federal and state agencies to address the needs of his son's bar mitzvah. Congressman Bishop was happy to successfully advocate on behalf of his constituents, as he has done on countless occasions for others across Suffolk County. Mr. Semler chose to contribute to Congressman Bishop's re-election campaign over a month after his request was resolved. Congressman
[Quoted text hidden]

CONFIDENTIAL

000120

13-3308_0124

From: Peter Spiro <[REDACTED]@verizon.net> Mon, Aug 6, 2012 at 8:54 PM

To: Jon Schneider <[REDACTED]@gmail.com> -

Cc: Bobby Pierce <[REDACTED]@gmail.com>, [REDACTED]@aol.com" [REDACTED]@aol.com>, Lisa Wieber
[REDACTED]@gmail.com>, Dad Campaign email [REDACTED]@bishopforcongress.com>, Oliver
Longwell

<[REDACTED]@gmail.com>, Mark Copeland <[REDACTED]@gmail.com>

I think we have to start with the fact that his guy's request wasn't handled at the local level. We don't have to

point fingers at any locals. And I don't think we should escalate with Semler

After being contacted by Mr. Semler with a request that was not resolved at the local level, Congressman

Bishop's office responded quickly to expedite the necessary approvals for a fireworks show for Mr. Semler's

son's bar mitzvah. The Congressman's efforts simply ensured the matter was resolved in time for the

ceremony to proceed with the display. All constituents are treated equally and their problems are addressed

regardless of the size of the problem or apparent level of difficulty. Why Mr. Semler chose to contribute to

Congressman Bishop's re-election campaign a month after the issue was solved is a fact known only to him.

CONFIDENTIAL

000122

13-3308_0125

From: Oliver Longwell <[REDACTED]@gmail.com> Mon, Aug 6, 2012 at 8:56 PM

To: mark copeland <[REDACTED]@gmail.com>

Cc: Lisa Santeramo <[REDACTED]@gmail.com>, Jon Schneider <[REDACTED]@gmail.com>, Dad
Campaign email

<[REDACTED]@bishopforcongress.com>, Molly Bishop <[REDACTED]@aol.com>, Peter M Spiro
<[REDACTED]@verizon.net>,

Bobby Pierce <[REDACTED]@gmail.com>

Now uncomfortable is a good edit Molly.

This is about as good a message we could get in there. Still, this is so flimsy, I wonder if we can kill it. Unless

he is on record alleging a quid pro quo what is this story about?

CONFIDENTIAL

000123

13-3308_0126

Bobby Pierce <[REDACTED]@gmail.com> Mon, Aug 6, 2012 at 9:00 PM

To: Oliver Longwell <[REDACTED]@gmail.com>

Cc: mark copeland <[REDACTED]@gmail.com>, Lisa Santeramo
<[REDACTED]@gmail.com>, Jon Schneider

[REDACTED]@gmail.com>, Dad Campaign email [REDACTED]@bishopforcongress.com>,
Molly Bishop <[REDACTED]@aol.com>.

Peter M Spiro <[REDACTED]@verizon.net>

Right. I mean, we need to see what these Grucci/Semler emails say.

[Quoted text hidden]

CONFIDENTIAL

000124

13-3308_0127

EXHIBIT 30

----- SMS Text -----

From: Eric Semler

Sent: Aug 8, 2012 1:57 PM

Subject: Tim - i am very sorry but my...

Tim - i am very sorry but my attorney has advised me not to comment. I am really

sorry. Eric

Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

000158

13-3308_0129

----- SMS Text -----

To: Eric Semler

Sent: Aug 8, 2012 2:00 PM

Subject: Would you be willing to have your...

Would you be willing to have your attorney speak to mine to see if there is something benign you would be willing to say? My attorney is Mike Burrows.
Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

000159

13-3308_0130

----- SMS Text -----

To: Eric Semler

Sent: Aug 8, 2012 2:00 PM

Subject: Would you be willing to speak off...

