

FINDINGS OF FACT AND CITATIONS TO LAW
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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 16-7162

On August 26, 2016, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*).

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

I. INTRODUCTION

A. Summary of Allegations

1. Representative Duncan D. Hunter’s (“Rep. Hunter”) congressional campaign committee, Duncan D. Hunter for Congress (the “campaign committee”), reported expenditures that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. Rep. Hunter may have converted tens of thousands of dollars of campaign funds from his campaign committee to personal use to pay for family travel, flights, utilities, health care, school uniforms and tuition, jewelry, groceries, and other goods, services, and expenses.
2. If Rep. Hunter converted funds from his campaign committee for personal use, then he may have violated House rules, standards of conduct, and federal law.
3. In this review, the Office of Congressional Ethics (the “OCE”) examined Federal Election Commission (“FEC”) filings for the campaign committee from January 2009 to the present, and thousands of pages of Rep. Hunter’s financial, travel, and purchase records. The records illustrate a consistent practice of misuse of campaign funds by Rep. Hunter and his family. The OCE also found prevalent examples of FEC reports filed by the campaign committee that may contain materially false and misleading statements.
4. While the OCE identified evidence of personal use of campaign funds in this review, Rep. Hunter and the campaign committee’s refusal to cooperate with the review restricted access to a substantial body of the campaign committee’s financial, travel, and purchase records. In spite of obligations under House rules, Rep. Hunter refused to verify that such funds were not used for personal purposes.
5. In addition to the specific examples of personal use identified in these findings, the evidence reviewed by the OCE strongly supports the conclusion that Rep. Hunter’s total personal use

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended of campaign committee funds includes tens of thousands of dollars in additional credit card, travel, utilities, and goods and services purchases and payments.

6. The Board recommends that the Committee on Ethics further review the above allegations concerning Rep. Hunter because there is substantial reason to believe that Rep. Hunter converted campaign funds to his personal use to pay expenses that were not legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes.

B. Jurisdiction Statement

7. The allegations that were the subject of this review concern Rep. Hunter, a Member of the United States House of Representatives from the 50th District of California.¹ The Resolution the United States House of Representatives adopted creating the OCE directs that, “[n]o review shall be undertaken... by the board of any alleged violation that occurred before the date of adoption of this resolution.”² 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 preliminary review in this matter signed by at least two members of the Board on April 22, 2016. The preliminary review commenced on April 23, 2016.³ The preliminary review was scheduled to end on May 22, 2016.
9. On April 27, 2016, the OCE notified Rep. Hunter 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.⁴
10. At least three members of the Board voted to initiate a second-phase review in this matter on May 20, 2016. The second-phase review commenced on May 23, 2016.⁵ The second-phase review was scheduled to end on July 6, 2016.

¹ Rep. Hunter served on behalf of the 52nd district of California during his first two terms in the 111th and 112th sessions of Congress, and following redistricting was elected to serve the 50th district during the 113th and 114th sessions of Congress.

² H. Res 895, 110th Cong. §1(e) (2008) (as amended).

³ 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, as amended, (hereafter “the Resolution”), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

⁴ Letter from Omar S. Ashmawy, Staff Director and Chief Counsel, Office of Congressional Ethics, to Rep. Hunter, April 26, 2016.

⁵ 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.

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11. On May 23, 2016, the OCE notified Rep. Hunter of the initiation of the second-phase review in this matter, and again notified him of his right to be represented by counsel in this matter, and that invoking that right would not be held negatively against him.⁶
12. The Board voted to extend the 45-day second-phase review by an additional 14 days on June 24, 2016, as provided for under the Resolution. Following the extension, the second-phase review was scheduled to end on July 20, 2016.⁷
13. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on August 26, 2016.
14. The report and its findings in this matter were transmitted to the Committee on Ethics on August 31, 2016.

D. Summary of Investigative Activity

15. The OCE requested documentary and in some cases testimonial information from the following sources:
 - (1) Rep. Hunter;
 - (2) Margaret Hunter;
 - (3) Duncan D. Hunter for Congress;
 - (4) Bruce Young;
 - (5) Sheila Hardison;
 - (6) Joseph Kasper;
 - (7) Joe Browning;
 - (8) Elizabeth M. Argo;
 - (9) Rick Terrazas;
 - (10) Wesley Schermann Jr.;
 - (11) Victoria J. Middleton;
 - (12) Allison R. Sadoian;
 - (13) Carly DeBeikes;
 - (14) The Gula Graham Group;
 - (15) Gilliard, Blanning & Associates Inc.;
 - (16) Former Staffer A;
 - (17) The Arizona Grand Resort;
 - (18) The Aston Kaanapali Shores;
 - (19) The Colonial Williamsburg Foundation;
 - (20) The Cosmopolitan of Las Vegas;
 - (21) The Grove Hotel;
 - (22) Hilton Worldwide Holdings, Inc.;
 - (23) Hyatt Hotels Corp.;
 - (24) Caesars Entertainment Corporation;

⁶ Letter from Omar S. Ashmawy, Staff Director and Chief Counsel, to Rep. Hunter, May 23, 2016.

⁷ The 14-day extension expires after the 45-day second-phase review ends. The 14-day extension does not begin on the date of the Board vote.

