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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. 15-2070

The Board of the Office of Congressional Ethics (the “Board”), by a vote of no less than four members, on May 29, 2015, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Mike Honda

NATURE OF THE ALLEGED VIOLATION: Representative Honda and members of his congressional staff may have used official resources, including staff time, to benefit his campaigns. If Representative Honda used official resources for campaign purposes, then he may have violated federal law, House rules, and standards of conduct.

Representative Honda and members of his congressional staff may have improperly tied official activities, including a roundtable event with a State Department official, to past or potential campaign or political support. If Representative Honda improperly linked official activities to campaign or political support, then he may have violated House rules and standards of conduct.

Representative Honda may have used his congressional staff to assist with personal matters. If Representative Honda used congressional staff for personal errands or business, then he may have violated House rules and standards of conduct.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the allegation that Representative Honda used official resources for campaign purposes, as there is substantial reason to believe that Representative Honda and members of his congressional staff used official resources, including staff time, to benefit his campaign.

The Board recommends that the Committee on Ethics further review the allegation that Representative Honda improperly linked official activities to campaign or political support, as there is substantial reason to believe that Representative Honda improperly tied official events to past or potential campaign or political support.

The Board recommends that the Committee on Ethics dismiss the allegation that Representative Honda used congressional staff to assist with personal matters, as there is not substantial reason to believe that Representative Honda used congressional staff for personal errands or business.

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

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OFFICE OF CONGRESSIONAL ETHICS
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FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 15-2070

On May 29, 2015, 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

A. Summary of Allegations

1. During the 2012 and 2014 election cycles, Representative Honda and members of his congressional staff may have used official resources, including staff time, to benefit his campaigns. Congressional staff members appear to have researched a potential campaign opponent, prepared materials for the campaign, used information from the congressional office for campaign purposes, and discussed campaign matters during official meetings in the district office and during official staff retreats. Many of these activities appear to have taken place while staff were on official time, using official resources.
2. Representative Honda and members of his congressional staff may have improperly tied official activities to past or potential campaign support. For example, in preparing a list of invitees to a February 2013 official roundtable event with a State Department official, Representative Honda’s Chief of Staff asked a campaign staff member to prepare a list of individuals who had made campaign contributions in the past, but had not contributed to Representative Honda’s campaign. She appears to have suggested that the campaign seek campaign contributions from the official event invitees.
3. Representative Honda may have used his congressional staff to assist with personal matters, including setting up his personal technology at his home.
4. The Board recommends that the Committee on Ethics further review the allegation that Representative Honda and members of his congressional staff used official resources to benefit his campaign, as there is substantial reason to believe that Representative Honda and members of his congressional staff used official resources, including staff time, for campaign purposes.
5. The Board recommends that the Committee on Ethics further review the allegation that Representative Honda improperly linked official activities to campaign or political support, as there is substantial reason to believe that Representative Honda improperly tied official activities to past or potential political support.

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6. The Board recommends that the Committee on Ethics dismiss the allegation that Representative Honda used congressional staff to assist with personal matters, as there is not substantial reason to believe that Representative Honda used congressional staff for personal errands or business.

B. Jurisdictional Statement

7. The allegations that were the subject of this review concern Representative Mike Honda, a Member of the United States House of Representatives from the 17th District of California. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics 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 28, 2015. The preliminary review commenced on January 29, 2015.² The preliminary review was scheduled to end on February 27, 2015.
9. On January 29, 2015, the OCE notified Representative Honda of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.³
10. At least three members of the Board voted to initiate a second-phase review in this matter on February 27, 2015. The second-phase review commenced on February 28, 2015.⁴ The second-phase review was scheduled to end on April 13, 2015.
11. On March 2, 2015, the OCE notified Representative Honda of the initiation of the second-phase review, again notified him of his right to be represented by counsel in this matter, and notified him that invoking that right would not be held negatively against him.⁵

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 H. Res. 895 of the 110th Congress (hereafter “the Resolution”), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

³ Letter from OCE Staff Director and Chief Counsel to Representative Honda, January 29, 2015.

⁴ According to the Resolution, the Board must vote (as opposed to make a written authorization) on whether to conduct a second-phase review in a matter before the expiration of the 30-day preliminary review. If the Board votes for a second-phase, the second-phase commences the day after the preliminary review ends.

⁵ Letter from OCE Deputy Chief Counsel to Representative Honda, March 2, 2015.

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12. The Board voted to extend the second-phase review by an additional period of fourteen days on March 27, 2015. The additional period ended on April 27, 2015.
13. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on May 29, 2015.
14. The report and its findings in this matter were transmitted to the Committee on Ethics on June 5, 2015.

D. Summary of Investigative Activity

15. The OCE requested documentary and, in some cases, testimonial information from the following sources:
 - (1) Representative Mike Honda;
 - (2) Representative Honda's Chief of Staff;
 - (3) Representative Honda's District Director;
 - (4) Representative Honda's Digital Strategy Director;
 - (5) Representative Honda's Former Campaign Coordinator;
 - (6) Representative Honda's Former Fundraising Consultant;
 - (7) Representative Honda's Former Deputy District Director;
 - (8) Representative Honda's Former Senior Congressional Aide;
 - (9) Representative Honda's Former Congressional Aide #1;
 - (10) Representative Honda's Former Congressional Aide #2;
 - (11) Representative Honda's Former Congressional Aide #3; and
 - (12) Representative Honda's Former Legislative Assistant.
16. Nadir Vissanjy, Representative Honda's former legislative correspondent and systems administrator, declined to be interviewed by the OCE. Mr. Vissanjy was determined to be a non-cooperating witness.
17. Doug Greven, Representative Honda's former campaign manager during the 2014 election cycle, declined to be interviewed by the OCE. Mr. Greven was determined to be a non-cooperating witness.

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**II. REPRESENTATIVE HONDA AND MEMBERS OF HIS CONGRESSIONAL STAFF
MAY HAVE USED OFFICIAL RESOURCES FOR CAMPAIGN PURPOSES**

A. Applicable Laws, Rules, and Standards of Conduct

18. 31 U.S.C. § 1301

Federal law provides that official funds may be used only for the purposes for which they were appropriated.

19. House Rules

Pursuant to House Rule 23, clause 1, Members “shall behave at all times in a manner that shall reflect creditably on the House.”

Under House Rule 23, clause 2, Members “shall adhere to the spirit and the letter of the Rules of the House”

20. House Ethics Manual

According to the House Ethics Manual, “official resources of the House must, as a general rule, be used for the performance of official business of the House, and hence those resources may not be used for campaign or political purposes Accordingly, among the resources that generally may not be used for campaign or political purposes are congressional office equipment (including the computers, telephones, and fax machines), office supplies (including official stationery and envelopes), and congressional staff time”⁶

*“Among the specific activities that clearly may **not** be undertaken in a congressional office or using House resources (including official staff time) are . . . the drafting of campaign speeches, statements, press releases or literature; . . . and the holding of a campaign meeting.”⁷*

“The misuse of the funds and other resources that the House of Representatives entrusts to Members for the conduct of official House business is a very serious matter. . . . Moreover, while any House employee who makes improper use of House resources is subject to disciplinary action by the Standards Committee, each Member should be aware that he or she may be held responsible for any improper use of resources that occurs in a Member’s office. The Standards Committee has long taken the position that each Member is responsible for assuring that the Member’s employees are aware of and adhere to the rules, and for assuring that House resources are used for proper purposes.”⁸

⁶ House Ethics Manual (2008) at 123-124.

⁷ *Id.* at 124 (emphasis in original).

⁸ *Id.* (citations omitted).

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“Once House employees have completed their official duties, they are free to engage in campaign activities on their own time, as volunteers or for pay, as long as they do not do so in congressional offices or facilities, or otherwise use official resources.”⁹

“Employees who do campaign work while remaining on the House payroll should keep careful records of the time they spend on official activities and, separately, on campaign activities, and demonstrate that campaign work was not done on official time. There is no set format for maintaining such time records.”¹⁰

“[A]lthough House employees are free to engage in campaign activities on their own time, in no event may a Member or office compel a House employee to do campaign work. To do so would result in an impermissible official subsidy of the Member’s campaign. The prohibition against coercing staff or requiring staff members to do campaign work is quite broad. It forbids members and senior staff from not only threatening or attempting to intimidate employees regarding doing campaign work, but also from directing or otherwise pressuring them to do such work.”¹¹

“Members must regularly certify that all official funds have been properly spent. A false certification may bring criminal penalties, and the government may recover any amount improperly paid.”¹² Pursuant to 18 U.S.C. § 1001, “[w]hoever . . . knowingly and willfully . . . makes or uses any false writing or documents knowing the same to contain any materially false, fictitious, or fraudulent statement or entry [] shall be fined under this title or imprisoned not more than 5 years or both.”¹³

“[I]nternal [congressional] office files, such as research files on legislation, may not be used for campaign or political purposes.”¹⁴

*“A congressional office may provide a campaign office with a copy of any materials that the congressional office has issued publicly, such as press releases, speeches, and newsletters. . . . Other materials in the congressional office files – including, for example, back-up memoranda on issues – are **not** to be shared with the campaign or otherwise used for campaign purposes. The materials are to be used for official purposes only. Congressional staff members should not do research on behalf of the campaign or write campaign speeches or other materials while on official time or using official resources.”¹⁵*

⁹ *Id.* at 135.

¹⁰ *Id.* at 137.

¹¹ *Id.* at 135-136.

¹² *Id.* at 126.

¹³ 18 U.S.C. § 1001.

¹⁴ House Ethics Manual at 128.

¹⁵ *Id.* at 133-34 (emphasis in original).

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21. Members' Congressional Handbook

*The Members' Congressional Handbook provides that "[t]he MRA may not pay for campaign expenses."*¹⁶

B. Representative Honda and His Congressional Staff May Have Used Official Resources, Including Staff Time, for Campaign Purposes

22. Evidence obtained by the OCE indicates that Representative Honda and members of his congressional staff used official resources for campaign purposes. Members of Representative Honda's congressional staff researched a potential campaign opponent, prepared materials for the campaign, used information from the congressional office for campaign purposes, and discussed campaign matters during official meetings in the district office and during official staff retreats. Many of these activities appear to have taken place while staff were on official time, using official resources.

Representative Honda's Chief of Staff Served as His Campaign Manager, and Members of His Congressional Staff Assisted with His Campaigns

23. Representative Honda's Chief of Staff was described by Representative Honda, and by his congressional and campaign staff members, as his "campaign manager."¹⁷ In addition, many members of Representative Honda's congressional staff were involved in his campaigns in the 2012 and 2014 election cycles.

24. Representative Honda explained that "over the years . . . we didn't have much of a campaign, [the Chief of Staff] would take that responsibility and be sure that she made a cut between responsibilities as the Chief of Staff and doing things for the campaign."¹⁸

25. The Chief of Staff described her role with the campaign as a "volunteer" and someone who provided historical input and ideas.¹⁹ She noted that Representative Honda had paid campaign managers in both the 2012 and 2014 election cycles.²⁰

26. The Chief of Staff told the OCE that she had regular and consistent contact with the campaign managers during the 2012 and 2014 election cycles.²¹ During the 2014 cycle, she had contact with the campaign manager "at least five of the seven days a week."²²

¹⁶ Comm. on House Admin., *Members' Congressional Handbook*, at 2.

