

APPENDIX B

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July 6, 2018

The Honorable Susan W. Brooks, Chairwoman
The Honorable Theodore E. Deutch, Ranking Member
Committee on Ethics
U.S. House of Representatives
1014 Longworth House Office Building
Washington, DC 20515-6328

Dear Chairwoman Brooks and Ranking Member Deutch:

This letter is in response to your request for information from Congressman Thomas A. Garrett Jr. dated June 8, 2018. This information is being provided to you by the agreed upon date of July 6, 2018. Congressman Garrett intends to fully and completely cooperate with you regarding this request on a voluntary basis. This response is being provided to you on a good faith basis to the best of Congressman Garrett's recollection, but the congressman nevertheless reserves the right to supplement or correct it should any information be brought to his attention subsequent to it.

For purposes of clarity, we have repeated your questions below:

1. For the period from January 3, 2017 to present, describe all instances in which your official staff provided, or were asked to provide, assistance with personal services or errands for you or your family. This request includes, but is not limited to, any instances in which your official staff were required or requested to chauffeur your daughters, pick up or unload groceries, watch and clean up after your dog, assist your wife with errands, and pick up your clothes from your residence. For each instance described, provide the Committee with: the dates and times for each activity (detailed per employee, to the greatest extent possible); the names of all staff involved; the amounts or reimbursements paid to each person, if any; the hours worked on the task by each employee; and the amount of official pay reduced for such activity if it occurred during official hours.

Please find below a description to the best of Congressman Garrett's recollection when official staff provided, or were asked to provide, assistance with what could be construed as personal services or errands for him or his family. He does not concede that such assistance was actually personal but rather believes it to be officially-connected under the circumstances. He nevertheless provides this information in the interest of full transparency.

a. "...requested to chauffeur your daughters..."

Congressman Garrett is not aware of any instances during the relevant dates in which any official staff were required or requested to chauffeur his daughters.

b. "... pick up or unload groceries..."

On May 3, 2017, official staff member ██████████ had been invited to Congressman Garrett's apartment to socialize after work. Congressman Garrett offered to buy him a ticket to a Washington Nationals game that night. Congressman Garrett later informed him that he should go ahead and go to the game without him, as he was waiting to help his wife bring groceries up from the parking garage when she returned from the store (as she was quite pregnant at the time). Mr. ██████████ declined the ticket and suggested that Congressman Garrett go ahead to the game, and that he would assist Mrs. Garrett. Congressman Garrett thanked him profusely and walked to the game with the others who had chosen to attend. Mr. ██████████ then, without Congressman Garrett's request or knowledge, walked his wife to the game where he met them outside. Congressman Garrett was surprised and grateful. Apparently, Mr. ██████████ did as he suggested he would, and helped carry groceries up the elevator from the parking garage.

While not responsive to the Committee's request, Congressman Garrett has texts and photos of Mr. Jones with him during a tour of the White House (which Mr. ██████████ had told Congressman Garrett he would enjoy, and so Congressman Garrett subsequently arranged). He also has a video shot of Mr. ██████████ by an independent third party describing his positive feelings about Congressman Garrett and his work in the office, as well as text messages he sent to the congressman after he left his employment and after the congressman helped him procure a subsequent job (from which he was apparently terminated). As recently as one month prior to the *Politico* article that prompted this

review,¹ Congressman Garrett has texts in which Mr. █████ suggests that Congressman Garrett should come and visit him when the congressman was in his area. Congressman Garrett thus is not only unaware of any complaints or concerns Mr. █████ may have had during his tenure in his official office, he considered Mr. █████ a friend and was shocked by the allegations that appeared in *Politico*.

On at least one other occasion, Congressman Garrett recalls that his wife told him that an official staffer who was at their apartment socially offered to help bring items up from the car. She believes the official staffer was █████ and that the event occurred in July 2017. Congressman Garrett has no independent knowledge or recollection of this event, although he did have staff over to the apartment to cook for them, socialize with them, and play board games on a regular basis before the arrival of █████ as Chief of Staff.

On two occasions, then unpaid intern █████ went to Costco and to Ikea. He was not official staff at the time, but later was offered and accepted a paying position. Mr. █████ was compensated on each occasion, on the first occasion with a meal, and the second with the meal and with the purchase of an item in which he expressed interest. Upon learning of this request, he said, unprompted, that he “never felt that he was pressured” and was “happy to be of assistance”. On both occasions, items for use and consumption inside the official office were purchased – including but not limited to picture frames from Ikea, food and beverages from Costco (including an ice cream cake for an official staffer’s office birthday celebration).

On other occasions, Congressman Garrett recalls that official staffers including Messrs. █████, █████, and █████ were asked to assist him with bringing food and drink that he or his wife had purchased for the official office from his car in Lot 1 to his office in Cannon. He estimates that this probably happened roughly ten times from January 3, 2017 to the present.

Official staff were never asked to get groceries for Congressman Garrett’s home or any other location from any store. Congressman Garrett recalls that official staff sometimes did go and pick up lunch for each other and that he also on occasion placed an order as well. He also frequently treated official staff to meals.

¹ All references to *Politico* herein are to Rachel Bade, Alex Isenstadt, and Kyle Cheney, “Ex-aides say congressman made them his servants” *Politico*, May 25, 2018.

Congressman Garrett does not recall official staff being asked to “pick-up” groceries except when groceries were purchased for use in the official office. In such instances, all groceries “picked up” from his car in Lot 1 were brought to the official office to be consumed by official staff and office visitors.

c. “...watch and clean up after your dog...”

Congressman Garrett recalls that official staffers [REDACTED] and [REDACTED] each dog sat for Sophie on at least one weekend. On each occasion, they offered to dog sit and were compensated. They were each also offered use of the Garrett’s apartment when these instances occurred, and he recalls they were both on occasions when Congress was out of session. Congressman Garrett recalls that Ms. [REDACTED] suggested that she “was tickled” to stay at their apartment as it “allowed her to get away from her housemates.”

Congressman Garrett is not aware of any official staff making a complaint about his dog being in the office. He never directed anyone to “clean up after her,” although after the *Politico* story he understands that someone may have done so. The dog was walked by staff who routinely argued (politely) with one another over whose “turn it was” to walk her. He recalls emails between staff expressing a desire to walk the dog, and while not directly responsive to this request, is willing to also search for them upon request.