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- (25) The New York Palace Hotel;
- (26) Omni Hotels & Resorts;
- (27) Marriott International, Inc.;
- (28) TradeWinds Island Grand Resort;
- (29) InterContinental Hotels Group;
- (30) American Airlines Group, Inc.;
- (31) Southwest Airlines Co.;
- (32) Starwood Hotels and Resorts;
- (33) Delta Airlines, Inc.;
- (34) United Continental Holdings, Inc.;
- (35) Enterprise Holdings, Inc.;
- (36) Expedia, Inc.;
- (37) Apple Inc.;
- (38) Blizzard Entertainment, Inc.;
- (39) Christian Unified Schools;
- (40) Jiffy Lube International, Inc.;
- (41) Nordstrom, Inc.;
- (42) Electronic Arts, Inc.;
- (43) The Walt Disney Company;
- (44) Valve Corp.;
- (45) Chevron Corporation;
- (46) San Diego Gas & Electric;
- (47) The Hertz Corporation;
- (48) American Express;
- (49) Albertsons Companies, Inc.;
- (50) Center for Oral & Facial Surgery;
- (51) Commander's Palace;
- (52) Gioielleria Manetti;
- (53) Easy Open Door Company, Inc.;
- (54) Educational Outfitters, San Diego;
- (55) Emerald City Gang Inc.;
- (56) Exxon Mobil Corporation;
- (57) Shell Oil Company;
- (58) Zarka Cigar Lounge;
- (59) Cox Communications;
- (60) Padre Dam Municipal Water District;
- (61) AT&T;
- (62) Dollar General Corporation;
- (63) First National Bank of Omaha, First Bankcard Division; and
- (64) Starbucks Corporation.

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16. The following individuals and entities refused to fully cooperate with the OCE's review:

- (1) Rep. Hunter;
- (2) Margaret Hunter;
- (3) Duncan D. Hunter for Congress;
- (4) Bruce Young;
- (5) Sheila Hardison;
- (6) Joseph Kasper;
- (7) Joe Browning;
- (8) Elizabeth M. Argo;
- (9) Rick Terrazas;
- (10) Wesley Schermann Jr.;
- (11) Victoria J. Middleton;
- (12) Allison R. Sadoian;
- (13) Carly DeBeikes;
- (14) The Gula Graham Group;
- (15) Gilliard, Blanning & Associates Inc.;
- (16) Chevron Corporation; and
- (17) San Diego Gas & Electric.

II. REPRESENTATIVE HUNTER MAY HAVE CONVERTED CAMPAIGN FUNDS TO PERSONAL USE

A. Applicable Law, Rules, and Standards of Conduct

17. 52 U.S.C. § 30114(b)(1)

“A contribution or donation described in subsection (a) of this section shall not be converted by any person to personal use.”

18. 52 U.S.C. § 30114(b)(2)

“For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office, including-

- (A) a home mortgage, rent, or utility payment;*
- (B) a clothing purchase;*
- (C) a noncampaign-related automobile expense;*
- (D) a country club membership;*
- (E) a vacation or other noncampaign-related trip;*
- (F) a household food item;*
- (G) a tuition payment;*
- (H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and*
- (I) dues, fees, and other payments to a health club or recreational facility.”*

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19. 18 U.S.C. § 1343

“Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.”

20. 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”

House Rule 23, clause 6(b) states that, “a Member may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures.”

House Rule 23, clause 6(c) states that, “a Member except as provided in clause 1(b) of rule XXIV, may not expend funds from his campaign account that are not attributable to bona fide campaign or political purposes.”

21. House Ethics Manual and Precedent

*The House Ethics Manual states, “Members have wide discretion in determining what constitutes a bona fide campaign or political purpose to which campaign funds and resources may be devoted, but Members have **no** discretion whatsoever to convert campaign funds to personal use. Furthermore, House rules require that Members be able to verify that campaign funds have not been used for personal purposes.”⁸*

Regarding the requirement to verify that campaign outlays are not used for personal purposes, the House Ethics Manual states, “Members and their campaign staffs should bear in mind that the verification requirement imposed by the House rules is separate from, and in addition to, whatever recordkeeping requirements are imposed by the Federal Election Commission on federal candidates generally”⁹

In addition, the House Ethics Manual notes, “[a]s to outlays for travel or meals – as well as outlays for the acquisition of goods or services from themselves or their family members – Members must exercise great care, because such outlays by their nature raise a concern of personal use.”¹⁰

⁸ House Ethics Manual (2008) at 173 (emphasis in original).

⁹ *Id.* at 165 (emphasis omitted).

¹⁰ *Id.* at 167.

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The House Ethics Manual states that, “[a] Member’s use of campaign funds for federal office is permissible only if it complies with the provisions of both the House Rules and [the Federal Election Campaign Act].”¹¹

The House Ethics Manual further states: “While [the Federal Election Campaign Act (“FECA”)] and other statutes on campaign activity are not rules of the House, Members and employees must also bear in mind that the House Rules require that they conduct themselves ‘at all times in a manner that shall reflect creditably on the House’ (House Rule 23, clause 1). In addition, the Code of Ethics for Government Service, which applies to House Members and staff, provides in ¶ 2 that government officials should ‘[u]phold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion.’ Accordingly, in violating FECA or another provision of statutory law, a Member or employee may also violate these provisions of the House rules and standards of conduct.”¹²

In 2002, the House Committee on Ethics reproved a Member of Congress for a pattern of practice involving the conversion of campaign committee funds to personal use, including the use of campaign funds to pay utility expenses.¹³

22. Federal Election Commission Regulations

a. 11 C.F.R. § 113.1(g) FEC Personal Use Definition

“Personal use means any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.