¹⁷ Transcript of Interview of Rep. Mike Honda, April 23, 2015 (Exhibit 1 at 15-2070_0007) (hereafter "Rep. Honda Transcript"); Transcript of Interview of Former Senior Congressional Aide, March 20, 2015 (Exhibit 2 at 15-2070_0026) (hereafter "Former Senior Congressional Aide Transcript"); Transcript of Interview of Former Legislative Assistant, April 20, 2015 (Exhibit 3 at 15-2070_0074-0075) (hereafter "Former Legislative Assistant Transcript"); Transcript of Interview of Former Campaign Coordinator, March 26, 2015 (Exhibit 4 at 15-2070_0094) (hereafter "Former Campaign Coordinator Transcript"); Transcript of Former Congressional Aide #2, March 12, 2015 (Exhibit 5 at 15-2070_0133) (hereafter "Former Congressional Aide #2 Transcript").

¹⁸ Rep. Honda Transcript (Exhibit 1 at 15-2070_0007).

¹⁹ Transcript of Interview of Chief of Staff, April 23, 2015 (Exhibit 6 at 15-2070_0157) (hereafter "Chief of Staff Transcript").

²⁰ *Id.* (Exhibit 6 at 15-2070_0158).

²¹ *Id.*

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27. The Chief of Staff said that the substance of her communications with the campaign managers varied, but that they included “information about relationships that the Congressman had had historically. It could be information about what his policy positions are. It very often had to do with schedule. We discussed press. We discussed fundraising. We would discuss hiring of campaign staff. . . . We would discuss how the Congressman was doing, what his needs were, and how best to help him.”²³ These conversations occurred in person, over the telephone, and by email.²⁴
28. Members of the congressional district staff were paid by the campaign to perform work for the campaign while they were also employed in the congressional office.²⁵ For example, Former Congressional Aide #2 served as campaign coordinator from 2010 to 2012 and was paid on an hourly basis by the campaign.²⁶ The Former Senior Congressional Aide succeeded Former Congressional Aide #2 as campaign coordinator in 2012 and split his time working for both the congressional office and the campaign.²⁷
29. Both Former Congressional Aide #2 and the Former Senior Congressional Aide stated that, in their campaign roles, they reported to the Chief of Staff.²⁸
30. Representative’s Honda’s Former Campaign Coordinator, who worked for his campaigns during both the 2012 and 2014 election cycles, told the OCE, “The person on record as campaign manager in our campaign manual and the person I reported to as campaign manager was [the Chief of Staff].”²⁹ He added that he would “often” receive “direction” from the Chief of Staff.³⁰
31. The Former Campaign Coordinator said that he prepared weekly reports, and that he, the Chief of Staff, and the District Director had “weekly check-in calls” during which the Chief of Staff and District Director “would go over that report . . . basically taking it bullet-by-bullet and asking follow up on that.”³¹
32. The Former Campaign Coordinator described the District Director as “an advisor of the politics locally.”³² He explained, “It was told to me at the beginning that if it were a district related event or a district related issue then she would be the one to provide direction on how to deal with that situation”³³ He added, “She showed up to a lot of

²² *Id.*

²³ *Id.* (Exhibit 6 at 15-2070_0159).

²⁴ *Id.*

²⁵ *See, e.g.*, Former Congressional Aide #2 Transcript (Exhibit 5 at 15-2070_0129-0130); Former Senior Congressional Aide Transcript (Exhibit 2 at 15-2070_0022); Transcript of Interview of Digital Strategy Director, April 21, 2015 (Exhibit 7 at 15-2070_0205) (hereafter “Digital Strategy Director Transcript”); Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0094) (noting that a congressional staff member was paid as a contractor to oversee the campaign website).

²⁶ Former Congressional Aide #2 Transcript (Exhibit 5 at 15-2070_0130-0131).

²⁷ Former Senior Congressional Aide Transcript (Exhibit 2 at 15-2070_0022-0023).

²⁸ *Id.* (Exhibit 2 at 15-2070_0027); Former Congressional Aide #2 Transcript (Exhibit 5 at 15-2070_0133).

²⁹ Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0094).

³⁰ *Id.* (Exhibit 4 at 15-2070_0100).

³¹ *Id.*

³² *Id.*

³³ *Id.*

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things. She showed up to a lot of events and meetings and was on calls. It wasn't like a casual . . . It was pretty much that she was a link to the local district. I would say active.”³⁴

33. Representative Honda's Former Fundraising Consultant told the OCE that she worked with both the Chief of Staff and the District Director during her relationship with Representative Honda's campaign.³⁵
34. The Employee Handbook for Representative Honda's congressional office includes a policy on “Political Activities.”³⁶ The policy provides: “Employees of the Office may engage in campaign work only on their own time. The time shall be outside office hours, or during periods of bona fide vacation or leave time.”³⁷ The policy further provides: “Official House property, equipment and resources may not be used for campaign activities. . . . No employee has an obligation to participate in political activity for Mike Honda or any other candidate running for political office.”³⁸
35. The Chief of Staff told the OCE that, during the 2014 election cycle, “many of the [congressional] staff chose to volunteer their time on the campaign and, as a result, would have had interactions [with the campaign] at some point.”³⁹ Representative Honda's District Director also told the OCE that “staff occasionally volunteered.”⁴⁰
36. The Chief of Staff said that congressional staff members did “field work, just knocking on doors or making phone calls, participating in a phone bank, preparing perhaps a memo, a background, on an issue or something the Congressman had been involved in, attending a campaign rally.”⁴¹
37. Representative Honda told the OCE that congressional staff members who wished to help with the campaign “would express interest to the Chief of Staff, and I believe usually she refers them to the campaign, but making sure that they know that there's some paperwork to be done to make sure we know how they're using their time.”⁴² He said that campaign work was never done in the congressional office, and that congressional equipment was not used for campaign work.⁴³
38. When asked if any of the assistance provided by congressional staff members took place in the congressional office, the Chief of Staff said, “Our general practice is no. The staff

³⁴ *Id.*

³⁵ Transcript of Interview of Former Fundraising Consultant, April 20, 2015 (Exhibit 8 at 15-2070_0236) (hereafter “Former Fundraising Consultant Transcript”).

³⁶ Employee Handbook for the Office of Congressman Mike Honda, U.S. House of Representatives, revised July 2014 (Exhibit 9 at 15-2070_0268-0269).

³⁷ *Id.* (Exhibit 9 at 15-2070_0268).

³⁸ *Id.*

³⁹ Chief of Staff Transcript (Exhibit 6 at 15-2070_0160).

⁴⁰ Transcript of Interview of Former District Director, April 21, 2015 (Exhibit 10 at 15-2070_0294) (hereafter “Former District Director Transcript”).

⁴¹ Chief of Staff Transcript (Exhibit 6 at 15-2070_0161).

⁴² Rep. Honda Transcript (Exhibit 1 at 15-2070_0005).

⁴³ *Id.* (Exhibit 1 at 15-2070_0006).

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is very aware of the rules and we take them seriously. I am not aware of when and where every piece of assistance might have happened.”⁴⁴

39. When asked if any of the assistance provided by congressional staff members was on official time, the Chief of Staff said, “Our general practice is that staff, if they were volunteering on the campaign, would do that in their own time.”⁴⁵
40. According to the Chief of Staff, the congressional office did not require staff members to keep track of leave time taken to work campaign matters.⁴⁶ She said that the congressional office maintained records “that cover if one was out for an entire day or maybe a half day, they were sick or took vacation. Other than that, I am not aware that anyone kept specific time records within their own individual day.”⁴⁷
41. When asked if the district office kept time records in situations where congressional staff members took leave to work on campaign matters, the District Director said, “Aside from the vacation, I am not aware of staff working on the campaign, unless they worked after hours at a phone bank as volunteers. It was not our practice to have staff, during working hours, do anything for campaign.”⁴⁸
42. When asked if there was an expectation that members of Representative Honda’s congressional staff would assist with his campaigns, the Chief of Staff told the OCE, “No. Absolutely not.”⁴⁹
43. Members of Representative Honda’s congressional staff, however, indicated that there was such an expectation. When asked if there was an expectation that she would work on campaign matters, the Former Legislative Assistant told the OCE, “That is a fair characterization of how that atmosphere worked. . . . Yeah, there was an expectation that you would help out.”⁵⁰
44. The Former Legislative Assistant said that she began working on campaign matters when she was asked to do so by the Chief of Staff, explaining that the Chief of Staff “is usually the driver of these conversations and was pretty proactive in trying to get us engaged in that way.”⁵¹
45. The Former Legislative Assistant said that she had not expressed an interest in working on campaign matters.⁵² She explained, “I think when they came down to it, this became the central focus of what [the Chief of Staff] was working on, particularly when in the 2014 cycle the election was going to be more competitive and that involved a lot of work,

⁴⁴ Chief of Staff Transcript (Exhibit 6 at 15-2070_0161).

⁴⁵ *Id.* (Exhibit 6 at 15-2070_0162).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ District Director Transcript (Exhibit 10 at 15-2070_0296).

⁴⁹ Chief of Staff Transcript (Exhibit 6 at 15-2070_0177).

⁵⁰ Former Legislative Assistant Transcript (Exhibit 3 at 15-2070_0078).

⁵¹ *Id.* (Exhibit 3 at 15-2070_0076).

⁵² *Id.* (Exhibit 3 at 15-2070_0077).

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and it's just as one who wants to be helpful to your boss, I think it started that . . . Just started falling on my responsibilities.”⁵³

46. When asked if she could have declined to perform campaign work, the Former Legislative Assistant said, “Yes, I think that would have probably meant, though, that I needed to find a new job after that”⁵⁴

47. The Former Legislative Assistant told the OCE that “a lot of communications with the office generally moved to our gmail addresses at the beginning of 2013 when it became clear that we would have a serious challenger at the 2014 election.”⁵⁵

48. Former Congressional Aide #1 told the OCE that, with respect to emails, “there was no differentiation between official and campaign,” noting that official business was discussed using personal email accounts.⁵⁶ He characterized use of personal emails as “an effort to avoid the recording that would happen if you put it on mail.house.gov. If it's your personal email you can control that flow of information better.”⁵⁷

49. Former Congressional Aide #3 told the OCE that there was an expectation that district office staff would participate in email discussions relating to campaign matters: “[P]eople found a way to get your [personal] e-mail, but it was never, you don't have to if you don't want to, let us know if you want to be on the e-mail chain, it was just sort of, you're expected to be a part of it.”⁵⁸ The emails included requests to participate in campaign social media or to volunteer for campaign telephone work.⁵⁹

Members of Representative Honda's Congressional Staff May Have Used Official Resources to Research A Potential Campaign Opponent and Prepare Materials for His Campaigns

50. The OCE found several instances in which Representative Honda's congressional staff members appear to have conducted research or prepared materials for his campaigns. Official time and other official resources may have been used when performing these activities for the campaigns.

51. Representative Honda's Former Legislative Assistant told the OCE that she had “frequent” communications with the Chief of Staff regarding campaign matters, involving “research of the expected opponent, different stances that he might have taken on sets of issues and how we might respond to them.”⁶⁰

⁵³ *Id.*

⁵⁴ *Id.* (Exhibit 3 at 15-2070_0078).

⁵⁵ *Id.* (Exhibit 3 at 15-2070_0075).

⁵⁶ Transcript of Interview of Former Congressional Aide #1, March 25, 2015 (Exhibit 11 at 15-2070_0356) (hereafter “Former Congressional Aide #1 Transcript”).

⁵⁷ *Id.* (Exhibit 11 at 15-2070_0357).