Official staff expressed a sincere affection for Sophie and occasionally informed Congressman Garrett on ideas they had for the dog. For example, Congressman Garrett recalls emails between official staff suggesting they enter the dog into at least one competition sponsored by a Capitol Hill publication for “best dogs on Capitol Hill.” He recalls that they did in fact enter the dog into such a competition. While not directly responsive to this request, Congressman Garrett is also willing to search for such emails upon request.

d. “...assist your wife with errands...”

Notwithstanding the instances described above, Congressman Garrett recalls asking his wife to go to the House Gift Shop to purchase Christmas ornaments or similar gifts for constituents and believes she may have also asked official staff to do so as well.

e. “...pick up your clothes from your residence.”

Congressman Garrett recalls three instances in which he requested that Mr. [REDACTED] go to his residence to procure clothing for him, all of which were officially related.

On the first occasion, he forgot a belt. He gave the official staffer his car and house keys and asked if the official staffer would go and get him a belt. He believes this instance occurred in February 2017. At the time, he lived at 82 I Street SE, Washington D.C. 20003 and thought it was appropriate for an official staff member to help a Member of Congress present a professional appearance at an official meeting. The alternative would have been for the congressman to have missed a committee meeting while retrieving the belt himself.

On the second occasion, Congressman Garrett spilled mustard on his shirt. This instance must have occurred before March 2017, because since that occasion he has kept spare shirts in his office. He believed it was appropriate for official staff to help a Member of Congress present a professional appearance and asked an official staffer to drive to his apartment to obtain another shirt.

On the third occasion, Congressman Garrett did not have the appropriate tuxedo shoes for the White House Christmas Party. He believed it was it was appropriate for official staff to help a Member of Congress present a professional appearance and asked an official staffer to drive the congressman's car to his apartment to obtain the appropriate shoes.

2. Provide all documents related to any instances identified in your response to Request 1.

We have provided the mutually agreed upon search terms to an outside IT vendor who will search files of all official staff once they are provided by House IT staff professionals, who are still processing this request. We will update you as soon as practicable with the status of the search.

3. Provide the names, current or last known contact information, and dates of service for all current and former official staff involved in any instances identified in your response to Request 1.

Please find the names, last known contact information, and dates of service below:

[REDACTED]
[REDACTED]
[REDACTED]

May 2017-August 2017

[REDACTED]
[REDACTED]
[REDACTED]

July 2017-May 2018

[REDACTED]
[REDACTED]
[REDACTED]

Interned August 2017-Dec 2017

Dec 2017-July 2018

[REDACTED]
[REDACTED]
[REDACTED]

Interned Feb-May 2017

May 2017-Jan 2018

[REDACTED]
[REDACTED]

July 2017-

[REDACTED]
[REDACTED]

Jan 2017-

4. For the period from January 3, 2017 to present, provide all documents related to any complaints, objections, concerns or comments regarding your or your family's use of official resources, including official staff time, for unofficial purposes. This request includes any documents related to any adverse and/or retaliatory action(s) taken or suggested in response to any such complaints, objections, concerns or comments.

We have provided the mutually agreed upon search terms to an outside IT vendor who will search files of all official staff once they are provided by House IT staff professionals, who are still processing this request. We will update you as soon as practicable with the status of the search. That being said, to the best of his recollection, Congressman Garrett is not aware of complaints ever having been made, either formally or informally, directly or indirectly, regarding his or his family's use of official staff or resources for unofficial or unauthorized purposes prior to the *Politico* story. It is important to note for the record that the *Politico* story appeared only after the congressman terminated his then Chief of Staff, [REDACTED], for cause. Mr. [REDACTED] had, in February 2018, told the congressman, "If I go, your office goes with me." Congressman Garrett believes this is corroborated by the fact that, despite never lodging any complaint or reservation to Congressman Garrett about inappropriate use of official staff while in his employ, after he was fired in writing, *Politico* reported that Mr. [REDACTED] had "objected to the Congressman's use of office resources." When it appeared that he was not going to seek reelection there was no story, but within three hours of stating that Congressman Garrett would seek reelection, the calls to several current and former staffers to source the material given to *Politico* had started.

- 5. For the period from January 3, 2017 to present, provide all documents related to any trainings, guidance, policy or advice provided to your office or official staff regarding whether official staff could perform personal services or errands for you and/or your wife.**

It is Congressman Garrett's understanding that, during the relevant period, all official staff had completed all required and annual ethics training, and that records of completion are held by the House Ethics Committee Office of Advice and Education.

Furthermore, Congressman Garrett directed his Chief of Staff [REDACTED] to produce an 'open door' policy memorandum when it became clear that Mr. [REDACTED] had instructed staff not to express their thoughts directly to the congressman, but to only communicate through Mr. [REDACTED]. Congressman Garrett drafted this memorandum and scheduled a meeting for all staff with House Ethics Committee counsel. This meeting occurred in April 2018. The House Ethics Committee counsel came to the congressional office and fielded questions from Congressman Garrett and DC and District staff who were conference-called into the meeting.

6. For the period from January 3, 2017 to present, describe all instances in which your use of alcohol or other substances interfered with, or was suggested by anyone to have interfered with, your official duties. For each instance described, provide all relevant dates and times, the names of any individuals present or otherwise involved, the nature of the official duties, and any other relevant information.

On May 28, 2018, Congressman Garrett made public his struggle with alcoholism when announcing his decision not to seek reelection. As he stated, “[a]ny person – Republican, Democrat or independent – who has known me for any period of time and has any integrity knows two things: I am a good man and I’m an alcoholic.”² Congressman Garrett does not feel it is prudent or germane to further comment on the state of his recovery.