(1)(i) Personal use includes but is not limited to the use of funds in a campaign account for any item listed in paragraphs (g)(1)(i)(A) through (J) of this section:

(A) Household food items or supplies. . .

(C) Clothing, other than items of de minimis value that are used in the campaign, such as campaign “T-shirts” or caps with campaign slogans.

(D) Tuition payments, other than those associated with training campaign staff.

(E) Mortgage, rent or utility payments— (1) For any part of any personal residence of the candidate or a member of the candidate’s family; or (2) For real or personal property that is owned by the candidate or a member of the candidate’s family and used for campaign purposes, to the extent the payments exceed the fair market value of the property usage.

(F) Admission to a sporting event, concert, theater or other form of entertainment, unless part of a specific campaign or officeholder activity. . .

(J) A vacation.”

¹¹ *Id.* at 152 (emphasis in original).

¹² *Id.* at 122 (footnote omitted).

¹³ Report of the Committee on Ethics, *In the Matter of Representative Earl F. Hilliard*, H. Rep. 107-130, 107th Cong., 1st Sess. (2001) at 58.

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b. 11 C.F.R. § 113.1(g)(1)(ii) Personal Use Case-By-Case Determinations

“The Commission will determine, on a case-by-case basis, whether other uses of funds in a campaign account fulfill a commitment, obligation or expense that would exist irrespective of the candidate's campaign or duties as a Federal officeholder, and therefore are personal use.

Examples of such other uses include:

(A) Legal expenses;

(B) Meal expenses;

(C) Travel expenses, including subsistence expenses incurred during travel. If a committee uses campaign funds to pay expenses associated with travel that involves both personal activities and campaign or officeholder-related activities, the incremental expenses that result from the personal activities are personal use, unless the person(s) benefiting from this use reimburse(s) the campaign account within thirty days for the amount of the incremental expenses”¹⁴

c. 11 C.F.R. § 104.3(b)(4) Disbursement Reporting and Purpose Statement

“Each authorized committee shall report the full name and address of each person in each of the following categories, as well as the information required by each category. (i) Each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the election cycle is made by the reporting authorized committee to meet the authorized committee's operating expenses, together with the date, amount and purpose of each expenditure. (A) As used in this paragraph, purpose means a brief statement or description of why the disbursement was made.”

¹⁴ While the legitimacy of certain campaign-funded travel expenses is assessed on a case-by-case basis under the FEC's rules, the FEC has approved travel expenses for a candidate and his minor children to travel between the home district and Washington, D.C. to participate in “a function directly connected to the Senator's *bona fide* official responsibilities.” FEC Advisory Op. 2005-09 (Aug. 19, 2005). The FEC also permitted campaign expenditures for travel by candidates and children accompanying their parents between the home district and Washington, D.C. when the travel was for campaign purposes. FEC Advisory Op. 1995-20 (June 30, 1995). Similarly, the FEC permitted the use of campaign funds for travel and subsistence expenses for a candidate, his spouse and two minor children during a party convention, noting that the candidate's wife and children “[would] play a significant role in the political receptions and fundraising events that [were] part of the trip.” FEC Advisory Op. 1996-34 (September 12, 1996). In one case involving a congressman departing Congress for an executive branch position, the FEC applied close scrutiny to the use of campaign funds for two weeks of lodging at a hotel in Washington, D.C. for the candidate and his family. FEC Advisory Op. 1993-6 (May 14, 1993). The FEC explained that the campaign could pay the portion of the hotel cost devoted to the congressman's congressional duties, which included meeting with constituents and working to wind down the congressional office. *Id.*

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B. Rep. Hunter May Have Converted Tens of Thousands of Dollars in Campaign Funds to Personal Use

23. As described below, the OCE found that Rep. Hunter may have converted tens of thousands of dollars of funds from his campaign committee to his personal use. The OCE identified pervasive evidence of campaign-funded expenditures for family travel, flights, utilities, health care, school uniforms and tuition, jewelry, groceries, gas, and other goods, services, and expenses not attributable to bona fide campaign or political purposes, between January 2009 and the present, totaling at a minimum \$45,514.85.
24. Rep. Hunter, Rep. Hunter's wife Margaret Hunter, the campaign committee, and the majority of Rep. Hunter's current and former congressional and campaign staffers' refusal to cooperate with this review likely prevented further corroboration and discovery of additional evidence of misuse of campaign funds.
25. The OCE reviewed FEC records from the time Rep. Hunter first entered Congress in January 2009 to the present, in addition to financial, travel, and purchase records produced to the OCE by third-party witnesses.
26. Additionally, the OCE reviewed purchases by Rep. Hunter and Mrs. Hunter for goods and services that may show a pattern of personal use totaling tens of thousands of dollars, although the campaign committee disclosed the purchases as legitimate expenditures in the campaign committee's FEC filings.¹⁵
27. The OCE also found frequent examples of campaign-funded purchases by Mrs. Hunter for household and everyday goods and services like gas and groceries at locations near the family's California home.¹⁶ Mrs. Hunter refused to cooperate with this review and, although she intermittently received payments from the campaign committee for management services and consulting, the OCE could not determine her exact responsibilities, if any, for the campaign committee.¹⁷
28. While Rep. Hunter's refusal to cooperate prevented a complete accounting of potential personal use expenses, the chart below provides a summary of the OCE's findings. Notably,

¹⁵ See discussion *infra* Part II.B.iv.3 and Exhibit 1 explaining that the OCE identified American Express credit card transactions on statements from January 2010 through February 2013 that were paid for by Rep. Hunter's campaign committee (hereafter "*See American Express discussion infra* Part II.B.iv.3").