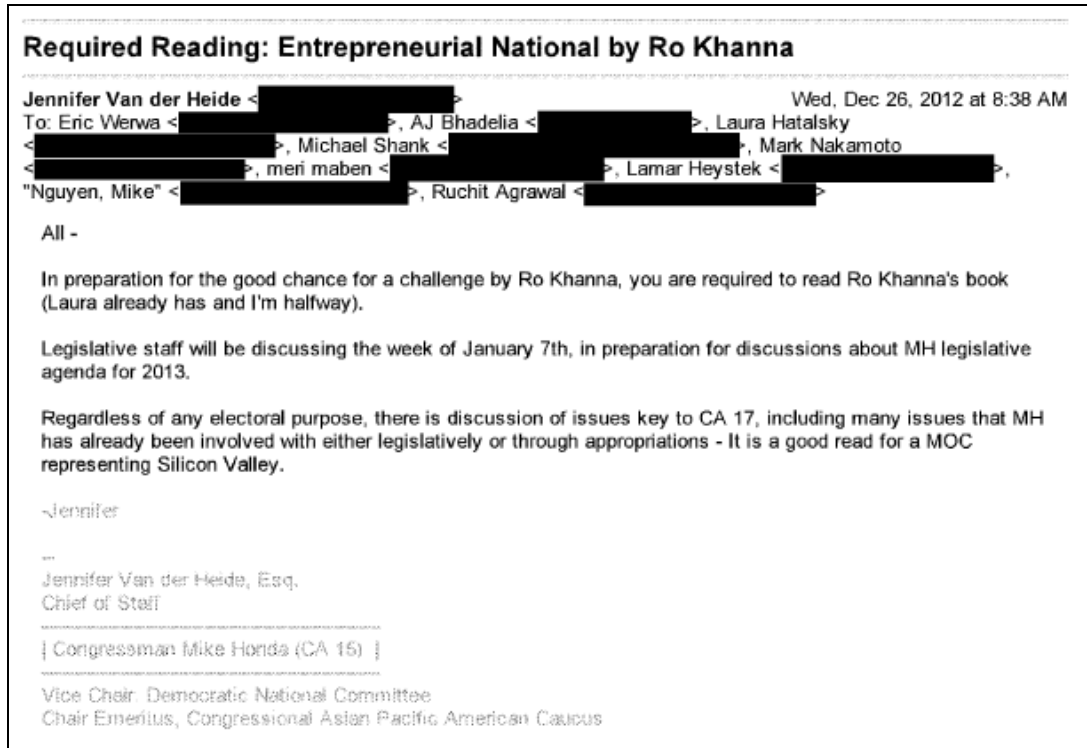
⁵⁸ Transcript of Interview of Former Congressional Aide #3, March 25, 2015 (Exhibit 12 at 15-2070_0398) (hereafter “Former Congressional Aide #3 Transcript”).

⁵⁹ *Id.*

⁶⁰ Former Legislative Assistant Transcript (Exhibit 3 at 15-2070_0075).

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52. At one point, the Chief of Staff directed several members of the congressional staff, using personal email addresses, to read a book written by a potential challenger to Representative Honda, advising that the “[l]egislative staff” would later discuss the book.⁶¹



53. The Chief of Staff told the OCE that she would characterize her use of the term “Required Reading” as “facetious.”⁶² She explained, “I don’t know whether they read the book or not. It was not a requirement. I see the word required there, but it was not a requirement or a condition of their employment or anything else.”⁶³ When asked if the legislative staff discussed the book during the week of January 7th, as advised in the email, the Chief of Staff told the OCE, “I don’t recall.”⁶⁴

54. When asked how she read the term “Required Reading,” the Former Legislative Assistant, who received the Chief of Staff’s email, said: “Exactly what is says, that we had to read it.”⁶⁵ She said that she did read the book: “I considered it part of my duties as someone that was working for Congressman Honda.”⁶⁶

⁶¹ Email from Chief of Staff to members of Rep. Honda’s congressional and campaign staff, December 26, 2012 (Exhibit 13 at 15-2070_0426).

⁶² Chief of Staff Transcript (Exhibit 6 at 15-2070_0169).

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Former Legislative Assistant Transcript (Exhibit 3 at 15-2070_0079).

⁶⁶ *Id.*

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55. Another recipient of the Chief of Staff's email, Former Congressional Aide #1, told the OCE that reading the book was "clearly required."⁶⁷ He said that he discussed the Chief of Staff's request with other members of the district staff, but that "[t]here was such an intermingling of official and campaign so that notion that we would get surprised that we were doing this . . . Nobody's going to be shocked that we're going to read the book."⁶⁸
56. Former Congressional Aide #1 said that some district office staff members read the book while in the district office, recalling that the Former Senior Congressional Aide sat and read the book in Representative Honda's office.⁶⁹
57. The Former Deputy District Director told the OCE that he did not take the Chief of Staff's email "as 'You needed to do this.' I honestly didn't read it."⁷⁰ The District Director told the OCE that she did not read the book.⁷¹
58. Members of Representative Honda's congressional staff also appear to have prepared written materials for the campaign. Representative Honda's Former Campaign Coordinator told the OCE that "campaign materials were received from people who were employed either by the congressional office in DC or the district office."⁷² The Former Campaign Coordinator could not, however, determine whether the materials were prepared by the staff members using official or personal time, or where the materials were created.⁷³
59. Former Congressional Aide #3 said that congressional staff drafted materials for the campaign: "I can't be specific with anything, but I just, it was always, to me, I just understood it as, well, this is also going to be used on the campaign side. We have systems to do it on the official side, so why not do it on the official side?"⁷⁴
60. Representative Honda's Former Deputy District Director acknowledged that he may have used a congressional office computer to prepare speaking points or background materials for campaign events.⁷⁵ When asked if campaign materials could be found on congressional office servers, he replied, "I think I might have a couple speaking points in there. . . . If you look in my folder, it's probably still there, there's probably a folder that says 'California Democratic Party' and I've got probably some memos in there."⁷⁶

⁶⁷ Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0352).

⁶⁸ *Id.* (Exhibit 11 at 15-2070_0353).

⁶⁹ *Id.* (Exhibit 11 at 15-2070_0352).

⁷⁰ Transcript of Interview of Former Deputy District Director, March 27, 2015 (Exhibit 14 at 15-207_0445) (hereafter "Former Deputy District Director Transcript").

⁷¹ Former District Director Transcript (Exhibit 10 at 15-2070_0303).

⁷² Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0107).

⁷³ *Id.*

⁷⁴ Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_0409-410).

⁷⁵ Former Deputy District Director Transcript (Exhibit 14 at 15-2070_0445).

⁷⁶ *Id.* (Exhibit 15 at 15-2070_0445-0446).

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61. Former Congressional Aide #3 told the OCE that while he could not say that he saw congressional staff specifically creating campaign documents using official computers, there were folders marked “campaign” from various years on the official office server.⁷⁷
62. When asked if campaign documents were kept on congressional servers, the Chief of Staff told the OCE, “Not to my knowledge.”⁷⁸
63. The Former Legislative Assistant told the OCE that her communications with the Chief of Staff about Representative Honda’s campaign included discussions of “content and either the op-eds or website or framing or press or what is the background on this and what is our response to it.”⁷⁹
64. The Former Legislative Assistant said that she was asked by the Chief of Staff to prepare a “side-by-side memo,” comparing policy positions of Representative Honda to those held by his opponent in the 2014 election.⁸⁰ While she could not recall where she prepared the document, she said that it “does not seem implausible that I spent time in the House office preparing it or adding detail to it.”⁸¹
65. The Chief of Staff told the OCE that she recalled another member of Representative Honda’s congressional staff prepared the memo: “I don’t recall if I asked him to do it. If I did, it would have only been in the context of a discussion because he wanted to help the Congressman It would have only been in the context of him indicating he wanted to volunteer for the campaign and us having a discussion about how to lay out the issues. It would not have been an ask or a requirement”⁸²
66. In a January 24, 2013 email with the subject “Labor breakfast,” the Chief of Staff directed members of the congressional staff to “prepare background memo on labor issues in congress for 113th. And highlights that mh can talk about for lhhs and what he’ll be fighting for. Mh will need at least by a day before.”⁸³
67. Several days later, on January 29, 2013, Representative Honda’s Legislative Director sent a background memo to Congressional Aide #2 and to Representative Honda’s Former Campaign Coordinator, noting, “I was assuming that since the event is [in California] you guys would be incorporating this into the briefer you are preparing.”⁸⁴
68. The Chief of Staff told the OCE, “It was unclear whether [the labor breakfast] was a campaign event or was it an official event. . . . Someone talked to someone at the Labor

⁷⁷ Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_0404).

⁷⁸ Chief of Staff Transcript (Exhibit 6 at 15-2070_0164).

⁷⁹ Former Legislative Assistant Transcript (Exhibit 3 at 15-2070_0076).

⁸⁰ *Id.* (Exhibit 3 at 15-2070_0080-0081); Chart Comparing Positions Held by Ro Khanna and Mike Honda, undated (Exhibit 15 at 15-2070_0464-0469).

⁸¹ Former Legislative Assistant Transcript (Exhibit 3 at 15-2070_0080).

⁸² Chief of Staff Transcript (Exhibit 6 at 15-2070_0176).

⁸³ Email from Chief of Staff to Legislative Director, *et al.*, January 24, 2013 (Exhibit 16 at 15-2070_0471).

⁸⁴ Email from Legislative Director to Congressional Aide #2, *et al.*, January 28, 2013 (Exhibit 16 at 15-2070_0471).

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Council to clarify and that the decision was that it was an official event, where they were going to be talking about policy issues.”⁸⁵

69. However, according to the Former Campaign Coordinator, the “labor breakfast” referenced in the email was “an event put together to get support for Congressman Honda by labor council members. . . . I think this specific effort was probably with an eye towards campaign. . . . I was not looped in on official items”⁸⁶ The District Director also told the OCE that she believed, in the case of this labor breakfast, congressional staff prepared briefing material for a campaign event.⁸⁷

70. In May 2014, two members of Representative Honda’s congressional staff appear to have prepared an “Event Brief” for a “Fundraiser at Pritpal Singh”.⁸⁸

EVENT BRIEF	
To:	MH
From:	Monica and Vedant
Re:	Fundraiser at Pritpal Singh
When:	Monday, May 5, 2014
Time:	6:30 – 7:00pm
Where:	Dr. Pritpal Singh's Home, [REDACTED]
Contact:	Monica, [REDACTED] Krystal Ka'ai, [REDACTED]

71. The Chief of Staff explained that the authors of the Event Brief, Monica and Vedant, were members of the official congressional staff, but that she did not know under what circumstances the brief was prepared.⁸⁹

72. When asked why members of the official staff prepared an event brief for a fundraiser, the Chief of Staff said, “I don’t know.”⁹⁰ When asked who would have directed them to put the event brief together, the Chief of Staff said, “No one would have assigned them or directed them to put a campaign brief together. I don’t know how this came about.”⁹¹

73. Representative Honda said that this event brief was in the same general format of briefs he would receive from his congressional staff.⁹² When asked if it raised any concerns to

⁸⁵ Chief of Staff Transcript (Exhibit 6 at 15-2070_0179-0180).

⁸⁶ Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0103-0104).

⁸⁷ Former District Director Transcript (Exhibit 10 at 15-2070_0311).

⁸⁸ Event Brief, “Fundraiser at Pritpal Singh,” May 5, 2014 (Exhibit 17 at 15-2070_0473-0474).

⁸⁹ Chief of Staff Transcript (Exhibit 6 at 15-2070_0180-0181).

⁹⁰ *Id.* (Exhibit 6 at 15-2070_0181).