Notwithstanding his admission and the Center for Disease Control definition of how alcohol may affect a person,³ Congressman Garrett does not believe alcohol, or any other substances ever interfered with his official duties. Congressman Garrett was at no point ever intoxicated during an official work day, and never as much took a single drink during or prior to the official work day. There were never any suggestions raised by anyone that alcohol interfered with his job. His condition manifested itself after work hours and almost always alone and on weekends. It was quite typical for him to go days at a time without drinking at all. After Congressman Garrett admitted his alcoholism, one staffer who he later learned had multiple felony charges and what appear to be two felony convictions, texted him late at night or very early in the morning, accusing him of being intoxicated. Those texts will be provided to the Committee once located by House IT professionals. Congressman Garrett had not consumed alcohol for days at the point in time and has not consumed alcohol since the night of May 23, 2018.

7. Provide all documents related to any instances identified in your response to Request 6.

² See Laura Vozella and Jenna Portnoy, “Rep. Garrett announces he is an alcoholic and will not seek reelection,” *Washington Post*, May 28, 2018 https://www.washingtonpost.com/local/virginia-politics/rep-garrett-announces-he-is-an-alcoholic-and-will-not-seek-re-election/2018/05/28/40e8839a-62b2-11e8-99d2-0d678ec08c2f_story.html?noredirect=on&utm_term=.c4d07a7ab620 (visited on June 27, 2018).

³ According to the CDC, “Alcohol affects every organ in the body. It is a central nervous system depressant that is rapidly absorbed from the stomach and small intestine into the bloodstream. Alcohol is metabolized in the liver by enzymes. However, the liver can only metabolize a small amount of alcohol at a time, leaving the excess alcohol to circulate throughout the body. The intensity of the effect of alcohol on the body is directly related to the amount consumed.” <https://www.cdc.gov/alcohol/faqs.htm> (visited on June 27, 2018).

We have provided the mutually agreed upon search terms to an outside IT vendor who will search files of all official staff once they are provided by House IT staff professionals, who are still processing this request. We will update you as soon as practicable with the status of the search.

8. **Provide all documents related to recent news reports that you and/or your spouse used your official staff for non-official, personal purposes. This request includes, but is not limited to, all communications between you and any other person related to the publication of any articles regarding these allegations and/or the allegations contained therein, whether prior to or following publication of those articles.**

We have provided the mutually agreed upon search terms to an outside IT vendor who will search files of all official staff once they are provided by House IT staff professionals, who are still processing this request. We will update you as soon as practicable with the status of the search.

9. **Inform the Committee of the efforts you and/or your staff have made to identify documents or information responsive to this request.**

Congressman Garrett and his official office sought the counsel of House IT professionals to identify documents or information responsive to this request. As referenced above, we also requested that Committee on Ethics staff provide us with keyword search terms to help facilitate this response. We have provided the mutually agreed upon search terms to an outside IT vendor who will search files of all official staff once they are provided by House IT staff professionals, who are still processing this request. We will update you as soon as practicable with the status of the search.

10. **Provide any and all additional information or documents that, in your opinion, would assist the Committee in its investigation of the matters outlined in this letter.**

Congressman Garrett has no additional information to provide at this time, beyond the points raised herein. He does respectfully request that you, as part of your review, interview official staff about the positive experiences that have had working in his official office during his term, as it both provides context and helps to refute the unfounded allegations contained in *Politico*.

* * * * *

As we stated at the outset, Congressman Garrett intends to fully cooperate with you and the Committee regarding this matter, and hopes this material satisfies your questions. Nothing provided today may be viewed as a waiver of any privilege, including but not limited to the common law spousal privilege or the Speech or Debate clause of the United States Constitution. Please let me know if you have any additional questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elliot S. Berke". The signature is written in a cursive, flowing style.

Elliot S. Berke

Declaration

I, Representative Thomas A. Garrett, Jr., declare (certify, verify, or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated JULY 6, 2018 →* 2018, relating to my response to the June 8, 2018, Committee on Ethics request for information, are true and correct.

Signature:



Name:

Representative Thomas A. Garrett, Jr.

Date:

AUGUST 5, 2018

* AND THE SUPPLEMENTAL EMAIL PROVIDED BY MY ATTORNEY ON JULY 11, 2018 - AS PER THE TEXT BELOW:

" JANET:

THE STAFFER IDENTIFIED BUT NOT NAMED IN THE ANSWER TO QUESTION 6 WAS [REDACTED]. AS PER OUR CONVERSATION TODAY, CONGRESSMAN GARRETT BELIEVES THAT THE THREE INSTANCES REFERENCED IN THE ANSWER TO QUESTION 1, e LIKELY INVOLVED [REDACTED] BUT UPON REFLECTION BELIEVES SOME OF THE INSTANCES COULD HAVE INVOLVED [REDACTED]. THANKS!!

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September 21, 2018

The Honorable Susan W. Brooks, Chairwoman
The Honorable Theodore E. Deutch, Ranking Member
Committee on Ethics
U.S. House of Representatives
1014 Longworth House Office Building
Washington, DC 20515-6328

Dear Chairwoman Brooks and Ranking Member Deutch:

This letter responds to a Report and Findings of Fact and Citations to Law from the Office of Congressional Ethics concerning alleged conduct by Congressman Tom Garrett (“OCE Referral”) provided to the Committee on Ethics (“Committee”) on September 5, 2018. We understand that the Committee may release the OCE Referral at some point to the public, and if the Committee does so, we request that this letter and the enclosed statement from Congressman Garrett be included with any such release.

The OCE Referral addressed two alleged violations: 1) Congressman Garrett may have used his congressional staff to perform unofficial work and personal errands; and 2) Congressman Garrett hired an employee from his official congressional staff to work for his congressional campaign committee and that the employee may have performed personal errands while being paid by Congressman Garrett’s congressional campaign committee. Congressman Garrett is pleased that the OCE recommended the second allegation be dismissed. This letter, therefore, is meant to address the first allegation.

As to the first allegation, Congressman Garrett and his wife Flanna Garrett deny that they used congressional staff to perform unofficial work and personal errands. Congressman Garrett believes he has always held himself and his office to the highest ethical standards and does not believe that any requests made to congressional staff to facilitate the work of his office were unofficial or personal in nature. More specifically, Congressman Garrett does not recall ever receiving a single complaint from any congressional employee questioning whether requests were unofficial or personal in nature. The Congressman maintained an open-door policy for receiving

and addressing such concerns, and held a question and answer session for his staff and counsel for this Committee on April 26, 2018 (a recording of which he has produced to the Committee).