Would you be willing to speak off the record with the Politico reporter?

Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

000160

13-3308_0131

----- SMS Text -----

From: Eric Semler

Sent: Aug 8, 2012 2:26 PM

Subject: No as a former reporter i know too...

No as a former reporter i know too well that there is no such thing as off
the
record

Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

000161

13-3308_0132

----- SMS Text -----

From: Eric Sessler

Sent: Aug 8, 2012 2:27 PM

Subject: There is just no upside to...

There is just no upside to speaking to the press
Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

000162

13-3308_0133

----- SMS Text -----

From: Eric Senler

Sent: Aug 8, 2012 7:12 PM

Subject: I spoke to the reporter and...

I spoke to the reporter and defended you the best i could. I told him the bald truth that you did nothing wrong, that you are an outstanding congressman who gets things done in an era of gridlock and
Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

000200

13-3308_0134

----- SMS Text -----

From: Eric Semler

Sent: Aug 8, 2012 7:12 PM

Subject: Never asked me for a donation...

Never asked me for a donation while you were trying to help me. I am sorry
that you are being treated so unfairly
Sent from my Verizon Wireless BlackBerry

CONFIDENTIAL

000201

13-3308_0135

----- SMS Text -----

From: Eric Senler

Sent: Aug 8, 2012 7:13 PM

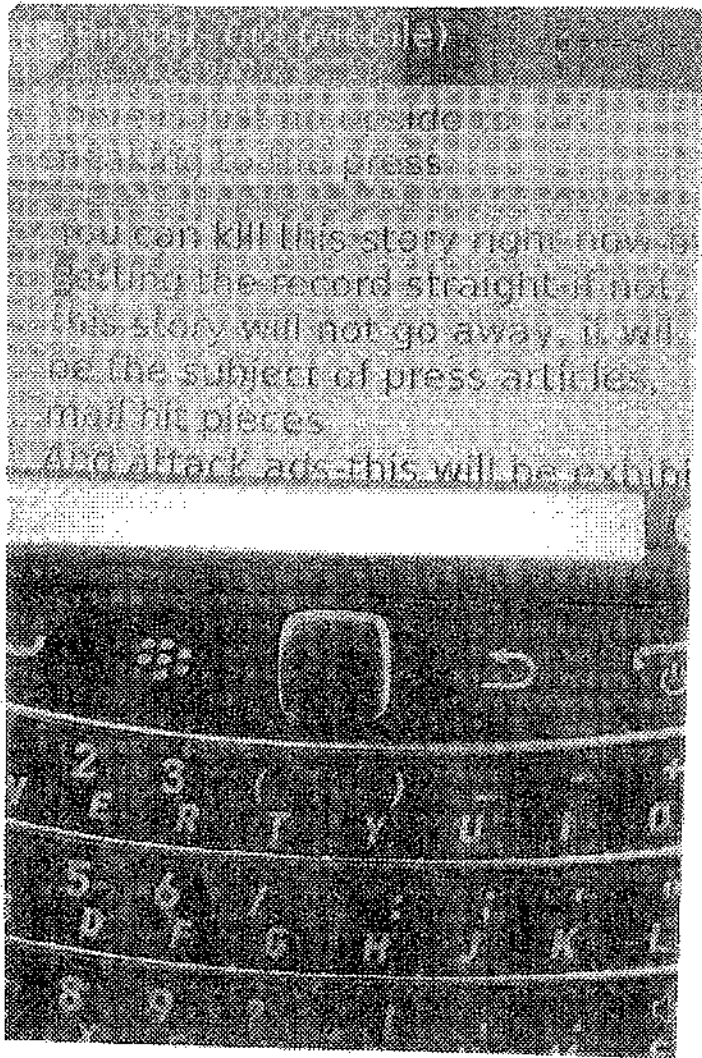
Subject: The reporter sounded vary...