¹⁶ See discussion of campaign-funded purchases for personal goods and services *infra* Part II.B.iv.

¹⁷ At times, Mrs. Hunter received compensation from the campaign committee for campaign management and consulting services. In September 2011, Mrs. Hunter began receiving payments from the campaign committee for campaign management services. In 2011, she received \$8,000.00 and in 2012 she received \$24,000.00 for these services. Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2011-January 2013. In 2013, Mrs. Hunter did not receive funds from campaign. Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2013-January 2014. In 2014, Mrs. Hunter received \$39,000.00 for campaign consulting and in 2015 she received \$33,000.00. Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2014-January 2016. As of the campaign committee's July 2016 Quarterly Report to the FEC, Mrs. Hunter had received \$18,000 for campaign consulting in 2016. Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2016-July 2016.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended the \$45,514.85 amount of personal use expenditures identified by the OCE far exceeds the \$17,310.92 Rep. Hunter and Mrs. Hunter recently repaid the campaign committee.¹⁸

29. While the \$45,514.85 includes many large-dollar purchases, it also includes many small-dollar purchases, showing that the Hunter family used the campaign committee account to fund various aspects of their lifestyle – big and small.
30. As further described in section iv, the evidence reviewed by the OCE supports the conclusion that Rep. Hunter’s personal use of campaign funds exceeds the \$45,514.85 by tens of thousands of additional dollars.

REP. HUNTER SUMMARY OF CAMPAIGN-FUNDED PERSONAL EXPENDITURES	
January 2009 - Present	
Categories of Personal Use Expenditures^a	
<i>Totals:</i>	
<u>Personal Travel</u>	
Italian Trip	\$9,213.58
Hawaiian Trips*	\$7,066.33
Arizona Grand Resort Dance Festival & Trip	\$2,891.75
Boise, Idaho Family Wedding & Trip	\$3,024.39
Flights for Pet Rabbit	\$625.00
Travel for Friends and Extended Family	\$6,341.97
Travel for Faculty at Children’s School	\$754.68
<u>Home Utilities and Maintenance</u>	
Water, Cable, and Internet	\$4,666.06
Garage Door Repair*	\$1,200.00
<u>Health Care and Educational Expenses</u>	
Child’s Dental Work*	\$1,137.00
School Payments*	\$6,150.00
School Uniforms	\$207.63
<u>Additional Goods and Services</u>	
Star Trader, Star Wars Merchandise Store, Disneyland	\$229.44
Steam Games*	\$1,423.72
Surf Shop*	\$360.58
Nordstrom*	\$62.10
Barnes & Noble*	\$160.62
TOTAL:	\$45,514.85

^aThe total listed above excludes tens of thousands of dollars of groceries, meals, travel, and goods and services purchases paid for by the campaign committee that may have been personal in nature. The OCE could not identify the campaign or political purpose for many of these additional campaign committee expenditures because Rep. Hunter, Mrs. Hunter and the campaign committee refused to cooperate with this review.

*Indicates category for which Rep. Hunter and Mrs. Hunter partially or fully repaid the campaign committee for improper expenditures.

¹⁸ See discussion of Rep. Hunter and Mrs. Hunter’s \$17,310.92 repayments to the campaign committee *infra* Part II.B.iv.4.

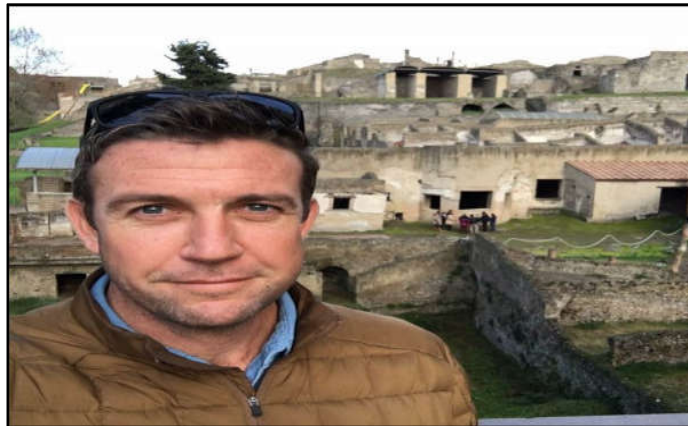
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i. Rep. Hunter's Use of Campaign Funds for Personal Travel

31. The OCE found that Rep. Hunter and his family routinely used campaign committee funds to pay for their family trips and other personal travel expenses. Among the many categories of improper expenses identified in this review, the OCE found that the campaign committee funded a family trip to Europe, hotel expenses for a family wedding, Hawaiian travel and beach resort expenses, the cost to attend an Irish dance festival, and many other trip expenses with no discernible nexus to bona fide campaign or political activities.
32. In addition, Rep. Hunter's campaign committee paid for flights for relatives and friends, purchases of beachwear and jewelry while traveling, and on multiple occasions the campaign committee paid the cost to fly Rep. Hunter's pet rabbit.
33. As described below, Rep. Hunter and the campaign committee developed a practice of using campaign funds for personal and family travel expenses.