⁹¹ *Id.*

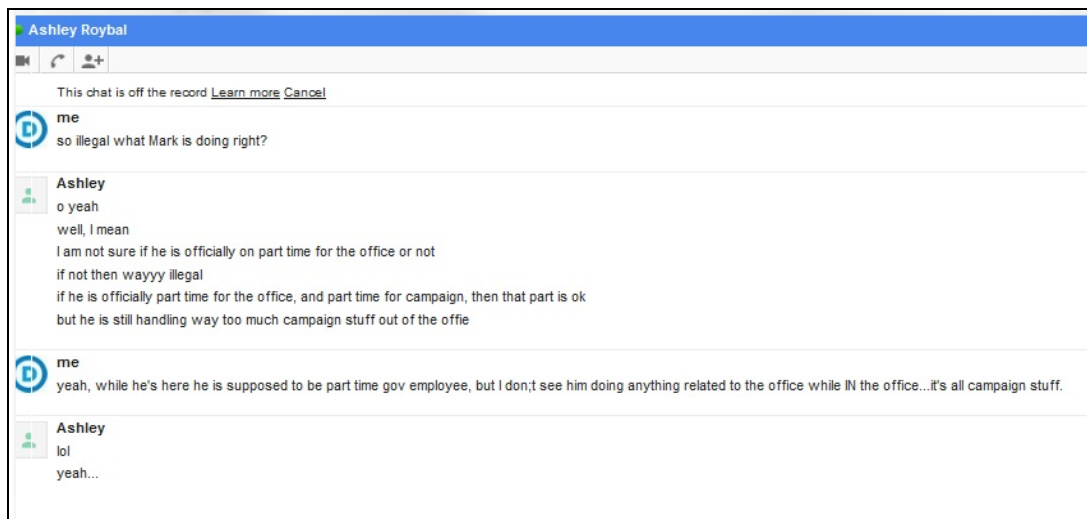
⁹² Rep. Honda Transcript (Exhibit 1 at 15-2070_0008-0009).

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see members of his congressional staff preparing an event brief for a campaign event, he acknowledged that he “should have been more aware of that, yeah. . . . I think that the title and everything else like that is open to criticism.”⁹³

Members of Representative Honda’s Congressional Staff May Have Conducted Campaign Activities While on Official Time, Using Official Resources

74. Congressional staff may have engaged in campaign work in Representative Honda’s congressional offices, using official equipment. Representative Honda’s Former Senior Congressional Aide, who worked part-time for the congressional office and part-time for the campaign, told the OCE that he “would conduct campaign business at the campaign headquarters and official business at the official time In the mornings, for example, I believe I was at the district office, so from 9 AM to say, 1 PM afternoon, and then I will leave and go the campaign afterwards.”⁹⁴
75. However, Former Congressional Aide #3, who worked with the Former Senior Congressional Aide in the district office, told the OCE that he witnessed the Senior Congressional Aide doing campaign work in the district office.⁹⁵ He told the OCE that he witnessed the Senior Congressional Aide making a campaign phone call using a telephone in the congressional district office.⁹⁶
76. Former Congressional Aide #3 provided the OCE with a screenshot from a chat conversation that he had with Former Congressional Aide #2, on or around May 16, 2012, when he witnessed the Former Senior Congressional Aide on a campaign telephone call in the congressional office:⁹⁷



⁹³ *Id.* (Exhibit 1 at 15-2070_0009).

⁹⁴ Former Senior Congressional Aide Transcript (Exhibit 2 at 15-2070_0027).

⁹⁵ Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_00401-0402).

⁹⁶ *Id.*

⁹⁷ Former Congressional Aide #3 and Former Congressional Aide #2 Chat Transcript (Exhibit 18 at 15-2070_0476); Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_0402).

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77. Former Congressional Aide #3 said that this chat conversation was prompted when he witnessed the Former Senior Congressional Aide “[t]alking about money, talking about the campaign event” on a district office telephone.⁹⁸ He recalled that the Former Senior Congressional Aide was doing “just a lot of campaign stuff.”⁹⁹
78. In her interview with the OCE, Former Congressional Aide #2 said that she did not see the Former Senior Congressional Aide working on campaign matters in the congressional district office.¹⁰⁰ In addition, the District Director said that she did not see the Former Senior Congressional Aide make campaign calls using district office telephones, but acknowledged that, given the layout of the district office, “[f]or [her] to see or hear a call out there would have been very difficult. I would not have seen it. That’s for sure.”¹⁰¹
79. In another example of congressional staff using official resources for campaign purposes, the Digital Strategy Director told the OCE that in the Spring of 2014, he witnessed a co-worker in the congressional office printing out campaign phone banking sheets from his congressional office computer using the office printer.¹⁰² He said he brought the matter to the attention of the Chief of Staff and did not see any further phone banking sheets being printed at the congressional office.¹⁰³
80. District staff may have been expected to staff Representative Honda at campaign events. Former Congressional Aide #3 told the OCE that that when district office staff members would staff Representative Honda on weekends, they were expected to be with him throughout the weekend, at both official and campaign events.¹⁰⁴ He said that there was no effort to differentiate the two types of events.¹⁰⁵

Members of Representative Honda’s Congressional Staff May Have Used Information from the Congressional Office for Campaign Purposes

81. Representative Honda’s congressional staff may have used information from the congressional office to raise funds for his campaigns. In early May 2013, the congressional district office successfully assisted someone associated with the San Jose Sharks professional hockey team with a casework matter.¹⁰⁶ When Representative Honda’s constituent services director notified the District Director of the successful resolution of the matter, the District Director directed the constituent services director to “send me her info to my gmail account.”¹⁰⁷

⁹⁸ Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_0402).

⁹⁹ *Id.* (Exhibit 12 at 15-2070_0403).

¹⁰⁰ Former Congressional Aide #2 Transcript (Exhibit 5 at 15-2070_0139).

¹⁰¹ Former District Director Transcript (Exhibit 10 at 15-2070_0298).

¹⁰² Digital Strategy Director Transcript (Exhibit 7 at 15-2070_0213).

¹⁰³ *Id.*

¹⁰⁴ Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_0390, 0395).

¹⁰⁵ *Id.* (Exhibit 12 at 15-2070_0397).

¹⁰⁶ Email from Constituent Services Director to District Director, May 1, 2013 (Exhibit 19 at 15-2070_0479).

¹⁰⁷ Email from District Director to Constituent Services Director, May 2, 2013 (Exhibit 19 at 15-2070_0479).

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82. On May 17, 2013, the District Director, using her congressional email account, forwarded information about the casework matter to Representative Honda's Former Fundraising Consultant, another campaign fundraising consultant, and the Chief of Staff, suggesting that the campaign seek contributions from individuals involved:¹⁰⁸



83. The District Director said that she sent this email to members of Representative Honda's campaign finance team to explain that the campaign had tried unsuccessfully to get members of the Sharks professional hockey team ownership group to come to a campaign event in the past, and to suggest that they solicit campaign contributions from the owners by inviting them to Representative Honda's upcoming birthday fundraising event.¹⁰⁹

84. The District Director told the OCE that she could not recall other occasions when she forwarded names to the campaign as potential campaign contributors.¹¹⁰

85. Representative Honda told the OCE that he was not aware of the District Director's effort to seek out campaign contributions from those involved in this casework matter.¹¹¹

86. Members of the congressional staff also appear to have shared the names of individuals interacting with the congressional office with the campaign. The District Director told the OCE that Representative Honda's campaign manager in the 2014 election cycle asked that she collect business cards from individuals attending official events and give those cards to the campaign.¹¹² She said that the campaign manager used the business cards to "build a database."¹¹³

87. The Chief of Staff also told the OCE that she "would collect the business cards of people that I thought might be interested or have told me that they're interested in supporting the

¹⁰⁸ Email from District Director to Former Fundraising Consultant, *et al.*, May 17, 2013 (Exhibit 19 at 15-2070_0478).

¹⁰⁹ Former District Director Transcript (Exhibit 10 at 15-2070_0308).

¹¹⁰ *Id.*

¹¹¹ Rep. Honda Transcript (Exhibit 1 at 15-2070_0012).

¹¹² Former District Director Transcript (Exhibit 10 at 15-2070_0325-0326).

¹¹³ *Id.*

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Congressman,” even if she had had no discussion with the individuals about the campaign, then send that information to the campaign.¹¹⁴

88. When asked if he was aware of congressional staff members collecting business cards and sending them to the campaign, Representative Honda told the OCE, “I do know that they’ve been pretty tough on me saying that we can’t share that. If you’re going to do it, you have to collect your own, so I do remember them saying that they can’t do that.”¹¹⁵

Members of Representative Honda’s Congressional Staff May Have Discussed Campaign Matters during Official Meetings in the District Office

89. Several members of Representative Honda’s district office staff reported that campaign matters were often discussed during weekly district office staff meetings, held in the district office, during “coffee breaks” called by the District Director.¹¹⁶
90. The District Director explained that “coffee breaks” were, for about ten years, an item on the agenda of weekly district office staff meetings.¹¹⁷ The district staff meetings were held in the district office, and attendance at the meetings was mandatory.¹¹⁸
91. The District Director described “coffee breaks” as “an opportunity to talk about information that’s incidental, anecdotal, that wouldn’t be captured in our official weekly report, in order to gather information from the community. It was also a personal time to discuss any personal matters.”¹¹⁹
92. The District Director acknowledged that Representative Honda’s campaign was discussed during the “coffee breaks.”¹²⁰ She said that campaign events, fundraising, and campaign opponents may have been among the subjects discussed.¹²¹
93. Former Congressional Aide #1 described the “coffee breaks” as “a time when campaign related information would be discussed, such as what’s going on, what endorsements are we seeking, sort of generally what’s going on politically, locally.”¹²² He recalled one instance where the Former Senior Congressional Aide “talked about how one of the interns had done a really great job in bringing his friends or family members in to do phone banking.”¹²³

¹¹⁴ Chief of Staff Transcript (Exhibit 6 at 15-2070_0173).

¹¹⁵ Rep. Honda Transcript (Exhibit 1 at 15-2070_0011).

¹¹⁶ Former District Director Transcript (Exhibit 10 at 15-2070_0312-313); Former Senior Congressional Aide Transcript (Exhibit 2 at 15-2070_0041-043); Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_411-0412).

¹¹⁷ Former District Director Transcript (Exhibit 10 at 15-2070_0312).

¹¹⁸ *Id.* (Exhibit 10 at 15-2070_0312-313).

¹¹⁹ *Id.* (Exhibit 10 at 15-2070_0312).

¹²⁰ *Id.* (Exhibit 10 at 15-2070_0313).

¹²¹ *Id.* (Exhibit 10 at 15-2070_0313-0314).

¹²² Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0363).

¹²³ *Id.* (Exhibit 11 at 15-2070_0364).

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94. According to Former Congressional Aide #3, the need to call for a “coffee break” came from the “specific line between government work and campaign work.”¹²⁴

95. The Former Senior Congressional Aide also told the OCE that he believes that Representative Honda’s campaign, including campaign updates, was discussed during the “coffee breaks.”¹²⁵

Members of Representative Honda’s Congressional Staff Discussed Campaign Matters during Official Staff Retreats

96. Representative Honda’s district staff organized and participated in several district office staff retreats during the period from 2012 to 2014. According to the District Director, the retreats were official activities, typically held off-site, with mandatory attendance by members of the district office staff.¹²⁶ She explained that the purpose of the retreats was “to build the Congressman’s action plan to meet his goals for the year. The purpose was always to bond.”¹²⁷

97. Campaign staff attended district office retreats,¹²⁸ and Representative Honda’s campaigns were discussed at the retreats.¹²⁹ The District Director acknowledged that she invited campaign staff to attend district office retreats.¹³⁰ According to the District Director, the “campaign portion” of a retreat “was in [her] mind, a break from official.”¹³¹

98. At a district office staff retreat held on Tuesday, February 7, 2012, Representative Honda’s Former Campaign Coordinator gave a presentation entitled, “Overview of the new district.”¹³² The District Director gave a presentation entitled, “2012: Challenges, Impacts, and Attributes/Skills.”¹³³ Notes from the presentation indicate discussion of campaign matters, including “[o]ur voters” and “new voters.”¹³⁴

99. The District Director acknowledged that both she and the Former Campaign Coordinator discussed campaign matters during their presentations.¹³⁵ She said that “in [her] mind, it was an official break. I was discussing campaign matters, how to reach new voters.”¹³⁶ While she did not recall specifically doing so, she said it would have been her practice to

¹²⁴ Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_0412).