The reporter sounded very biased - i told him i used to be a reporter and that i can see he is fishing for a story that isnt there. I told him what he should write is about grucci's horrible actions and your outstanding service for your constituents. But he kept asking me about my email
Sent from my Verizon Wireless BlackBerry

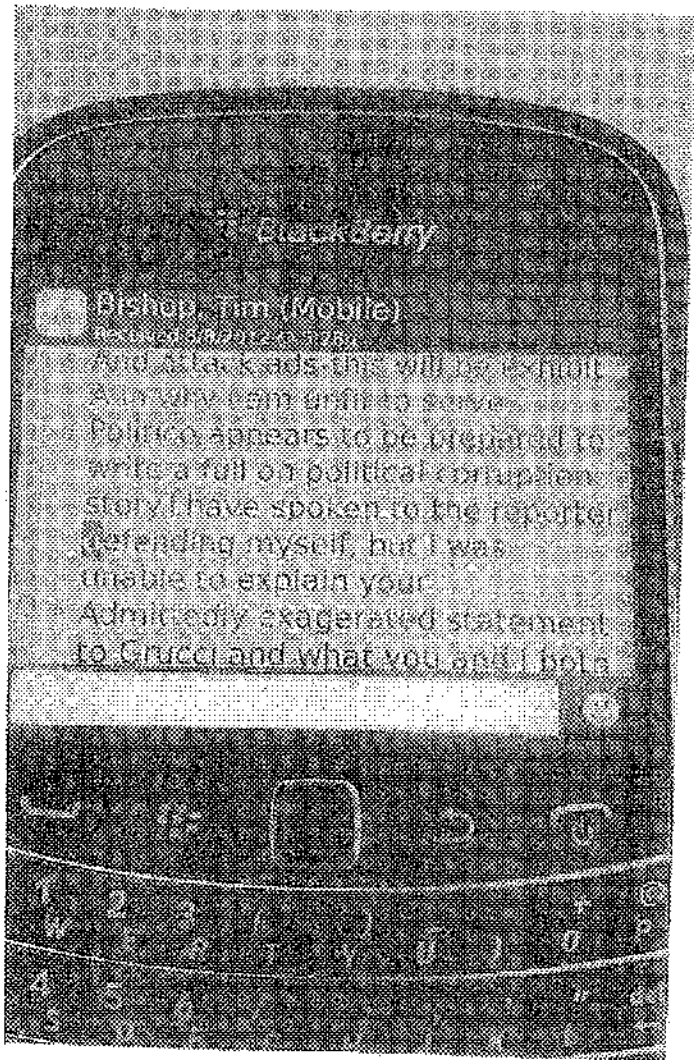
CONFIDENTIAL

000202

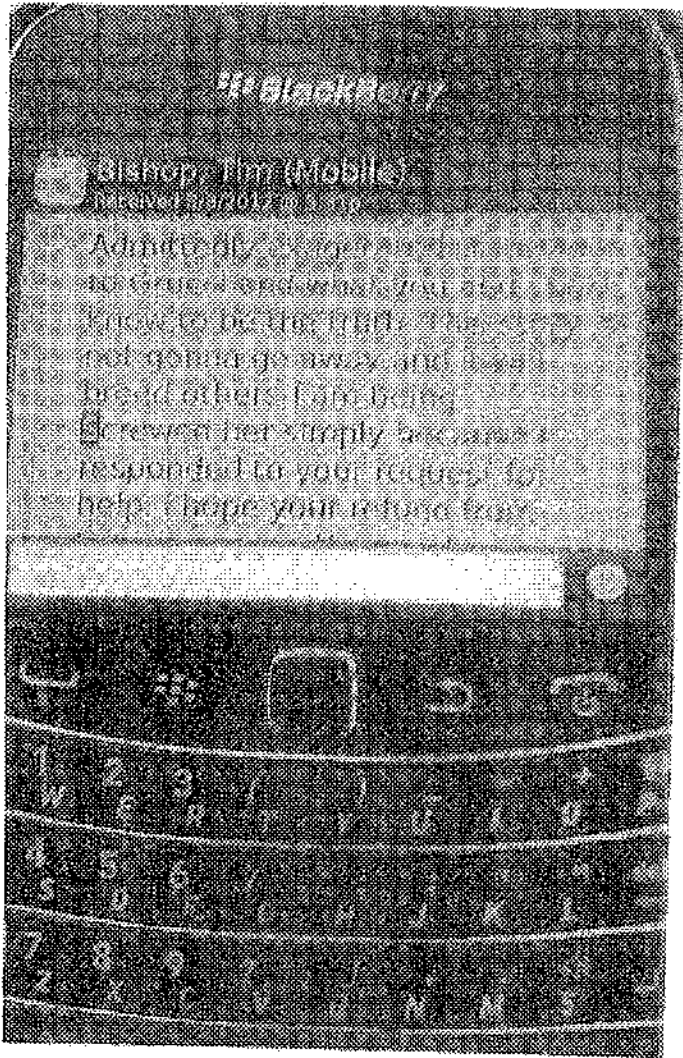
13-3308_0136



AG_000060



AG_00069



AG_000070

BlackBerry

Bishop, Tim (Mobile)

Received 3/24/12 at 7:10p

and lock and that you never asked
me for a donation while you were
trying to help me. I am sorry that
you are being treated so unfairly.

☐ I can't thank you enough!!
Thanks, and as I said this morning
I am sorry you are getting
dragged into an ugly campaign.

AG_000072

13-3308_0140

EXHIBIT 31

Eric Semler

From: Eric Semler
Sent: Thursday, August 16, 2012 4:38 PM
To: [REDACTED]@ap.org
Subject: Re: Rep. Bishop story

Frank

Here is my statement:

"Congressman Bishop was extremely helpful to my family as his constituents and neither he nor his staff sought any contribution as a condition to receiving his help. Later, after he had helped us, his campaign staff asked if we would want to contribute to his campaign. Since we were impressed by how he had jumped in on our problem we were happy to make our contribution."

From: Eftman, Frank [REDACTED]@ap.org
Sent: Thursday, August 16, 2012 01:01 PM
To: Eric Semler
Subject: Rep. Bishop story