As you are aware, Congressman Garrett decided not to provide information to the OCE during its review out of deference to the requests for information from this Committee (and to avoid wasting both taxpayer and his own funds for what was a duplicative and redundant inquiry). Congressman Garrett also declined the OCE's invitation to participate in its review due to concerns with the way the OCE conducts itself, and those concerns are not abated upon review of the OCE Referral. The OCE Referral is riddled with falsities and innuendo and demonstrates profound concerns about how the OCE conducted its investigation into this matter.

The OCE Referral relies largely on the interview of "Matt Missen," a former employee of the Office of Congressman Garrett. Although Mr. Missen was interviewed by the OCE, the OCE inexplicably still found him to have refused to cooperate with its review.¹ Mr. Missen admitted under oath to having lied to the press concerning the allegations against Congressman Garrett,² but the OCE Referral includes the following paradoxical observation:

The Board notes that Mr. Missen's employment with Representative Garrett's office was terminated in early June 2018. Apart from the circumstances surrounding his termination that may have resulted in some degree of bias, the OCE found Mr. Missen's testimony to be detailed and forthcoming. After interviewing with the OCE, Mr. Missen did not respond to the OCE's repeated requests for documents.

OCE Referral at 8, fn. 20.

Mr. Missen's employment was indeed terminated by Congressman Garrett for cause. As the Committee is aware, Mr. Missen was terminated for "failure to well and faithfully discharge the duties of Communications Director."³ I have enclosed a statement from Congressman Garrett that addresses his employment as well as the employment of other official staff upon which the OCE relied on in reaching its findings.

¹ OCE Referral at 5.

² OCE Referral at 7.

³ Memo from W.R. Bill Janis, Chief of Staff, Congressman Thomas A. Garrett, Jr., to Matt Missentiz, Communications Director, RE: Immediate Termination for Cause, June 8, 2018 (enclosed).

As you requested, I have also enclosed what we believe to be all communications between my firm and the OCE on this matter. Should any additional communications not included be located subsequent to this letter, we will provide them to you as soon as practicable. As you will note upon

Please let me know if you have any additional questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elliot S. Berke". The signature is written in a cursive, flowing style.

Elliot S. Berke

Enclosure

September 24, 2018

The Honorable Susan W. Brooks, Chairwoman
The Honorable Theodore E. Deutch, Ranking Member
Committee on Ethics
U.S. House of Representatives
1014 Longworth House Office Building
Washington, DC 20515-6328

Dear Chairwoman Brooks and Ranking Member Deutch:

I wanted to send you this letter to address the credibility and veracity of former staff members who had served in my office, and upon whose statements the OCE apparently relied heavily in reaching its findings.

Matt Missen

Specifically, Matt Missen was terminated for: 1) making false oral and written statements during the hiring process, intended to mislead me regarding material and relevant facts about his background, experience, qualifications and character;¹ 2) serial dereliction of duty in refusing to respond to, or make me aware of, multiple media requests for information and interviews;² 3) using abusive, disrespectful, and insubordinate language to me when confronted with his above-

¹ I believe in general, that Mr. Missen overstated the level and extent of prior professional duties and experience and in some cases, completely fabricated past experiences. I recall, as an example, Mr. Missen claiming to have played with the University of South Carolina Varsity Team in the College Baseball World Series – a claim that now appears to be a fabrication.

² Mr. Missen's claims that he "lied to the press" in his official capacity as Communications Director are also worth reexamination. OCE Referral, at 8, fn15. The remarks in *Politico* to which he refers are, given the circumstances, both telling and ironic: "It is easy to spread untruths and even easier to exaggerate and imply wrongdoing when none exists." See Rachel Bade et al, "Ex-Aides say congressman made them his servants," <https://www.politico.com/story/2018/05/25/tom-garrett-staff-servants-608665>, (visited on September 18, 2018). Setting aside the fact that, claiming to have lied to the press should undercut his credibility, it is important to note that a significant event occurred between the time Mr. Missen made these statements on May 25, 2018, and his characterization of them as "lies" on July 20, 2018: he was terminated for cause by me for being untruthful. While the OCE Referral gives a brief, passing acknowledgement of this probative fact, OCE Referral, at 8, fn15, fn20, it nevertheless found his testimony "detailed and forthcoming." OCE Referral at 8, fn. 20.

mentioned failure to respond to, or make me aware of, media inquiries,³ and 4) failure to disclose material facts about his qualifications and character that would be materially relevant to his duties, and if known, would have been a barrier to his employment in my office (as discussed more herein). The OCE failed to note any of these important facts in its referral, opting instead to simply note that his employment had been “terminated.”⁴

Additionally, although the OCE Referral relies on Mr. Missen’s statements to make its findings, the supposed events in issue would have had to have occurred almost exclusively prior to the hiring of Mr. Missen. Thus, any knowledge of these putative events would have been, at best, indirect or hearsay in nature. It is not surprising therefore that Mr. Missen did not respond to the OCE’s repeated requests for documents, nor provide any independent validation of his statements. His testimony, which the OCE deemed credible, appears to be a fabrication.

Throughout the term of his employment in my office, and continuing after his termination for cause, Mr. Missen routinely submitted claims for reimbursement for expenses that were entirely unrelated to his official duties, on the pretense that they were work-related, often offering untruthful explanations for the nature of the expenses incurred. His current pending expense requests were audited, and a summary of that audit is attached to this letter as an addendum.

Finally, and most disturbingly, Matt Missen’s real name is not “Matt Missen,” but rather an alias for Matt Missentzis, who appears to have been charged with felonies in multiple states, who was convicted of misdemeanor “crimes of moral turpitude” in Virginia, sentenced on December 30, 2015 to 30 months incarceration, with 24 months suspended, and, having only recently completed six months of incarceration, was still under court supervision at the time of his hiring.⁵ I only learned about Mr. Missentzis’ criminal record in June 2018, long after he was hired and employed as my Communications Director.

Having relied so heavily on the “veracity” of this so-called witness in finding reasonable grounds for these serious allegations, without either vetting him for reliability, independently verifying his statements, nor even confirming his actual identity, borders on the incompetent. If the OCE were in fact aware of the aforementioned facts, but declined to note or consider them in their report for public release, it would be malicious.