1. \$9,213.58 for November 2015 Family Trip to Italy

34. In late November 2015, Rep. Hunter's campaign committee spent \$9,213.58 on hotels, flight costs, food, train transportation, and jewelry as part of a family trip to Italy for Rep. Hunter, Mrs. Hunter, and their three children, including stops in Rome, Florence, Naples, and Positano. According to FEC rules, the use of funds from a campaign account to pay for a vacation is per se personal use.¹⁹ As of the date of these findings, Rep. Hunter had not repaid the campaign committee for any of the expense of the Italian family trip. Pictures posted and since removed from Rep. Hunter's Facebook account show Rep. Hunter and Mrs. Hunter in Italy during the trip in front of Italian landmarks.²⁰



¹⁹ 11 C.F.R. § 113.1(g)(1)(i)(J).

²⁰ See Morgan Cook, "Ethics complaints highlight Hunter's Italy trip," THE SAN DIEGO UNION-TRIBUNE, Apr. 28, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/28/hunter-italy/> (including pictures of Rep. Hunter and Mrs. Hunter's trip to Italy taken from Facebook postings that are no longer accessible).

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a. \$5,032.53 in Italian Trip Flight Expenses

35. The OCE reviewed United Airlines transactional and flight records for Rep. Hunter and Mrs. Hunter, and compared these transactions to corresponding disbursements from Rep. Hunter's campaign committee.
36. In total, the OCE found \$5,032.53 in United Airlines charges to the campaign committee for Rep. Hunter, Mrs. Hunter, and the couple's three children's flight expenses for the November 2015 Italian trip.
37. The air travel consisted of two parts: (1) round trip flights for all five family members from Dulles International Airport to Rome Fiumicino Airport with connections in Europe; and (2) round trip flights for Mrs. Hunter and the three children from San Diego to Washington, D.C. immediately prior and after the flights from Dulles to Rome.
38. Concerning the flights from Dulles to Rome, Rep. Hunter used \$1,399.20 in campaign funds to pay for his round trip flight to Italy as evidenced by United Airlines purchase records and a corresponding campaign payment to United Airlines for \$1,399.20.²¹
39. Rep. Hunter's United Airlines rewards miles account shows that reward miles, rather than campaign funds, paid for the four round trip flights from Dulles to Rome for Mrs. Hunter and the three children.²² However, to catch the flight to Europe from Dulles and presumably meet Rep. Hunter in Washington, D.C., the campaign committee paid \$2,412.80 for round trip flights from San Diego to Washington, D.C. for Mrs. Hunter and the three children.²³
40. Specifically, on November 19, 2015, Mrs. Hunter and the three children flew from San Diego to Washington, D.C. and then caught a plane from Washington, D.C. to Rome on November 21, 2015.²⁴ On November 28, 2015 they returned from Rome to Washington, D.C. and flew from Washington, D.C. to San Diego on November 29, 2015.²⁵
41. As shown in the United Airlines records and confirmed by a United Airlines records custodian, the cost of Mrs. Hunter's round trip from San Diego to Washington, D.C. was \$403.20 in addition to \$200.00 in change fees for moving the original date of the return flight.²⁶ These \$403.20 and \$200.00 charges appear four times each on corresponding FEC

²¹ United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0562); United Airlines Italy Passenger Records for Rep. Hunter (Exhibit 3 at 16-7162_0573); Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 82.

²² United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0569). While the OCE reviewed passenger records for Rep. Hunter and Mrs. Hunter, which sometimes incorporated flights for the children, the OCE did not request specific passenger records for the three children as part of this review.

²³ United Airlines Italy Passenger Records for Mrs. Hunter (Exhibit 4 at 16-7162_0577-0583).

²⁴ *Id.*; United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0569).

²⁵ United Airlines Italy Passenger Records for Mrs. Hunter (Exhibit 4 at 16-7162_0577-0583).

²⁶ *Id.* (Exhibit 4 at 16-7162_0581, 0583); Phone Conversation between Helen Eisner, Investigative Counsel, Office of Congressional Ethics, and United Airlines Records Custodian, July 19, 2016. Mrs. Hunter's flight records for the San Diego to Washington, D.C. portion of the trip represent a revised itinerary from what originally appeared on the mileage booking records for Mrs. Hunter and the children, necessitating the four \$200.00 change fees. *Id.*

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended filings for November 2015 as disbursements to United Airlines, demonstrating that the campaign committee paid for this leg of travel for Mrs. Hunter and all three children.²⁷