Hello: I have been assigned to write a story following the report in Politico involving Rep. Bishop, your campaign donation, and your family's fireworks show. Please contact me by phone, or send me a statement sometime this afternoon for a deadline story I am pursuing. Thank you.
fje

AP

ASSOCIATED PRESS

Frank Eftman
Long Island Correspondent
[REDACTED]@ap.org
www.ap.org

100 Supreme Court Drive
Pressroom Room 137
Mineola, N.Y. 11501
T 516-228-[REDACTED]
C [REDACTED]

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[IP_US_DISC]

EXHIBIT 32

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

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER:		PAGE 69 OF 114	
	(check only one)			
<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d	<input type="checkbox"/> 15
<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14	

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NAME OF COMMITTEE (In Full)
TIM BISHOP FOR CONGRESS

A. Full Name (Last, First, Middle Initial)
Gary Seff

Mailing Address [REDACTED]

City: East Hampton State: NY Zip Code: 11937-1244

FEC ID number of contributing federal political committee: **C**

Name of Employer: Self Occupation: Business Owner

Receipt For: 2012
 Primary General
 Other (specify)

Election Cycle-to-Date: **1250.00**

Date of Receipt: 06 / 26 / 2012
Transaction ID: C8674488

Amount of Each Receipt this Period: **500.00**

B. Full Name (Last, First, Middle Initial)
Eric Semler

Mailing Address [REDACTED]