¹²⁵ Former Senior Congressional Aide Transcript (Exhibit 2 at 15-2070_0043-0045).

¹²⁶ Former District Director Transcript (Exhibit 10 at 15-2070_0315, 0319).

¹²⁷ *Id.* (Exhibit 10 at 15-2070_0315).

¹²⁸ *Id.*; Senior Congressional Aide Transcript (Exhibit 2 at 15-2070_0050); Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_0406); Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0109).

¹²⁹ Former Senior Congressional Aide Transcript (Exhibit 2 at 15-2070_0051); Former Congressional Aide #2 Transcript (Exhibit 5 at 15-2070_0144-0145); Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_0406); Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0109-0110).

¹³⁰ Former District Director Transcript (Exhibit 10 at 15-2070_0315).

¹³¹ *Id.*

¹³² Notes from District Office Retreat – Tuesday, February 7, 2012 (Exhibit 20 at 15-2070_0482). It is not clear who drafted the notes from this retreat. See Former District Director Transcript (Exhibit 10 at 15-2070_0316).

¹³³ Notes from District Office Retreat – Tuesday, February 7, 2012 (Exhibit 20 at 15-2070_0482).

¹³⁴ *Id.*

¹³⁵ Former District Director Transcript (Exhibit 10 at 15-2070_0316-0317).

¹³⁶ *Id.* (Exhibit 10 at 15-2070_0317)

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declare a “break,” and that attendees were free to leave at that point.¹³⁷ She did not, however, recall anyone exercising that option.¹³⁸

100. Another district office retreat was held on September 13, 2012.¹³⁹ Former Congressional Aide #1 told the OCE that the purpose of the retreat was “to set priorities and have a conversation with the campaign and try to collaborate. Make sure everyone’s on the same page.”¹⁴⁰
101. At this retreat, the Former Campaign Coordinator and Former Senior Congressional Aide, who at the time was working part-time for Representative Honda’s campaign, spoke on topics that included an overview of Representative Honda’s congressional district, takeaways from the June 2012 primary election, voter identification efforts, voter turnout efforts, fundraising ideas, and the interaction between the official and campaign offices.¹⁴¹
102. The notes from this retreat indicate discussion of how the campaign and district offices could work together. For example, participants discussed “how to transition info from campaign to [district office] (ethically and practically)”.¹⁴²

II. Overview of Ca-17 (Iamar, mark nakamoto)

>New cities, how to transition info from campaign to do (ethically and
>practically) - especially (not exclusively) Fremont’

103. Similarly, the retreat notes indicate that the participants discussed: “How does official use the intel from Campaign (outreach, learning)?”¹⁴³

Transitioning Data from Campaign to Official - Mark

How does official use the intel from Campaign (outreach, learning)?

-Google doc of stakeholders for ca 17

-One pager per issue, important is anecdotal info like “we supported issue x, this stakeholder was happy”

-Tells you who to go to if we have event x or issue y How many? One pager only for big issues.

104. When asked about these notes, the District Director acknowledged that the retreat participants “could have” discussed how the district office could help advance the goals

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ District Office Staff Retreat Notes, September 13, 2012 (Exhibit 21 at 15-2070_0502).

¹⁴⁰ Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0367).

¹⁴¹ District Office Staff Retreat Notes, September 13, 2012 (Exhibit 21 at 15-2070_0502-0503).

¹⁴² *Id.* (Exhibit 21 at 15-2070_0502).

¹⁴³ *Id.* (Exhibit 21 at 15-2070_0503).

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and strategies of Representative Honda's campaign.¹⁴⁴ She further explained, "[T]his was in [her] mind within the confines of non-official time discussing campaign, that the intel from campaign was something specifically issue-related, would be important for district staff to be able to do their job."¹⁴⁵

105. The District Director said that the "intel" from the campaign "could have" had to do with ways the district office could help with or complement the campaign's efforts to win Representative Honda's re-election.¹⁴⁶

In this time period, when we were doing goal setting and my impression was that having a campaign person come to an offsite retreat to discuss the holistic view of the congressmen where campaign activities would impact our official schedule, those matters would be discussed.¹⁴⁷

The District Director acknowledged that re-election was one of the goals discussed.¹⁴⁸

106. Former Congressional Aide #1 said that his understanding of the presentation by the Former Campaign Coordinator and Former Senior Congressional Aide was "to think about how to use what we learn from campaign to help the district office achieve its objectives and vice versa."¹⁴⁹
107. In one specific instance, as part of a discussion of Representative Honda's primary election performance among Chinese-American voters, there appears to have been a discussion about how the district office could "help" the campaign, through Chinese language outreach:¹⁵⁰

Chinese

Slight majority dem 52-55%

- Vietnamese

Majority dem 60%

- Mike Nguyen believes Vietnamese not confused by opponents last name

Campaign - mark - like a normal Voter identification up until a few weeks, then do turn out, but because we don't need to worry about 50+1, can do some outreach that typical campaign consultant would say is not efficient.

> can go after Cupertino, Chinese, independents e how can we help in

> DO? Chinese language outreach in Cupertino

¹⁴⁴ Former District Director Transcript (Exhibit 10 at 15-2070_0319).

¹⁴⁵ *Id.* (Exhibit 10 at 15-2070_0322).

¹⁴⁶ *Id.* (Exhibit 10 at 15-2070_0323).

¹⁴⁷ *Id.*

¹⁴⁸ *Id.* (Exhibit 10 at 15-2070_0323-0324).

¹⁴⁹ Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0368).

¹⁵⁰ District Office Staff Retreat Notes, September 13, 2012 (Exhibit 21 at 15-2070_0503).

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108. The Former Campaign Coordinator explained: “I did an analysis of the votes for the campaign and pointed out that Cupertino is an existing part of the district. There were issues with the level of support there. . . . I think the discussion there was, well, maybe we need to start doing our stuff in Chinese and putting it out in Mandarin and getting people to connect that way to the congressional office. . . . It was in the context of votes. . . . The district office doing Chinese language outreach was mentioned in the context of a campaign and votes.”¹⁵¹
109. When asked if there were discussions about using the district office to further some of the campaign’s goals, the Former Deputy District Director said, “I think in terms of that, you could say yeah. We’re going to focus on all of our events in Fremont. You’re going to prioritize doing more events in Fremont than you are in Cupertino, for example. This is just me speaking hypothetically. I don’t know exactly what was said. Something like that. I recall those type of conversations happening.”¹⁵²
110. When asked if outreach undertaken by the district office was ever discussed in terms of the campaign, the Former Deputy District Director said that he was “[c]ertain it was discussed. I don’t recall any exact instances but I’m sure we talked about that stuff. I just don’t know when and where and that.”¹⁵³ He said that it was probably the Chief of Staff and District Director who discussed that with the district office staff.¹⁵⁴
111. The notes indicate that there was discussion of “stakeholders” in the district: “important is anecdotal info like ‘we support issue x, this stakeholder was happy,’” and “[t]ells us who to go to if we have event x or issue y”¹⁵⁵
112. Former Congressional Aide #1 explained: “The really important information is the anecdotal information that this important person felt this way when we supported this issue and didn’t feel this way when we supported this. . . . How does he feel actually about the Congressman? How does the Congressman feel about him? How can we be sure that the Congressman understands that Carl’s doing a favor to him? And so the Congressman changes the way he speaks to this person.”¹⁵⁶

¹⁵¹ Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0111-0112).

¹⁵² Former Deputy District Director Transcript (Exhibit 14 at 15-2070_0452).

¹⁵³ *Id.* (Exhibit 14 at 15-2070_0458).

¹⁵⁴ *Id.*

¹⁵⁵ District Office Staff Retreat Notes, September 13, 2012 (Exhibit 21 at 15-2070_0503).

¹⁵⁶ Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0369).

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113. The notes from the September 2012 retreat also refer to a fundraising idea whereby the campaign would recruit 1,000 people to each contribute \$1,000.¹⁵⁷ The notes indicate that this fundraising effort “will likely be transactional – i.e. help me with this visa for my grandma. Donors are not going to be interested in the public affairs or federal gov policy.”¹⁵⁸

-Thousand crane-

>1m - thousand people, each give a thousand per yr
>FOR DONORS: Provide social network to keep in touch, email my with questions about federal issues
>Lamar is here to try out this MH idea, even after the election for this
>to work, it will require MHs to use his personal touch.
>unlike a nonprofit, folks are not going to ante up every year because they believe in the cause
>also will likely be transactional – i.e help me with this visa for my grandma. Donors are not going to be interested in the public affairs or the federal gov policy
>what about managing this? Can the DO handle requests by a crane? what about questionable requests?

114. The Former Campaign Coordinator explained that this reference to “transactional” came from a staff member who brought up the point that some people give to a congressional campaign because they can “get something out of it in return.”¹⁵⁹ He said that there was no effort to create a transactional relationship with donors.¹⁶⁰
115. At a third district office retreat held on Tuesday, October 22, 2013, then-Campaign Manager Doug Greven gave a “Campaign Update/Presentation.”¹⁶¹ The notes from the retreat summarize Mr. Greven’s presentation:¹⁶²

Campaign Update/Presentation

Doug Greven presented a short presentation on the campaign status and strategy.

- DC makes policy - we do events - Campaign takes DO events and uses them to raise \$
- Doug: Meri equivalent - admin for staff, political meetings, etc.
- Lamar: endorsements, validator organizing, political information, etc.
- Vivek: online media, press outreach, press secretary, message training w/ MH, scheduling of campaign events (briefeferer)
- Mehran: call-time manager, fundraising scheduler, intern supervisor, donor list manager, research
- Campaign right now is trying to be quiet - we don’t want to talk about RK because we don’t WANT to give him name recognition
 - Won’t engage until March
- Lamar is setting political folks up to do events that show validators
- Important targets: Alameda County, younger people, caucasians, Latinos
- Prioritize business cards
- New motto: gets stuff done

¹⁵⁷ District Office Staff Retreat Notes, September 13, 2012 (Exhibit 21 at 15-2070_0503).

¹⁵⁸ *Id.*

¹⁵⁹ Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0112-0113).

¹⁶⁰ *Id.* (Exhibit 4 at 15-2070_0113).

¹⁶¹ Notes from District Office Staff Retreat, October 22, 2013 (Exhibit 22 at 15-2070_0507).

¹⁶² *Id.*

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116. As indicated in the notes, among the topics Mr. Greven discussed: “DC makes policy – we do events – Campaign takes [district office] events and uses them to raise \$.”¹⁶³
117. Mr. Greven declined to cooperate with the OCE’s review and was not available to answer questions regarding his presentation.
118. When asked about the notes from Mr. Greven’s presentation, the District Director said that it “was part of Doug’s presentation and that was something he said, as to how it was to occur, whatever, I don’t recall there being a discussion, but it was his perspective in something that he said.”¹⁶⁴
119. Representative Honda told the OCE that he has attended district office staff retreats, noting that “[t]hey’re all official retreats.”¹⁶⁵ He said that there were no discussion of his campaigns at the retreats, and if there had been, it would have been inappropriate.¹⁶⁶
120. When shown the notes from the September 2012 district office staff retreat, Representative Honda acknowledged that the discussion went beyond a discussion of the new parts of the district, to more of a campaign approach: “Yeah, it may, but a lot of the information, a lot of data that we use was probably just to get a good handle on the district with the demographics, but that did occur, I guess.”¹⁶⁷
121. When shown the notes from the October 2013 district office staff retreat, including the reference to the “Campaign Update/Presentation” by Doug Greven, Representative Honda said that that surprised him: “It does now, yeah. I’ve never seen this.”¹⁶⁸
122. When asked about the line, “DC makes policy – we do events – Campaign takes DO events and uses them to raise \$,” Representative Honda said, “It’s open to a lot of interpretation, but it doesn’t look good.”¹⁶⁹
123. Based on the foregoing information, the Board finds that there is substantial reason to believe that Representative Honda and members of his congressional staff used official resources, including staff time, for campaign purposes.