42. In addition, the campaign committee spent funds on three \$134.00 Economy Plus seat upgrades for the international flights to Rome and on four \$105.30 flight change fees for their international flights related to connections in Europe, totaling \$763.60.²⁸ The OCE also reviewed nine other campaign committee disbursements to United Airlines that were made on the same days as the seat upgrades and the San Diego round trip bookings for the Italy trip and because of the timing of these disbursements, coinciding with the other trip expenses, incorporated these \$456.93 in charges into the overall airfare expenses paid for by the campaign for the family trip.²⁹

b. \$1,920.11 in Italian Trip Hotel Expenses

43. In addition to flights, the campaign committee paid for \$1,920.11 in family hotel expenses in Italy that were booked through Expedia. The OCE compared Rep. Hunter and Mrs. Hunter's Expedia records at Italian hotels in November 2015 with campaign committee disbursements to Expedia from that month and found six matching disbursements.³⁰

44. With \$1,920.11 in campaign funds, Rep. Hunter and his family stayed at the Starhotels Michelangelo in Rome for two nights, the Palazzo Gamba in Florence for one night, the Eurostars Hotel Excelsior in Naples for one night, the San Gallo Palace Hotel in Florence for

²⁷ Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 81-83, 152-153.

²⁸ The OCE reviewed United Airlines transactional records and confirmed with a United Airlines records custodian that the \$134.00 expense represented an Economy Plus seat upgrade, that the \$105.30 represented a ticket exchange, and that there were also four \$14.90 refunds related to the ticket exchange for the European flights. United Airlines Italy Passenger Records for Mrs. Hunter (Exhibit 4 at 16-7162_0577-0583); Phone Conversation between Helen Eisner, Investigative Counsel, and United Airlines Records Custodian, July 19, 2016. These transactional amounts were then compared to the November 2015 disbursements on the campaign committee's 2015 Year End FEC Quarterly Report and April 2016 Quarterly Report. The \$134.00 amount, which was the cost of Mrs. Hunter's seat upgrade from Dulles to Europe, appears as three separate \$134.00 disbursements by the campaign committee on November 23, 2015. The \$105.30 amount appears as four separate disbursements from November 4, 2015. Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 62-63, 82-83, 101; Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 152, 154.

²⁹ This includes all additional November 4, 2015 and November 23, 2015 campaign committee disbursements to United Airlines, many of which were for small dollar amounts and likely represented travel related add-ons for the flights. Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016; Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016.

³⁰ Three campaign committee Expedia disbursements for \$602.45, \$342.29, and \$327.98 from November 4, 2015 and three disbursements for \$180.70, \$190.92, and \$275.77 from November 30, 2015 match the amount of Expedia booking records that used Mrs. Hunter's personal email address and Rep. Hunter or Mrs. Hunter's name for the reservation. See Hunter Family Expedia Records (Exhibit 5 at 16-7162_0585-0587). This table was edited from its original format provided by Expedia to improve readability as an exhibit. The original will be provided to the Committee on Ethics as supplemental information. See also Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 48, 95; Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 140.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended one night, and at the Hilton Garden Inn Rome Airport for one night.³¹ The hotel bookings paid for by the campaign committee cover all six nights of the family's November 22 through November 28, 2016 trip in Italy.³²

c. \$2,260.94 in Other Italian Trip Expenses

45. In addition to lodging, the OCE reviewed FEC filings and found that the campaign committee spent \$2,260.94 on other miscellaneous expenses during the trip including meals, train travel, and other goods and services in Rome, Florence, Naples and Positano.³³
46. In one case, the campaign committee reported a \$216.76 disbursement as "FOOD/BEVERAGES" at a jewelry store in Florence, Gioielleria Manetti.³⁴ In another instance, the campaign committee reported a \$683.29 payment at Hotel L'Ancora in Positano as "CATERING & VENUE"; however the OCE found no evidence that an event had occurred at this eighteen-room boutique hotel on the Amalfi coast, and without cooperation the OCE could not ask Rep. Hunter about this expense.³⁵
47. Joseph Kasper, Rep. Hunter's Chief of Staff, who did not cooperate with this review, stated in press reports that the Italian travel may have involved official activities and that the trip was a way to obtain "donation items or donor support items."³⁶
48. The OCE found no evidence of any campaign or official purpose to the trip. Rather, the Italy trip appears to have been a family vacation to multiple Italian cities, with \$9,213.58 in personal flight expenses, lodging, dining, and jewelry purchases paid for by Rep. Hunter's campaign committee, which Rep. Hunter has made no public effort to reimburse as of the date of these findings.

2. \$7,066.33 for Family Trips to Hawaii

49. On two occasions, Rep. Hunter's campaign committee funded family trips to Hawaii totaling at least \$7,066.33. According to FEC rules, the use of funds from a campaign account to pay for a vacation is per se personal use.³⁷
50. Rep. Hunter and his family regularly travel to Hawaii. Former Staffer A, who worked in Rep. Hunter's office from March 2009 until December 2010, told the OCE that during her

³¹ Hunter Family Expedia Records (Exhibit 5 at 16-7162_0585-0587).

³² *Id.* Mrs. Hunter's flight records confirm the length of the Italian trip. United Airlines Italy Passenger Records for Mrs. Hunter (Exhibit 4 at 16-7162_0577-0583).

³³ The OCE reviewed nine disbursements on the campaign committee's April 2015 Quarterly Report that were recorded on November 25, November 27, and November 30, 2015 at locations in Italy. Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 140, 147-151.

³⁴ Gioielleria Manetti, <http://www.gioielleriamanetti.it/> (last visited Aug. 16, 2016).