³ See e.g., BF.Garrett.COE.Prod.081518.000000001-6.

⁴ *Id.*

⁵ See Alexandria Virginia Circuit Court, Commonwealth v. Matthew Ryan Missentzis, Case Number GF15000249, December 30, 2015

Former Staffer 1 (John March)

The OCE also bases much of its conclusions on information provided by former Staffer 1. The transcript of the interview of former Staffer 1 makes it apparent he is my former Legislative Correspondent John March. While Mr. March was not terminated for cause but rather left to work for the Republican Party of Virginia (as discussed more herein), during the course of his employment in my office he was counseled repeatedly by his immediate supervisor Hallie Pence, and my former Chief of Staff Jimmy Keady, regarding his inability, or unwillingness, to complete his assigned duties in a timely fashion, as well as his disrespectful and insubordinate tone. I have enclosed a memorandum from Ms. Pence that summarizes the difficulties she experienced with Mr. March, as well as an email exchange between herself, Mr. March and former Chief of Staff Mr. Keady. It is telling to note that, in the transcript of his interview with OCE, Mr. March refused repeatedly to correctly identify Ms. Pence as his supervisor, and offered self-serving explanations, most notably putative animus directed against him by my wife Flanna, for his failure to be promoted or advanced (TOI Former Staffer 1 July 11, 2018 Page 5).

Mr. March, in his interview with OCE, admits having coordinated with multiple media outlets as an anonymous source for the stories which were the genesis of the OCE and COE investigations (TOI Former Staffer 1 July 11, 2018 Page 9), and throughout his interview displays thinly-veiled animus towards my wife and me. He also admits being in routine, current communication with my former Chief of Staff Jimmy Keady. (TOI Former Staffer 1 July 11, 2018 Page 21).

Finally it is also important to note that Mr. March's statements are based almost exclusively on hearsay and innuendo. In fact, most of his responses to questions from OCE do not even presume, and in many cases explicitly disclaim, direct knowledge or observation of the facts averred. Yet his speculative answers were presented as facts in the OCE Referral. That OCE would afford such weight and relevance to this so-called witness is emblematic of the biased and irregular nature of their entire investigation.

Jimmy Keady

Although Jimmy Keady, my former Chief of Staff, also was deemed to have not cooperated with the OCE in its review, I have reason to believe that Mr. Missentzis has been in contact with Mr. Keady to manufacture these allegations against me. The employment of Mr. Keady was also terminated for cause by me for insubordination, disrespect, refusal to implement

an "open-door" policy as directed by me, and for creating a hostile workplace environment wherein staffers were prohibited from reporting grievances directly to me.

While Mr. Keady did not reportedly speak directly to OCE, there are multiple assertions of fact offered in the OCE report of Mr. Keady's state of mind, motives or "the difficulty of his circumstances." OCE even alleges as fact that Mr. Keady was terminated for "the pushback he was getting on certain things . . . and the delineation of official versus unofficial."⁶ The OCE Referral cites Staffer 1 as the source of this finding; however, Staffer 1's inferences as outlined in the OCE Referral are based solely upon her speculation as to the intended meaning of Mr. Keady's self-serving characterizations in his text messages -- and are not based on direct knowledge or observation. Like many of the assertions made in the OCE Referral, they are based on nothing more than unsubstantiated hearsay and speculation.

Mr. Keady also stood to benefit both professionally and financially from negative public allegations against me. Upon termination, he sought to have me publicly characterize his termination as "not for cause," rather than "being fired," which I did. At this point, I was still seeking re-election. Shortly after I announced I would not seek re-election, Denver Rigglesman, the current Republican candidate for my district, who had previously worked with my longtime political consultant, Carlyle Gregory, summarily terminated his relationship with Mr. Gregory, and then retained Mr. Keady to be the primary consultant on his congressional campaign (where Mr. Keady is currently engaged notwithstanding that he had never previously worked in the role of a primary consultant for a congressional race). My decision not to seek re-election, based in part on the negative and untruthful allegations against me and my wife, therefore afforded Mr. Keady the opportunity to run a congressional race for my successor.

I believe that Mr. Keady helped to place my former Legislative Correspondent John March in the position of Communications Director for the Republican Party of Virginia in Richmond, Virginia, a remarkable fact given that Mr. March has no prior experience in communications or media relations, and as stated above, was neither conscientious nor diligent in the performance of his limited duties as my Legislative Correspondent. Mr. March and the Republican Party of Virginia, under then-Chairman John Whitbeck, were then the first to leak to the press that I was considering not seeking re-election. Mr. Whitbeck was the only person to whom I spoke on this subject prior to my public announcement. I called Mr. Whitbeck to determine what the nomination method would be should I choose not to seek re-election. Mr. Whitbeck promised to keep this conversation in confidence, but within three hours of the conversation, I fielded calls from several fellow Members of Congress, as well as text message

⁶ OCE Referral at 6, fn. 18.

inquiries from the *Richmond Times-Dispatch*, a Richmond Virginia-based newspaper, which was the first media outlet to contact me to confirm rumors I would not seek re-election.⁷ The fact that Chairman Whitbeck did not keep in confidence our conversation as promised, was confirmed to me personally by a fellow Member of the Virginia Delegation, and to a current member of my staff by Mr. John Findley at RPV. As noted above, Mr. March has admitted in his interview with OCE that, since leaving my staff in January 2018, he has on several occasions served as an anonymous source for media reports regarding my office (TOI Former Staffer 1 July 11, 2018 Page 9). Once again, public disclosure of the fact that I was privately considering resignation was calculated to force that decision on my part.

In summary, Mr. Keady had demonstrated similar animus to that held by Mr. Missentzis and Mr. March. He also had financial and professional motives to harm my reputation. Mr. Missentzis related firsthand knowledge of events to which he could not have been a direct witness, indicating collusion with parties, like Mr. Keady and Mr. March, who would have been. I therefore request that the Committee subpoena communications between Messrs. Missentzis, Keady and March as part of its review into this matter.