¹⁶³ *Id.*

¹⁶⁴ Former District Director Transcript (Exhibit 10 at 15-2070_0325).

¹⁶⁵ Rep. Honda Transcript (Exhibit 1 at 15-2070_0012-0013).

¹⁶⁶ *Id.* (Exhibit 1 at 15-2070_0013).

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* (Exhibit 1 at 15-2070_0014).

¹⁶⁹ *Id.*

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III. REPRESENTATIVE HONDA AND MEMBERS OF HIS CONGRESSIONAL STAFF MAY HAVE LINKED OFFICIAL ACTIVITIES TO POLITICAL SUPPORT

A. Applicable Laws, Rules, and Standards of Conduct

124. House Rules

Pursuant to House Rule 23, clause 1, Members “shall behave at all times in a manner that shall reflect creditably on the House.”

Under House Rule 23, clause 2, Members “shall adhere to the spirit and the letter of the Rules of the House”

125. House Ethics Manual

*According to the House Ethics Manual, “Members and staff are not to take or withhold any official action on the basis of the campaign contributions or support of the involved individuals, or their partisan affiliation. . . . [T]hat guidance is applicable to **all** official actions taken by Members and staff”¹⁷⁰*

“[O]ne of the key provisions of the Code of Ethics for Government Service states, in ¶ 5, that government officials should ‘[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.’ The Code further provides, in ¶ 10, that ‘public office is a public trust,’ and thus the public has a right to expect House Members and staff to exercise impartial judgment in performing their duties.”¹⁷¹

“Because a Member’s obligations are to all constituents equally, considerations such as political support, party affiliation, or campaign contributions should not affect either the decision of a Member to provide assistance or the quality of help that is given.”¹⁷²

“[T]he [congressional] office files may not be reviewed to obtain the names of individuals to solicit for campaign contributions.”¹⁷³

B. Representative Honda and Members of His Congressional Staff May Have Tied Official Activities to Past or Potential Campaign or Political Support

126. Representative Honda and members of this congressional staff may have linked official activities, such as an official roundtable event with a State Department official, with past or potential campaign or political support.

127. On February 21, 2013, Representative Honda hosted a roundtable discussion with the Senior Advisor for Strategic Partnerships in the U.S. State Department’s South and

¹⁷⁰ House Ethics Manual at 150-151 (emphasis in original).

¹⁷¹ *Id.* at 151.

¹⁷² *Id.* at 308.

¹⁷³ *Id.* at 128 (Example 2).

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Central Asian Bureau, at Santa Clara University in California.¹⁷⁴ This was an official event organized by Representative Honda's congressional office.¹⁷⁵

128. According to the event invitation, "[t]his round table discussion on the economic relationship between the United States and India will provide an opportunity for policymakers, business innovators, and community leaders to draw upon the lessons of India and the Silicon Valley while helping to deepen the close partnership between the world's largest and the world's oldest democracy."¹⁷⁶
129. Representative Honda told the OCE that this event "was to bring someone from the Obama administration, I believe it's small business, and to invite folks over to the event, and then I would make the introduction, and then [the Senior Advisor] would conduct the meeting."¹⁷⁷
130. According to Former Congressional Aide #1, the idea for this roundtable event originated with the Chief of Staff.¹⁷⁸ The Chief of Staff said that she did not recall who came up with the idea for the event.¹⁷⁹
131. When asked how the invitees to the event were selected, the Chief of Staff explained:
- The best description I can give is it was a brainstorm. We started thinking about who were people who would be interested or knowledgeable in having a discussion about that. . . . I know [Former Congressional Aide #1] was involved in coming up with a list. I know I gave him suggestions. . . . I believe at some point, we were scrambling because we didn't have what I would call a sufficient . . . We didn't have a full room. We wanted to have a successful event. I know, based on the reports and going back and looking at the emails, that I asked [Former Campaign Coordinator] for a list. I was looking for more names and ideas of prominent South Asians who might be interested in coming. My recollection of the context is we were scrambling.¹⁸⁰
132. Representative Honda told the OCE: "What I wanted to do was make sure that we had Indo-Americans there because the Obama administration had done a real good job of hiring and appointing different groups, and I wanted a relationship and let them know that the administration has somebody that can talk to them and hopefully the same language and sentiment and understand the attendees also."¹⁸¹

¹⁷⁴ Invitation to Roundtable Discussion with Senior Advisor, February 21, 2013 (Exhibit 23 at 15-2070_0516).

¹⁷⁵ Rep. Honda Transcript (Exhibit 1 at 15-2070_0015); Chief of Staff Transcript (Exhibit 6 at 15-2070_0188-0189); Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0115).

¹⁷⁶ Invitation to Roundtable Discussion with Senior Advisor, February 21, 2013 (Exhibit 23 at 15-2070_0516).

¹⁷⁷ Rep. Honda Transcript (Exhibit 1 at 15-2070_0015).

¹⁷⁸ Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0372).

¹⁷⁹ Chief of Staff Transcript (Exhibit 6 at 15-2070_0188).

¹⁸⁰ *Id.* (Exhibit 6 at 15-2070_0189).

¹⁸¹ Rep. Honda Transcript (Exhibit 1 at 15-2070_0015).

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133. In a February 7, 2013 email, Former Congressional Aide #1 sent the Chief of Staff a list of “16 people and organizations” for the roundtable event, noting, “The list needs to be longer. Any ideas on who we can contact?”¹⁸²
134. Also on February 7, 2013, the Chief of Staff sent an email to the Former Campaign Coordinator, copied to Former Congressional Aide #1, asking if the Former Campaign Coordinator had “the list of proposed invitees to the Indian roundtable with State ready”.¹⁸³



135. According to the Former Campaign Coordinator, at the time of this email, the Chief of Staff “was very preoccupied with the Indo-American community,” explaining that “[t]hey represented a new community in the 17th Congressional District. They had not represented such a large share of the Indo-American community before. There was at this time a concern about a candidate from that community opposing Congressman Honda in the 2014 election cycle.”¹⁸⁴
136. Former Congressional Aide #1 explained, “There was a concern that the relationship with that [South Asian] community wasn’t as strong as it needed to be. Especially given that was a key political base for the challenger, we needed to do outreach.”¹⁸⁵
137. The Former Campaign Coordinator said that the Chief of Staff asked him “to prepare a list of people that can be looped in to be invited to the roundtable. . . . Come up with a list of people who are politically active, who are active in a number of ways, financially or otherwise, who can be part of this event.”¹⁸⁶ The Former Campaign Coordinator

¹⁸² Email from Former Congressional Aide #1 to Chief of Staff, February 7, 2013 (Exhibit 24 at 15-2070_0518-0519).

¹⁸³ Email from Chief of Staff to Former Campaign Coordinator, copied to Former Congressional Aide #1, February 7, 2013 (Exhibit 25 at 15-2070_0521).

¹⁸⁴ Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0116).

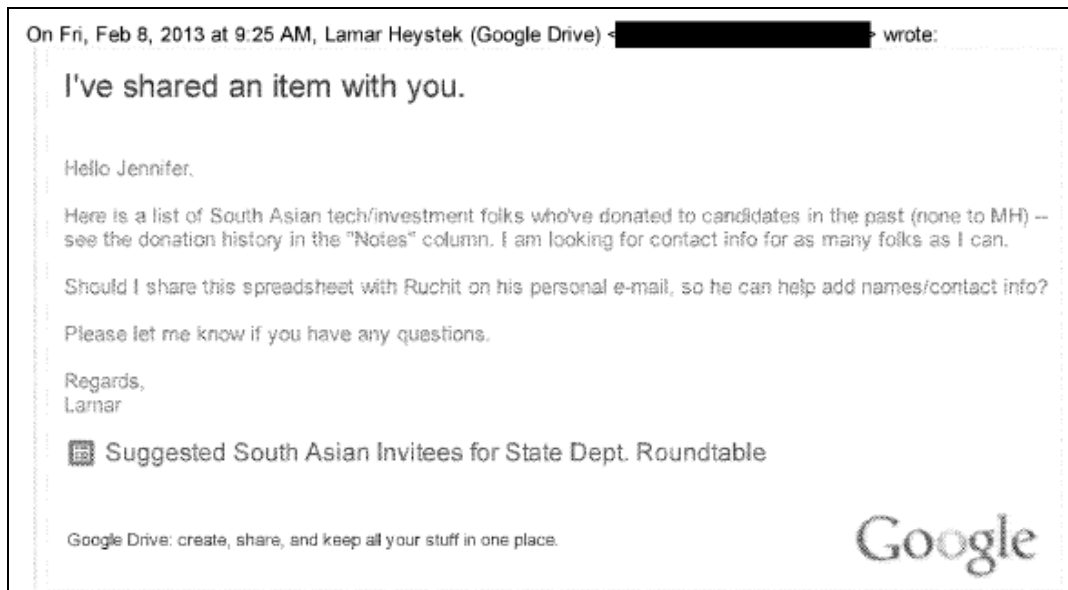
¹⁸⁵ Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0372).

¹⁸⁶ Former Campaign Coordinator Transcript at 26-27 (Exhibit 4 at 15-2070_0116-0117).

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said that the Chief of Staff asked for a list of individuals who had made campaign contributions before to other candidates, but not to Representative Honda.¹⁸⁷

138. The Chief of Staff told the OCE that she believes that she asked the Former Campaign Coordinator “to look at some kind of reports to come up with some ideas.”¹⁸⁸ She said that she did not recall what “reports” she asked him to review.¹⁸⁹ When asked if she asked the Former Campaign Coordinator to look specifically for a list of individuals who had donated to candidates in the past, she told the OCE, “I don’t recall what I specifically asked him to do.”¹⁹⁰
139. On February 8, 2013, the Former Campaign Coordinator sent the Chief of Staff “a list of South Asian tech/investment folks who’ve donated to candidates in the past (none to MH).”¹⁹¹



140. The list provided by the Former Campaign Coordinator included a column entitled “Notes,” which identified past campaign contributions made by the individuals included on the list.¹⁹²
141. When asked why the list of potential invitees provided by the Former Campaign Coordinator included contribution histories, the Chief of Staff said, “[I]t was an idea, one of many, of how can we get people to come to this event, and people who

¹⁸⁷ *Id.* (Exhibit 4 at 15-2070_0117).

¹⁸⁸ Chief of Staff Transcript (Exhibit 6 at 15-2070_0190).

¹⁸⁹ *Id.* (Exhibit 6 at 15-2070_0190).

¹⁹⁰ *Id.* (Exhibit 6 at 15-2070_0191).

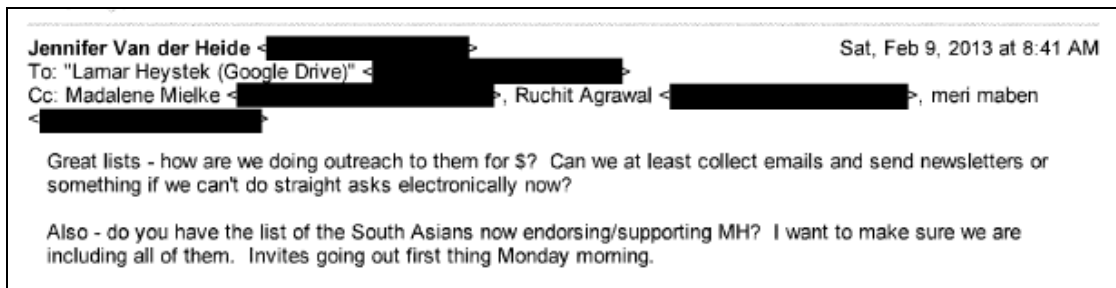
¹⁹¹ Email from Campaign Coordinator to Chief of Staff, February 8, 2013 (Exhibit 26 at 15-2070_0523).