³⁵ Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 148; Hotel L'Ancora, <http://www.hotelancorapositano.com/> (last visited Aug. 16, 2016).

³⁶ See Morgan Cook, "Ethics complaints highlight Hunter's Italy trip," THE SAN DIEGO UNION-TRIBUNE, Apr. 28, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/28/hunter-italy/>.

³⁷ 11 C.F.R. § 113.1(g)(1)(i)(J).

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51. While Rep. Hunter appears to have repaid some Hawaiian trip expenses, in part after concerns were raised in the media about his spending, as of the date of these findings he has made no public effort to repay the campaign's outlay for his airfare to Hawaii and other goods purchased while in Hawaii.³⁹

a. \$6,701.74 for 2015 Hawaii Trip

52. The OCE found that Rep. Hunter's campaign committee paid for \$6,701.74 in expenses associated with a family trip to Hawaii in April 2015.

53. From March 30 until April 7, 2015, Rep. Hunter and Mrs. Hunter stayed at the Aston Hotel and Resorts at Aston Kaanapali Shores in Lahaina, Hawaii and the campaign committee paid for the entire \$6,288.74 hotel bill.⁴⁰ The room invoice totals for \$3,092.77 and \$2,058.61, and an additional \$9.36 invoice for a purchase at the resort's grocery and souvenir shop, match the exact amount of three April 9, 2015 campaign disbursements to the hotel reported to the FEC.⁴¹

54. In addition, the hotel invoices show two advance deposits of \$530.00 and \$598.00 for the rooms from March 30, 2015.⁴² These payments match two March 31, 2015 campaign disbursements to Expedia for those amounts.⁴³

55. The hotel rooms were reserved under Mrs. Hunter's name and included a "1BGV" room which is a 1 Bath Garden View room with a king bed and a sofa bed, and one STST room, which is a studio with a kitchen that includes two beds.⁴⁴ One of the invoices shows a room rollaway fee, indicating there was an extra bed in the room.⁴⁵

³⁸ Transcript of Interview of Former Staffer A, July 11, 2016 ("Former Staffer A Transcript") (Exhibit 6 at 16-7162_0614-0615).

³⁹ See Morgan Cook, "Hunter to cut short Israel trip, repay campaign funds," THE SAN DIEGO UNION-TRIBUNE, Apr. 7, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/07/hunter-repay/>; Morgan Cook, "Hunter repays \$12,000 to campaign," THE SAN DIEGO UNION-TRIBUNE, Apr. 11, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/11/hunter-repay/>.

⁴⁰ Aston Hotel and Resorts Room 532 Invoice (Exhibit 7 at 16-7162_0633-0634); Aston Hotel and Resorts Room 547 Invoice (Exhibit 8 at 16-7162_0636-0639); Aston Hotel and Resorts Personal Information Forms (Exhibit 9 at 16-7162_0641-0642).

⁴¹ Duncan D. Hunter for Congress, First Amended July 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 5, 80-81; Aston Kaanapali Shores Resort Overview, <http://www.astonkaanapalishoresresort.com/resort-overview/> (last Aug. 16, 2016).

⁴² Aston Hotel and Resorts Room 532 Invoice (Exhibit 7 at 16-7162_0633); Aston Hotel and Resorts Room 547 Invoice (Exhibit 8 at 16-7162_0636).

⁴³ Duncan D. Hunter for Congress, First Amended April 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2015, at 74-75.

⁴⁴ Aston Hotel and Resorts Personal Information Forms (Exhibit 9 at 16-7162_0641-0642). See also Delta Vacations Aston Hotels and Resorts Room Types, https://www.deltavacations.com/planning/hotel.do?hotelId=OGG_AKS_AKS (last visited Aug. 16, 2016) (providing room category descriptions at the Aston Hotel and Resorts in the "room types" section).

⁴⁵ Aston Hotel and Resorts Room 547 Invoice (Exhibit 8 at 16-7162_0636-0638).

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56. Without cooperation, the OCE could not definitively determine whether the three Hunter children participated in this trip. Hotel records indicate that the two rooms may have been occupied by two adults each.⁴⁶ However, recognizing the occupancy capacity of the two rooms and that it was routine for the Hunters to travel to Hawaii with their children, it is likely that the children or other relatives took part in the trip.
57. The hotel invoices for the April 2015 trip, paid for by the campaign committee, include fees for parking, hotel amenities, additional charges at the resort's grocery store, and purchases at Beachside Casuals, a hotel shop selling "casual beachwear for the entire family."⁴⁷
58. In its FEC filings, the campaign committee reported that direct disbursements to the Aston Kaanapali Shores were "mistaken" and Rep. Hunter repaid the \$5,160.74 of invoice expenses that were not charged in advance on June 30, 2015.⁴⁸ Almost a year after the original effort to reimburse the campaign committee for "mistaken" hotel expenses and shortly after press articles questioned his expenses, Rep. Hunter repaid the separate \$1,128.00 of advanced Expedia charges highlighted in paragraph 53 on April 8, 2016.⁴⁹ Joseph Kasper told the media that the trip was planned as part of a campaign event that was later cancelled.⁵⁰
59. In addition to lodging, the OCE found that the campaign committee paid the \$413.00 cost for Rep. Hunter's March 30, 2015 and April 7, 2015 round trip flights from San Diego to Kahului, Hawaii, and the expense had not been reimbursed to the campaign committee as of the date of these findings.⁵¹ Mrs. Hunter's March 30, 2015 and April 7, 2015 round trip flights from San Diego to Kahului, Hawaii appear not to have been paid for by the campaign committee, and the OCE did not have access to records related to the children's flights.⁵²

b. \$364.59 for 2012 Hawaii Trip

60. During a separate trip to Kaanapali Beach in Hawaii in April 2012, Rep. Hunter's campaign committee paid for \$364.59 in flight and other miscellaneous expenses.