City: New York State: NY Zip Code: 10106-1599

FEC ID number of contributing federal political committee: **C**

Name of Employer: TCS Capital Management LLC Occupation: President

Receipt For: 2012
 Primary General
 Other (specify)

Election Cycle-to-Date: **2500.00**

Date of Receipt: 06 / 26 / 2012
Transaction ID: C8685582

Amount of Each Receipt this Period: **2500.00**

C. Full Name (Last, First, Middle Initial)
Tracy Semler

Mailing Address [REDACTED]

City: New York State: NY Zip Code: 10106-1599

FEC ID number of contributing federal political committee: **C**

Name of Employer: na Occupation: homemaker

Receipt For: 2012
 Primary General
 Other (specify)

Election Cycle-to-Date: **2500.00**

Date of Receipt: 06 / 26 / 2012
Transaction ID: C8685858

Amount of Each Receipt this Period: **2500.00**

SUBTOTAL of Receipts This Page (optional) **5500.00**

TOTAL This Period (last page this line number only)

EXHIBIT 33

ERIC SEMLER

Account Ending [REDACTED]

amex statement

Detail Continued

				Am.
07/04/12	FEDEX# [REDACTED] 1-800-622-[REDACTED]			\$32.92
	1-800-622-[REDACTED]			
	TO: Certilman Ballin Adler & Hyman, NY			
	FROM: Lauren Yarborough 10019			
	001 PRIORITY BOX SLB [REDACTED]			
	FedEx #1-800-622-[REDACTED]			
07/08/12	FEDEX# [REDACTED] 1-800-622-[REDACTED]			\$1.40
	1-800-622-[REDACTED]			
	Non Transportation			
	FedEx #1-800-622-[REDACTED]			
07/09/12	WYNN LAS VEGAS HOTELLAS VEGAS NV			\$838.88
	Arrival Date	Departure Date		
	07/09/12	07/09/12		
	00000000			
07/09/12	TIM BISHOP FOR CONGRPATCHOGUE NY			\$5,000.00
	631-451-[REDACTED]			
	Description			
	MEMBERSHIP FEE			
07/09/12	RED EYE GRILL 6051 NEW YORK NY			\$324.53
	RESTAURANT			
	Description			
	FOOD/BEVERAGE			
07/10/12	DESPERADOS MEXICAN KETCHUM ID			\$123.08
	RESTAURANT			
07/10/12	WYNN LAS VEGAS HOTELLAS VEGAS NV			\$312.48
	Arrival Date	Departure Date		
	07/10/12	07/10/12		
	00000000			
07/12/12	FEDEX# [REDACTED] 1-800-622-[REDACTED]			\$24.36
	1-800-622-[REDACTED]			
	TO: Victor de la Cruz NY			
	FROM: Lauren Yarborough 10019			
	001 PRIORITY LTR 1 LB AWB798599524770			
	FedEx #1-800-622-[REDACTED]			
07/13/12	PIONEER SALOON INC PKETCHUM ID			\$98.06
	206-726-3139			
07/17/12	FDX# [REDACTED] 1-800-622-[REDACTED]			\$6.42
	1-800-622-[REDACTED]			
	TO: AMAZON.COM KY			
	FROM: GENTRY ROBINSON 10019			
	001 GROUND 1 LB [REDACTED]			
	FedEx #1-800-622-[REDACTED]			
07/26/12	FEDEX# [REDACTED] 1-800-622-[REDACTED]			\$25.09
	1-800-622-[REDACTED]			
	TO: Certilman Ballin Adler & Hyman, NY			
	FROM: Lauren Yarborough 10019			
	001 PRIORITY LTR 1 LB [REDACTED]			
	FedEx #1-800-622-[REDACTED]			
07/26/12	FEDEX# [REDACTED] 1-800-622-[REDACTED]			\$13.05
	1-800-622-[REDACTED]			
	Non Transportation			
	FedEx #1-800-622-[REDACTED]			



Continued on next page

AG_000064

EXHIBIT 34

From: ERIC SEMLER, TCS CAPITAL MANAGEME
To: <[REDACTED]@tcscapital.com>
Subject: Fwd:From Tim Bishop
Date: 07/09, 2012 13:34:57

eamon - can you please make a \$5k donation from TCS to tim bishop's campaign?