¹⁹² “Suggested South Asian (and Non-South Asian) Invitees for State Dept Roundtable” Spreadsheet (Exhibit 27 at 15-2070_0529-0575).

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participate oftentimes are people who are involved in issues in their community. . . . We were looking for people who were opinion leaders, prominent in this area. It was an idea, clearly not a good one, but one of many.”¹⁹³

142. The Chief of Staff forwarded the Former Campaign Coordinator’s list to Former Congressional Aide #1, explaining: “I went through and culled out which ones should be on invite list so I need you to call me so I can read off the names.”¹⁹⁴
143. Former Congressional Aide #1 told the OCE that he believed the Former Campaign Coordinator was responsible for putting the invitee list together, and that he was asked by the Chief of Staff to contribute to the invitee list, explaining that he “was asked to take whatever official information we had and put it into the Google Drive that [the Former Campaign Coordinator] had started.”¹⁹⁵
144. On February 9, 2013, the Chief of Staff replied to the Former Campaign Coordinator, copying the District Director, Former Congressional Aide #1, and Representative Honda’s Former Fundraising Consultant:¹⁹⁶



145. When asked what she meant when she wrote, “Great lists – how are we doing outreach to them for \$?”, the Chief of Staff told the OCE, “I don’t know.”¹⁹⁷
146. When asked why she included the Former Fundraising Consultant on this email, the Chief of Staff told the OCE, “I don’t know.”¹⁹⁸
147. The Chief of Staff told the OCE that the roundtable event was not used as a way to raise money for Representative Honda’s campaign or as a way to recruit potential new campaign contributors.¹⁹⁹

¹⁹³ Chief of Staff Transcript (Exhibit 6 at 15-2070_0192).

¹⁹⁴ Email from Chief of Staff to Former Congressional Aide #1, February 9, 2013 (Exhibit 26 at 15-2070_0523).

¹⁹⁵ Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0375, 0378).

¹⁹⁶ Email from Chief of Staff to Former Campaign Coordinator, copied to Former Fundraising Consultant, Former Congressional Aide #1, and Former District Director, February 9, 2013 (Exhibit 26 at 15-2070_0523).

¹⁹⁷ Chief of Staff Transcript at 34 (Exhibit 6 at 15-2070_0191-0192).

¹⁹⁸ *Id.* (Exhibit 6 at 15-2070_0191).

¹⁹⁹ *Id.* (Exhibit 6 at 15-2070_0192).

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148. However, Former Congressional Aide #1 told the OCE that “[t]he purpose of the event was donors, or potential donors, and one of the ways to indicate potential donors is that they donate to other politicians, to prioritize them to do outreach to this event.”²⁰⁰ He said that the Chief of Staff was “talking about how to build relationships for fundraising.”²⁰¹
149. The Former Fundraising Consultant told the OCE that she was not involved in planning or organizing this event, and that she did not know why the Chief of Staff included her on this email.²⁰² She did not recall taking any action after receiving this email, nor did she recall any discussions about the email.²⁰³ She did not recall using a list associated with this round table event for fundraising.²⁰⁴ She said that she understood this to be a project on which the Former Campaign Coordinator was working.²⁰⁵
150. When asked how invitees to the State Department event were selected, the District Director said that district staff members “were uncertain as to how many people were coming . . . so we had to fill the event quickly.”²⁰⁶
151. The District Director told the OCE that she was not aware of Representative Honda’s campaign being involved in selecting invitees to the event.²⁰⁷ She was, however, copied on an email from the Chief of Staff to Former Congressional Aide #1, in which the Chief of Staff said that she had asked the Former Campaign Coordinator for a list of possible invitees to the roundtable event.²⁰⁸ The District Director said that she understood this to be the Chief of Staff asking the Former Campaign Coordinator “for people that he may have encountered during the campaign, as a source to fill up the room.”²⁰⁹
152. When asked if this email indicated that the campaign was involved in selecting invitees to the event, the District Director said, “I don’t know whether they did nor not. Obviously this asks for them. What I recall is my part in the official office, which I just described to you.”²¹⁰
153. When asked if the campaign at some point after the roundtable event reached out to the attendees or invitees to solicit campaign contributions, the Chief of Staff told the OCE, “I don’t know.”²¹¹ The District Director said that she did not recall any conversations

²⁰⁰ Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0377).

²⁰¹ *Id.* (Exhibit 11 at 15-2070_0380).

²⁰² Former Fundraising Consultant Transcript (Exhibit 8 at 15-2070_0249).

²⁰³ *Id.* (Exhibit 8 at 15-2070_0249-0250).

²⁰⁴ *Id.* (Exhibit 8 at 15-2070_0251).

²⁰⁵ *Id.* (Exhibit 8 at 15-2070_0250).

²⁰⁶ Former District Director Transcript (Exhibit 10 at 15-2070_0327).

²⁰⁷ *Id.*

²⁰⁸ Email from Chief of Staff to Former Congressional Aide #1, copied to Former District Director, February 7, 2013 (Exhibit 28 at 15-2070_0577).

²⁰⁹ Former District Director Transcript (Exhibit 10 at 15-2070_0328).

²¹⁰ *Id.* (Exhibit 10 at 15-2070_0328).

²¹¹ Chief of Staff Transcript (Exhibit 6 at 15-2070_0192-0193).

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with the Chief of Staff about seeking campaign contributions from individuals invited to attend the roundtable event.²¹²

154. Representative Honda told the OCE that he did not know whether his campaign was involved in selecting the invitees to the State Department roundtable, prior to press reporting about the event in September 2014.²¹³
155. Representative Honda said that he did not have any discussions with his Chief of Staff or anyone at his campaign about using the roundtable event as a way to help with fundraising for his campaign.²¹⁴ He said he was not involved in any effort to solicit campaign contributions from the event invitees.²¹⁵
156. Both the Chief of Staff and the District Director told the OCE that they do not recall other instances in which the congressional office asked the campaign for suggestions of potential invitees to official events.²¹⁶
157. Former Congressional Aide #3 told the OCE that the Former Campaign Coordinator would sometimes contact district office staff regarding potential invitees to campaign events: “[S]ometimes it was clarification on a particular contact or issue contact. ‘Hey, should we include them in this invite, because of our relationship with’”²¹⁷ He noted, however, that he did not recall any specific instance “where somebody said, this person donated this much money, so let’s make sure to invite them.”²¹⁸
158. The Former Campaign Coordinator told the OCE that “probably, maybe” there were other occasions on which the congressional office asked for the campaign’s input on people to invite to events.²¹⁹
159. Former Congressional Aide #1 recalled the Chief of Staff asking that he put together a list of stakeholders in the Sikh community, directing him to reach out to the Former Campaign Coordinator for names to include on this stakeholder list.²²⁰

²¹² Former District Director Transcript (Exhibit 10 at 15-2070_0330).

²¹³ Rep. Honda Transcript (Exhibit 1 at 15-2070_0015).

²¹⁴ *Id.* (Exhibit 1 at 15-2070_0016).

²¹⁵ *Id.*

²¹⁶ Chief of Staff Transcript (Exhibit 6 at 15-2070_0195); Former District Director Transcript (Exhibit 10 at 15-2070_0330-0331).

²¹⁷ Former Congressional Aide #3 Transcript (Exhibit 12 at 15-2070_0409).

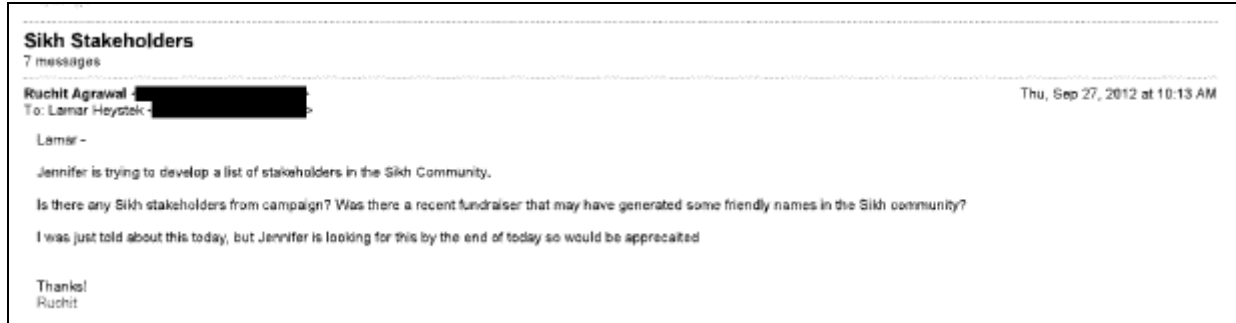
²¹⁸ *Id.* (Exhibit 12 at 15-2070_0417).

²¹⁹ Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0124).

²²⁰ Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0381-0382).

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160. On September 27, 2012, Former Congressional Aide #1 emailed the Former Campaign Coordinator to ask for names to include in the list:²²¹



161. Former Congressional Aide #1 told the OCE that he does not believe he ultimately did anything with the names provided by the Former Campaign Coordinator, as the request “didn’t sit right” with him, because of the “line between campaign and official.”²²²

162. The Former Campaign Coordinator said that, after he received the request from Former Congressional Aide #1, he provided several names: “I probably put it in there and said, there you go. That’s the information, similar to the document with the state department. There you go.”²²³ He did not recall using a Sikh stakeholder list.²²⁴

163. Based on the foregoing information, the Board finds that there is substantial reason to believe that Representative Honda and members of his congressional staff tied official activities to past or potential campaign or political support.

IV. REPRESENTATIVE HONDA MAY HAVE USED OFFICIAL RESOURCES FOR PERSONAL PURPOSES

A. Applicable Laws, Rules, and Standards of Conduct

164. 31 U.S.C. § 1301

Federal law provides that official funds may be used only for the purposes for which they were appropriated.

165. House Rules

Pursuant to House Rule 23, clause 1, Members “shall behave at all times in a manner that shall reflect creditably on the House.”

²²¹ Email from Former Congressional Aide #1 to Former Campaign Coordinator, September 27, 2012 (Exhibit 29 at 15-2070_0580).

²²² Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0382-0383).

²²³ Former Campaign Coordinator Transcript (Exhibit 4 at 15-2070_0125).

²²⁴ *Id.*

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Under House Rule 23, clause 2, Members “shall adhere to the spirit and the letter of the Rules of the House”

166. House Ethics Manual

The House Ethics Manual advises: “House resources acquired with [official] funds – including the office telephones, computers fax machines and other equipment, office supplies, office space, and staff while on official time – are to be used for the conduct of official House business.”²²⁵

The Manual further provides: “The [Members’ Representational Allowance (“MRA”)] may only be used for official and representational expenses. The MRA may not be used to pay for any expenses related to activities or events that are primarily social in nature, personal expenses, campaign or political expenses, or House committee expenses. Members may be personally liable for misspent funds or expenditures exceeding the MRA.”²²⁶

167. Members’ Congressional Handbook

The Members’ Congressional Handbook provides that “[t]he MRA may not pay for personal expenses.”²²⁷

B. Members of Representative Honda’s Congressional Staff May Have Been Directed to Perform Personal Services for Representative Honda

168. During the course of its review, the OCE found evidence that members of Representative Honda’s congressional staff assisted Representative Honda with personal technology issues and other personal matters. The OCE found, however, that purely personal requests for assistance were rare, that congressional staff did not feel compelled to assist Representative Honda with personal matters, and that technological assistance provided by members of the congressional staff were often related to issues with equipment that Representative Honda used for official purposes.