Sincerely,



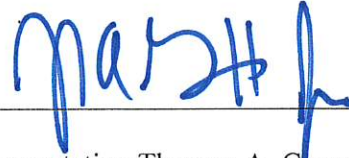
Thomas A. Garrett
Member of Congress

⁷ Further, a fellow Member of Congress confirmed to me directly, and RPV staff member John Findley confirmed to a current member of my staff as well, that RPV had circulated this information despite Whitbeck's promise that it would remain private. At a time when I was privately weighing my options, the disclosure that I was considering withdrawing from the race was calculated to create additional pressure and hasten that decision.

Declaration

I, Representative Thomas A. Garrett, Jr., declare (certify, verify, or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated _____, 2018, relating to my response to the June 8, 2018, Committee on Ethics request for information, are true and correct.

Signature:

A handwritten signature in blue ink, appearing to read 'T. Garrett, Jr.', written over a horizontal line.

Name:

Representative Thomas A. Garrett, Jr.

Date:

9/24/18, 2018

09/19/2018

Account of reimbursements submitted for payment by Matthew R. Missentzis during his time of employment in Congressman Thomas A. Garrett, Jr. congressional office.

Expenses paid out before departure.

1/24/18 – 1/28/18 Mileage reimbursement for trip to district. On this expense two lines were added that were travel from home [REDACTED] to the workplace in DC and returning. This is against house rules for reimbursements as travel to and from your duty station is not reimbursable.

Total: \$5.99

2/3/18-2/3/18 Mileage reimbursement for meetings around DC. Last line included mileage to his home at the end of the day [REDACTED] This is against house rules for reimbursements as travel to and from your duty station is not reimbursable.

Total: \$2.99

1/2/18-1/6/18 Uber expenses due to a lockdown of the cannon garage where Mr. Missentzis had parking privileges. Attached to this request were two uber expenses to a restaurant/bar strip in Arlington at 10:31 pm and 11:20 pm. While the lockdown would have prevented Mr. Missentzis from having his car, his personal expenses in the evening are not reimbursable. The other uber expenses on this request were for meetings.

Total: \$ 9.48

10/15/17-10/30/17 Mileage reimbursement for trip to the district included two lines of travel from home [REDACTED] to the workplace in DC and returning. This is against house rules for reimbursements as travel to and from your duty station is not reimbursable.

Total: \$5.99

1/6/18-1/25/18 Mileage reimbursement for trip to district. On this expense one line was added that were travel from home [REDACTED] to the workplace in DC. This is against house rules for reimbursements as travel to and from your duty station is not reimbursable.

Total: \$3.10

Expenses Submitted Week of Termination

10/03/17-10/17/17 Mixed expense request included two uber expenses from home to work. This is against house rules for reimbursements as travel to and from your duty station is not reimbursable

Total: \$ 10.49

03/19/18-03/26/18 Mixed Reimbursement request for a trip to the district included two lines of travel from home [REDACTED] to the workplace in DC and returning. This is against house rules for reimbursements as travel to and from your duty station is not reimbursable.

Total: \$7.27

In addition to these expense, Mr. Missentzis submitted duplicate requests for reimbursements even though he had been provided with documentation stating his reimbursements had been processed and paid. On the duplicate expenses he changed the detailed description, expense category or the number of lines on the reimbursement. This gave cause for a complete audit of his expenses where it was discovered that he had been incorrectly reimbursed for \$30.54 for travel to and from his residence. This was missed in the original review of his expenses due to the nature in which it was placed with other travel from a trip to the district. It was also discovered that an over payment of \$20 was made due to poor quality of the scanned copy of his expense requests. The expenses submitted the week of termination were changed to deduct the inappropriate funds and the additional \$50.54 was deducted from his requests to accommodate for the over payment to him for his previous expenses. Mr. Missentzis was notified in writing regarding this deduction from his expense requests.

Jennifer Bailey
Financial Administrator
Congressman Thomas A. Garrett, Jr.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

FEDERAL INFORMATION
PROCESSING STANDARDS
CODE: 510

Hearing Date: **December 10, 2015**
Judge: **James C. Clark**

COMMONWEALTH OF VIRGINIA

v.

MATTHEW RYAN MISSENTZIS, Defendant

This day came the defendant, **MATTHEW RYAN MISSENTZIS**, who stands indicted for a felony and two misdemeanors, to-wit: Possession of Schedule I/II Drugs, Unlawful Entry, and Petit Larceny, appeared in Court according to the terms and conditions of his recognizance, and came also **Marina Medvin**, his attorney.

Whereupon, the Attorney for the Commonwealth moved the Court to amend Count 1 of the indictment to Possession of Schedule IV Drugs, and there being no objection thereto by the defendant said motion was granted and the Court ordered that the indictment be amended accordingly.

Whereupon, the accused was arraigned and after private consultation with his said counsel, pleaded **GUILTY** to Possession of Schedule IV Drugs, **GUILTY** to Unlawful Entry, and **GUILTY** to Petit Larceny, which plea was tendered by the accused in person, and the Court, having made inquiry and being of the opinion that the accused fully understood the nature and effect of plea and of the penalties that may be imposed upon conviction and of the waiver of trial by jury and of appeal, and finding that plea was voluntarily and intelligently made, proceeded to hear and determine the case without the intervention of a jury as provided by law.

Having heard the evidence and the argument of counsel, the Court finds the defendant guilty of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION & INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CF15000249 NAR-3024-M2	Possession Schedule IV Drug (M)	03-24-2015	18.2-250(A,b1)
CF15000249 TRS-5717M1	Unlawful Entry (M)	03-14-2015	18.2-121
CF15000249 LAR-2366-M1	Petit Larceny (M)	03-14-2015	18.2-96

Before pronouncing the sentence, the Court inquired if the defendant desired to make a

statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration with the **Virginia Department of Corrections** for the term of: **6 months** for **Possession of Schedule IV Drugs**, **12 months** for **Unlawful Entry**, and **12 months** for **Petit Larceny**. The total sentence imposed is **30 months**.

These sentences shall run **consecutive to one another** and **consecutive** to any other sentences imposed.