----- Original Message -----

From: Molly Bishop <[REDACTED]@bishopforcongress.com>
At: 6/26 7:49:21

Hi Eric,

Hope you are doing well.

I can't begin to thank you enough for your willingness to support my re-election efforts. Today marks the end of the Primary cycle and with the Republican primary concluded, this race will begin in earnest as a battle between two contrasting visions for Long Island's future.

I'm writing today because we're up against something new-SuperPACs. These outside groups don't have to disclose their shadowy, anonymous donors.

They could even be backed by foreign money and we would never know. SuperPACs have already spent nearly three-quarters of a million dollars attacking the values you and I share. On top of this, we're running against the same outsourcing multi-millionaire who poured \$4 million of his own money into the 2010 race.

Tomorrow morning, Randy Altschuler will be the official nominee of the Republican Party, after moving to Long Island only a few years ago with his outsourcing fortune. We'll almost certainly be outspent this election. If Randy can't raise money, he'll just reach into his own pocket. But we have to make it close. We have to make sure that we have the resources to run a campaign worthy of this district, and worthy of the high stakes for Long Island's future that will be decided in this election. With your help, this campaign will prevail over Randy Altschuler's Tea Party agenda and the unknown, foreign special interests backing him.

Please make a contribution today before the primary cycle closes out. Maximum contributions are \$5,000 per person and can be made online at www.bishopforcongress.com/contribute or mailed to Tim Bishop for Congress, PO Box 437, Farmingville, NY 11736.

Thank you so much!

Tim

Tim Bishop
Member of Congress

Molly Bishop
Tim Bishop for Congress
(631) 451 - [REDACTED]

AG_000063

13-3308_0148

EXHIBIT 35

3358

BISHOP FOR CONGRESS
P.O. BOX 437
FARMINGVILLE, NY 11738

Date 8/13/12

50-546-214

Pay to the order of 9/11 Veterans of LI

\$ 1500 —

Dollars

SUFFOLK COUNTY NATIONAL BANK
4 WEST SECOND ST.
RIVERHEAD, NEW YORK 11901
WWW.SCNB.COM

For _____



3359

BISHOP FOR CONGRESS
P.O. BOX 437
FARMINGVILLE, NY 11738

Date 8/13/12

50-546-214

Pay to the order of US Veterans Motorcycle Club of LI

\$ 1500 —

Dollars

SUFFOLK COUNTY NATIONAL BANK
4 WEST SECOND ST.
RIVERHEAD, NEW YORK 11901
WWW.SCNB.COM

For _____



3360

BISHOP FOR CONGRESS
P.O. BOX 437
FARMINGVILLE, NY 11738

Date 8/13/12

50-546-214

Pay to the order of Honor Flight LI

\$ 1500 —

Dollars

SUFFOLK COUNTY NATIONAL BANK
4 WEST SECOND ST.
RIVERHEAD, NEW YORK 11901
WWW.SCNB.COM

For _____



addresses on back

CONFIDENTIAL

000248

13-3308_0150

BISHOP FOR CONGRESS

P.O. BOX 437
FARMINGVILLE, NY 11738

3670

Date 9/6/10 50-546-214

Pay to the order of VIETNAM VETERANS OF AMERICA - CHAPTER 11

\$ 500.00

FIVE HUNDRED AND 00/100

Dollars

SUFFOLK COUNTY NATIONAL BANK

4 WEST SECOND ST.
RIVERHEAD, NEW YORK 11901
WWW.SCNB.COM

For

Donation

Tracy B.

CONFIDENTIAL

000249