²²⁵ House Ethics Manual at 197.

²²⁶ *Id.* at 323 (citing to Comm. on House Admin., *Members’ Congressional Handbook*).

²²⁷ Comm. on House Admin., *Members’ Congressional Handbook*, at 2.

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169. In an August 10, 2012 email, Nadir Vissanjy, who at the time was working as Representative Honda's system administrator, emailed Representative Honda, with a copy to himself and to Former Congressional Aide #1, instructing Representative Honda on how to activate his personal Netflix account:²²⁸

From: Mike Honda [mailto:████████████████████]
Sent: Friday, August 10, 2012 12:24 PM
To: Mike Honda
Cc: Vissanjy, Nadir; Agrawal, Ruchit
Subject: Netflix Activation

Congressman,

In order to activate your Netflix account, you'll need your new credit card information.

Please go to netflix.com, your username is ██████████ and password is ██████████

Click on Your Account (top right) and it will ask you to log in your information (credit card number and all that).

Once you have done all that, Ruchit will set up your apple TV. I will talk to him on how to do it (we'll also do it in DC for you).

Nadir

170. In the email, Mr. Vissanjy also tells Representative Honda that once his Netflix account has been set up, Former Congressional Aide #1 "will set up your Apple TV. . . . (we'll also do it in DC for you.)"²²⁹

²²⁸ Email from Nadir Vissanjy to Rep. Honda, copied to Former Congressional Aide #1, August 10, 2012 (Exhibit 30 at 15-2070_0584).

²²⁹ *Id.*

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171. In a subsequent email, Mr. Vissanjy directed Former Congressional Aide #1 and Representative Honda's Digital Strategy Director to assist Representative Honda with his Netflix and Apple TV accounts:²³⁰

From: Vissanjy, Nadir
Sent: Thursday, August 16, 2012 6:08 AM
To: Agrawal, Ruchit; Lucas, Robert
Subject: FW: Netflix Activation

Folks,

MH needs to activate his Netflix account and then you need to input that on his Apple TV and show him how to use his Apple TV. Yes, that's a request boarding personal, but such is life.

He needs to activate his Netflix account because his credit card expired. You will either need to get his credit card to re-activate his Netflix account and/or have him do it (I suggest the former). When you take down the credit card info, make sure you get the numbers, expiration date, numbers on the back and the address it is associated too. Make sure you inform Charlene and Daniel about the credit card info so they can update their records (this just happened this month).

He has two accounts (both on Evernote):

Netflix.com (waiting for MH to reactivate)

[REDACTED]	pw: [REDACTED]
[REDACTED]	pw: [REDACTED]

You will have to figure out which one he activated and all that, I suggest you activate his personal email address if you have the option to do so.

Thanks,
Nadir

172. In the email, Mr. Vissanjy explains that Representative Honda needs assistance with his Netflix and Apple TV accounts, acknowledging, "Yes, that's a request boarding [sic] personal, but such is life."²³¹
173. According to Former Congressional Aide #1, he felt that his primary work responsibility "was this sort of, for lack of a better term, personal servant, IT guy for the Congressman's home, [the District Director's] home and the congressional office."²³²

²³⁰ Email from Nadir Vissanjy to Former Congressional Aide #1 and Legislative Correspondent/Systems Administrator, August 16, 2012 (Exhibit 30 at 15-2070_0585).

²³¹ *Id.*

²³² Former Congressional Aide #1 Transcript (Exhibit 11 at 15-2070_0337).

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174. Former Congressional Aide #1 told the OCE that he discussed his dissatisfaction with Mr. Vissanjy's request with the Former Deputy District Director, who he said told him, "[T]his is how it is. Take it or leave it."²³³
175. Former Congressional Aide #1 said he also spoke with Representative Honda about his dissatisfaction with his technology work responsibilities: "I never would have joined working for you if I would have been doing tech support. I have a law degree I definitely would not have been doing stuff like this for you."²³⁴ According to Former Congressional Aide #1, Representative Honda told him, "[I]t's just early. It's important. You're just getting started. Be patient."²³⁵
176. Former Congressional Aide #1 said that after he received the email from Mr. Vissanjy, he did not take any action.²³⁶ He said that he did not know if anyone else fixed Representative Honda's Netflix or Apple TV accounts.²³⁷
177. The Digital Strategy Director told the OCE that he received the email from Mr. Vissanjy shortly after he began working for Representative Honda.²³⁸ He recalled that, at one point, Mr. Vissanjy asked him to set up Representative Honda's Apple TV in his Washington, DC home, and after receiving Mr. Vissanjy's request, he did set up the Apple TV in Representative Honda's DC home.²³⁹ He said that he has also worked on the Apple TV in Representative Honda's California home.²⁴⁰
178. When asked about Mr. Vissanjy's reference to this being a "personal" request, the Digital Strategy Director said that, "In my mind I knew, and so when I set it up, I went after work."²⁴¹ He added, "Initially, yes, it did seem like a personal request, but in the long run I saw how the system we have, kind of this ecosystem of sorts, really works together when you can connect all your devices. . . . Apple TV actually has a lot of purposes as well for official use that I didn't see at the time, such as screen sharing because the Congressman doesn't like to look at small screens."²⁴²
179. Representative Honda said that he set up his own account for Netflix, but "the use of the Apple TV and how that works, that was explained to me."²⁴³
180. The technical assistance provided to Representative Honda was often tied to his use of technology for official purposes. Representative Honda told the OCE that "technical staff help[ed] me set up my home office so I can receive information and stuff like that

²³³ *Id.* (Exhibit 11 at 15-2070_0383).

²³⁴ *Id.* (Exhibit 11 at 15-2070_0383-0384).

²³⁵ *Id.* (Exhibit 11 at 15-2070_0384).

²³⁶ *Id.*

²³⁷ *Id.* (Exhibit 11 at 15-2070_0384-0385).

²³⁸ Digital Strategies Director Transcript (Exhibit 7 at 15-2070_0228).

²³⁹ *Id.*

²⁴⁰ *Id.* (Exhibit 7 at 15-2070_0229).

²⁴¹ *Id.*

²⁴² *Id.* (Exhibit 7 at 15-2070_0230).

²⁴³ Rep. Honda Transcript (Exhibit 1 at 15-2070_0017).

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. . . .”²⁴⁴ He said that he has “a computer and a printer that my staff sends me my memos, my emails and things like that.”²⁴⁵

181. The Former Deputy District Director told the OCE that “[s]omething we did do was go to [Representative Honda’s] house and set up his technologies. He worked from home. He would check his emails from his home computer, which was actually an official computer we set up at his house We had an official fax machine there.”²⁴⁶
182. The Digital Strategy Director told the OCE that he “helped reorganize things in certain parts of [Representative Honda’s] house if it relates to technology just to make things simpler for me the next time I go in and use some of the technology, reconfigure something. In that case, yes, I would consider what I did personal, but it wasn’t even asked and the Congressman wasn’t event there.”²⁴⁷
183. The Digital Strategy Director estimated that he has assisted Representative Honda with his personal technology hundreds of times, multiple times per week, but that this help was primarily connected to Representative Honda’s ability to access his official email account via his personal telephone.²⁴⁸ He said that purely personal requests for assistance were “very infrequent” and “usually very minor.”²⁴⁹
184. The Former Deputy District Director surmised that Representative Honda may have asked a congressional staff member to help set up his Apple TV while the staff member was already at his home to work on official equipment.²⁵⁰
185. Representative Honda’s Chief of Staff told the OCE that she does not believe that she has directed members of the congressional staff to assist Representative Honda with any personal business or errands, nor was she aware of any congressional staff being directed to assist with such personal matters.²⁵¹
186. When asked if she ever directed congressional staff members to assist Representative Honda with personal matters, the District Director told the OCE that she did not remember directing anyone.²⁵² She did, however, recall discussions about such personal assistance:

I remember discussions regarding picking up the Congressman's medication from Costco. I remember a discussion regarding his dry cleaning. . . . With Costco it was, “Costco is only open until 6:00, his plane isn't arriving until then, and how are we going to get his medicine to him?” The dry cleaning was, “He doesn’t have time to pick up his dry

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ Former Deputy District Director Transcript (Exhibit 14 at 15-2070_0459).

²⁴⁷ Digital Strategy Director Transcript (Exhibit 7 at 15-2070_0225).

²⁴⁸ *Id.* (Exhibit 7 at 15-2070_0227-0228).

²⁴⁹ *Id.* (Exhibit 7 at 15-2070_0228).

²⁵⁰ Former Deputy District Director Transcript (Exhibit 14 at 15-2070_0461).

²⁵¹ Chief of Staff Transcript (Exhibit 6 at 15-2070_0195).

²⁵² Former District Director Transcript (Exhibit 10 at 15-2070_0331-0332).

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cleaning, can you pick it up on the way to an event, or on the way home if you live nearby him, or...” I don't recall the outcome, but I do remember discussing those two.²⁵³

187. The District Director said that such discussions did not happen very often.²⁵⁴

188. When asked if there have been occasions, other than those relating to technology, where congressional staff members have assisted him with personal errands or personal business, Representative Honda said, “No. In fact, they always want to drive for me, but I drive and always make comments about how people should not be walking other people’s dogs and things like that. I’m pretty stubborn about some of that stuff.”²⁵⁵

189. Based on the foregoing information, the Board finds that there is not substantial reason to believe that Representative Honda used official staff to assist with personal errands or business.

V. INDIVIDUALS WHO REFUSED TO COOPERATE WITH THE OCE REVIEW

Doug Greven

190. Doug Greven served as the campaign manager for Representative Honda during the 2014 election cycle.

191. The OCE requested the opportunity to interview Mr. Greven regarding his experience as campaign manager for Representative Honda’s campaign.

192. Mr. Greven, through his attorney, declined the OCE’s request for an interview. He therefore did not cooperate with the OCE review.

Nadir Vissanjy

193. Nadir Vissanjy served as Legislative Correspondent and Systems Administrator in Representative Honda’s congressional office in Washington, DC, in 2012.

194. The OCE requested the opportunity to interview Mr. Vissanjy regarding his experience as the systems administrator for Representative Honda’s congressional office.

195. Mr. Vissanjy, through his attorney, declined the OCE’s request for an interview. He therefore did not cooperate with the OCE review.

VI. CONCLUSION

196. The Board finds that there is substantial reason to believe that Representative Honda and members of his congressional staff used official resources, including staff time, to benefit his campaign.

²⁵³ *Id.* (Exhibit 10 at 15-2070_0332).

²⁵⁴ *Id.*

²⁵⁵ Rep. Honda Transcript (Exhibit 1 at 15-2070_0018).

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197. The Board finds that there is substantial reason to believe that Representative Honda improperly tied official events to past or potential campaign or political support.
198. The Board finds that there is not substantial reason to believe that Representative Honda used congressional staff for personal errands or business.
199. Accordingly, the Board recommends that the Committee on Ethics further review the allegation that Representative Honda and members of his congressional staff used official resources for campaign purposes, in violation of House rules and standards of conduct.
200. The Board recommends that the Committee on Ethics further review the allegation that Representative Honda improperly linked official activities to past or potential political support, in violation of House rules and standards of conduct.
201. The Board recommends that the Committee on Ethics dismiss the allegation that Representative Honda used congressional staff for personal errands or business, in violation of House rules and standards of conduct.

**VII. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND
RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS**

202. The following witnesses, by declining to interview with the OCE, did not cooperate with the OCE review:
 - i. Doug Greven; and
 - ii. Nadir Vissanjy.
203. The Board recommends the issuance of subpoenas to Doug Greven and Nadir Vissanjy.