The Court **SUSPENDS** **all 6 months** of the **Possession of Schedule IV Drugs** sentence, for a period of **4 years**, **all but 6 months** of the **Unlawful Entry** sentence, for a period of **4 years**, and **all 12 months** of the **Petit Larceny** sentence, for a period of **4 years**, for a total suspension of **all but 6 months**, upon the following condition (s):

Good behavior. The defendant shall be of good behavior for **4 years** from the defendant's release from confinement.

Supervised probation. The defendant is placed on probation to commence on his release from incarceration, under the supervision of a Probation Officer for **2 years** or unless sooner released by the court. The defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer.

Community Service. The defendant shall complete 50 hours of community service.

No Return/No Contact. The defendant shall not return to any Free Congress offices and shall have no further contact with any of the named victims in this case (with the exception of any legal proceedings regarding lost wages, unless such lawsuit is deemed malicious).

Costs. The defendant shall pay costs of **\$462.00 plus attorney's fees**.

Restitution. It is further ordered pursuant to the provision of §19.2-305.1 Code of Virginia, that the defendant shall make restitution as follows: **\$200.00 to Free Congress Foundation**, **\$5.00 to Dan Kreske**, **\$25.00 to Robert Thompson**, and **\$130.00 to Peter Weyrich**, for a total restitution amount of **\$360.00**, in accordance with the terms and conditions of the attached Restitution Plan, which is incorporated herein and made part of this order by reference; the sums paid for restitution shall be paid to the Clerk of the Circuit Court, who shall disburse such sums in accordance with the restitution plan; this judgment shall be docketed by the Clerk as provided in Virginia Code §8.01-446, with interest to run from the date of judgment.

Credit for time served. The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code § 53.1-187.

12/14/15

DATE

ENTER:

[Handwritten signature]

DEFENDANT IDENTIFICATION:

██████████

██████████

Sex: M

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: **30 months**

TOTAL SENTENCE SUSPENDED: **all but 6 months**

Memorandum for the Record

To: Bill Janis, Chief of Staff

From: Hallie Pence, Legislative Director

Date: September 20th, 2018

Subject: Issues relating to John March's job performance in Congressman Tom Garrett's Office

Background

John March was hired in May of 2017 and was employed through the beginning of February of 2018. March had interned in the DC office prior to being hired as the Legislative Correspondent. He gave two weeks notice at the end of January as he would be starting as the Communications Director for the Republican Party of Virginia.

Issues with Job Performance

When March started on as Legislative Correspondent, there was a considerable backlog of letters that had not been responded to that were under James Van Den Berg's duties. When March accepted the position, he understood that he was now responsible for ensuring that all of the backlog was responded to as well as keeping up with current letters. He was asked to prioritize the backlogged ones on multiple occasions both in person and in writing. He also understood that checking the faxes on a regular basis (intended to be daily) fell solely under his job description, therefore making him responsible for them.

Hallie Pence, was the supervisor of the correspondence operation in the office and therefore was March's direct supervisor. She spoke with March on a weekly basis, urging him to close out the letters that were outside of the standard and agreed to two week turn around. On October 17, she sent an email to March in great detail of the exact pieces of correspondence she needed done and told him to only complete the 578 messages that were outside of the two week turn around and to ensure that faxes were being checked. This email is a follow up to many other individual emails and conversations that made the exact same request, but obviously had not been met as she needed to send this additional email. The email thread is attached to this document. Pence also consistently offered any necessary assistance or approval needed to complete these and tried to work with March in an encouraging, helpful, and clear manner.

Following this email exchange where Pence was holding March accountable by asking for the aforementioned duties that were in his job description and agreed to by both parties to be completed, March's attitude changed dramatically and had pronounced themes of disrespect towards Pence. March had been asking for a promotion and to be given policy issues throughout his time in the office. His request for a promotion was not granted as he was unable to complete the basic duties of his job on a consistent basis. Once he had been offered the job at RPV, he informed everyone in the office that he would be leaving in two weeks and made Pence the last of the DC staff to be informed of his departure. He prepared a departing memo detailing his duties and standard operating procedures to assist the person who would be taking over his duties. March parted ways with the office at the beginning of February without issue.

Pence, Hallie

From: March, John
Sent: Friday, October 20, 2017 2:57 PM
To: Keady, Jimmy
Cc: Pence, Hallie
Subject: Re: IQ Letters

I will make sure it gets done asap

Sent from my iPhone

On Oct 20, 2017, at 2:52 PM, Keady, Jimmy <[REDACTED]> wrote:

John - Please start responding to everything in writing. Hallie is in charge of managing and overseeing the entire letter program. Therefore, Hallie has the authority and my complete backing to manage the letter department as she sees fit. In simpler terms, Hallie is your direct supervisor. Act in that manner. Let me know when the original requested list of items are completed.

Thanks,

Jimmy Keady
Chief of Staff
Rep. Tom Garrett (VA-05)
(202) 225-4711

<image006.jpg><image002.png><image007.png><image008.png>

From: March, John
Sent: Friday, October 20, 2017 1:43 PM
To: Pence, Hallie <[REDACTED]>
Cc: Keady, Jimmy <[REDACTED]>
Subject: RE: IQ Letters

We sit next to each other so I did not see the merit in sending a written response, my mistake. I read every email that comes to me, and I really do try my best to accomplish the tasks assigned. From here on out, feel free to request a read receipt, or I can send "got it" responses to all of them. We all do many different jobs in the office and I am confident that every person here works well beyond their paygrade.

When I took over, we had 15,000+ faxes and 33,000+ pending opinions, many of which were over 15 days old. Those numbers, respectively, are now 1,755 and 1,002, with about 60 that are older than 15 days. As we have discussed before, many of the faxes are from out of the District. As such, I do not prioritize them. That will obviously change in the future.

My job is manage the writing and sending of letters. I want to work with both of you to ensure that I remain a productive part of our office. I have spent a lot of time doing the things that have been asked to be done. My numbers reflect my work, and I know we are all doing the best we can. Please let me know if you would like to speak on this issue in the future.

From: Pence, Hallie
Sent: Friday, October 20, 2017 1:21 PM
To: March, John <[REDACTED]>
Cc: Keady, Jimmy <[REDACTED]>
Subject: RE: IQ Letters

Hey,

John, I would like to address this email thread with you. I am looping in Jimmy on the email.

I sent this on Tuesday and had spent a lot of time going through to breakdown exactly what I needed done. This email was never responded to, and I had to ask verbally if you received it on Wednesday. The items in the email were not completed, which prompted me to ask you to have a meeting with Jimmy and me on Thursday. You should have prompted a meeting before then if the items could not be done. It is important that you respond to emails that have action items in them and communicate with me if you are unable to do them. Once an action item is assigned to you, it is your job follow through on it and complete it. This needs to be the standard moving forward.

The total number is down from 578 to 80, and I appreciate the effort, but there are still 80 left. You have sent the document explaining 10 of these and we now have a plan for them. The remaining 60 must be completed by COB next Friday, October 27th. No exceptions.

Please also have all of the faxes being processed to be logged. There are currently 1755 faxes that are unread. I asked for you to include how many we receive weekly as an informational bullet point in your weekly report. Please put this in and stay on top of faxes. Moving forward, faxes count as letters, with a two week turnaround from the date they were sent and received in the fax inbox.

My job is manage the letter operations. I want to work with you to ensure that this is a productive part of our office. I have spent a lot of time checking on things I have asked to be done. You do a lot of good work, but I just want to make sure we are all doing the best we can. Please let me know if you have questions.

From: Pence, Hallie
Sent: Tuesday, October 17, 2017 10:55 AM
To: March, John <[REDACTED]>
Subject: RE: IQ Letters

Also, I know faxes are logged in by interns, but please include in the weekly report, how many of the correspondence for the week were faxes. It is very important that you keep on top of those! They need to be logged in within one week of them being received. It would be ideal for you to put them in an email at the end of each day to an intern for logging.

From: Pence, Hallie
Sent: Tuesday, October 17, 2017 10:51 AM
To: March, John <[REDACTED]>
Subject: IQ Letters

Hey,

So you've been doing a great job with getting a lot of letters out each week and catching up on the backlog! I just wanted to touch base on a couple of things – and please let me know if I am misinterpreting it, because you are in IQ every day, and I am just checking in on it.

It looks like there are 73 messages are start back in February and go until 22 days ago. These must be done by your weekly report this week. We've talked about them a couple of times, but if there are any that you need something special with or need to handle a certain way – let me know, and I can get you the approval you need, but they have to be cleared out by Friday at noon.

There are also 157 messages that are 21-15 days old. In theory, there should really only be some that are 15 days old, but I know with the weekend, etc. If you can try to be proactive about getting these prioritized, that would be great! The idea is that no one would have to go more than two weeks without a response even though it wouldn't show up in the weekly report that it was completed in 18 days rather than 14. They must be completed by Friday at noon for the report.

There are an additional 348 messages that will expire out of the two week turn around by Friday. I know you know these have to be completed at noon, but I am a woman to systems and patterns, so I'm putting in here that they too have to be completed by noon on Friday (I know you know).

In total, these 578 must be out by Friday. If any cannot be closed out, please send a list of which ones and why by Thursday. For example – I know there are two test ones from IQ that cannot be closed – put those in the list. I know that there are two in a Hallie Call batch – I will call those before Thursday, but if I hadn't – that would go in that list. There is a list of Tom Calls – have these been communicated to Jimmy and Marissa (cc' me on any correspondence with this)? I know Jimmy said he would make them if TAG cannot, but he needs the info. I know it's a pain in the ass to stay on people about these things, but the Tom Calls should have been cleared out a few weeks ago.

Even if you were to only do these specific 578 this week, I would like you to prioritize these ones over sheer numbers. Please let me know if you have questions! Thanks for all the work! I know letters never end, but they are a vital part of our office!

Hallie Pence
Legislative Assistant
Rep. Tom Garrett (VA-05)
415 Cannon House Office Building
(202) 225-4711

<image001.jpg><image002.png><image003.png><image004.png>
<image005.png>

June 8, 2018

From: W.R. Bill Janis, Chief of Staff, Congressman Thomas A. Garrett, Jr.

To: Matt Missentiz, Communications Director

RE: IMMEDIATE TERMINATION FOR CAUSE

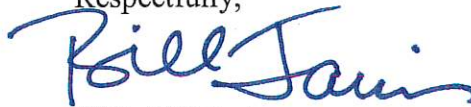
You are hereby terminated from your employment, for failure to faithfully discharge the duties of your office as Communications Director.

Upon receipt of this memorandum, you will immediately surrender to me all property of this office in your possession, to include but not be limited to, your security identification badge, keys, parking pass, telephones and official records.

You are further directed to remove all personal items from your assigned office space no later than 12:00 P.M. today, and vacate the premises.

You are also further directed not to return to these offices, for any purpose, for the duration of the 115th Congress. Failure to abide by this directive will result in your prosecution for trespass.

Respectfully,



W.R. Bill Janis

Chief of Staff

RECEIVED: 

From: [Elliot Berke](#)
To: [Foster, Janet](#)
Cc: [Pescatore, Brittney](#); [Arrojo, David](#)
Subject: Re: Outstanding Request for Information
Date: Wednesday, August 22, 2018 6:51:44 PM

Janet:

Congressman Garrett does not and has not had access to that account. It is strictly used by his wife, Flanna, despite its name.

Elliot S. Berke
Managing Partner
Berke Farah LLP
[1200 New Hampshire Ave. NW](#)
[Suite 800](#)
[Washington, DC 20036](#)

[REDACTED]
[REDACTED]
[REDACTED]

This e-mail may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading forwarding to others. The following statement is provided pursuant to U.S. Treasury Department Regulations: This communication is not intended or written to be used, and cannot be used, by a taxpayer for the purpose of avoiding penalties that the Internal Revenue Service may impose on the taxpayer.

On Aug 22, 2018, at 8:00 AM, Foster, Janet [REDACTED] wrote:

Thanks, Elliot.

The Committee has received information indicating that Representative Garrett had an additional email account: [REDACTED]. Please search and provide us with any responsive documents connected to this email account no later than one week from today, by August 29, 2018.

Thanks,
Janet

Janet M. Foster
Counsel
Committee on Ethics
United States House of Representatives
1015 Longworth HOB
Washington, D.C. 20515