⁴⁶ Aston Hotel and Resorts Personal Information Forms (Exhibit 9 at 16-7162_0641-0642).

⁴⁷ Aston Hotel and Resorts Room 532 Invoice (Exhibit 7 at 16-7162_0633-0634); Aston Hotel and Resorts Room 547 Invoice (Exhibit 8 at 16-7162_0636-0639); Aston Kaanapali Shores Resort Overview, <http://www.astonkaanapalishoresresort.com/resort-overview/> (last visited Aug. 16, 2016).

⁴⁸ Duncan D. Hunter for Congress, First Amended July 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 80-81.

⁴⁹ Duncan D. Hunter for Congress, First Amended April 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2015, at 74-75; Duncan D. Hunter for Congress, 2016 FEC Pre-Primary Report of Receipts and Disbursements, filed May 26, 2016, at 27-28; Morgan Cook, "Hunter repays \$12,000 to campaign," THE SAN DIEGO UNION-TRIBUNE, Apr. 11, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/11/hunter-repay/>.

⁵⁰ *Id.*

⁵¹ The round trip flight to "OGG" Kahului Airport connecting through San Francisco from San Diego was purchased on January 28, 2015 and the corresponding campaign disbursement to United Airlines for that amount followed on January 30, 2015. United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0561); United Airlines 2015 Hawaii Passenger Records for Rep. Hunter (Exhibit 10 at 16-7162_0644-0646); Duncan D. Hunter for Congress, First Amended April 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2015, at 86.

⁵² United Airlines Flight Recap Sheet for Mrs. Hunter (Exhibit 11 at 16-7162_0648).

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61. On January 12, 2012, Rep. Hunter paid for \$50.00 in airline fees for his family's flights to Hawaii.⁵³ The credit card statement for the charges specifically describes the name of each passenger, and the April 3, 2012 departure for a flight to Kahului, Hawaii.⁵⁴ The \$50.00 includes four \$10.00 expenses—likely transactional fees for using reward miles for the flight reservation—for Mrs. Hunter and the three children for an April 3, 2012 flight to Hawaii.⁵⁵ Rep. Hunter also paid two \$5.00 fees related to his own flight to and from Hawaii.⁵⁶
62. As part of the same 2012 trip to Hawaii with his children, the campaign committee reported a \$314.59 disbursement as “gifts for supporters” to the Whaler in Lahaina.⁵⁷ However, according to the credit card statements for this period, the \$314.59 actually represented \$228.18 for groceries purchased at the Whalers General Store in Lahaina and \$86.41 purchased at the Whaler, a condominium resort that is part of the of Aston Kaanapali Beach Resort complex.⁵⁸ Without cooperation from Rep. Hunter, former campaign Treasurer Bruce Young, or the campaign committee, the OCE could not identify a campaign or political purpose for the grocery purchase or the expenditure at the condominium resort.

3. \$2,891.75 for Family Trips to the Arizona Grand Resort

63. In 2016, the campaign committee spent \$2,891.75 on two trips to the Arizona Grand Resort in Phoenix, Arizona, including the cost for Mrs. Hunter to attend an Irish dance festival, neither of which has been repaid to the campaign committee as of the date of these findings.

a. *\$632.53 for January 2016 Feis Championship Trip*

64. In January 2016, the campaign committee spent \$632.53 on Mrs. Hunter's stay at the Arizona Grand Resort to attend an Irish dance festival as part the North American Feis Commission's (“NAFC”) 2016 Championships. A Feis is an Irish dance competition or festival, involving dance, music, and costumery.⁵⁹

⁵³ See American Express discussion *infra* Part II.B.iv.3. The Hawaiian travel credit card transactions that were paid for by Rep. Hunter's campaign committee include the \$50.00 in United Airlines expenses described above.

American Express Statement Ending Feb. 9, 2012 (Exhibit 1 at 16-7162_0041, 0364-0365).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.* When all eight United Airlines purchases from the American Express statement with a February 9, 2012 closing date are combined, they total \$579.20. *Id.* (Exhibit 1 at 16-7162_0041, 0359-0370). This is the exact amount reported by the campaign committee for “Travel, food, lodging” on March 2, 2012, which is the same day that Bruce Young, the campaign Treasurer in 2012, paid the account balance that had appeared on the February 2012 American Express credit card statement. American Express Statement Ending March 11, 2012 (Exhibit 1 at 16-7162_0373); Duncan D. Hunter for Congress, April 2012 FEC Quarterly Report of Receipts and Disbursements, filed April 11, 2012, at 96. The \$579.20 disbursement for United Airlines charges that was paid on March 2, 2012 included Mrs. Hunter's \$504.20 purchase for a flight to Chicago for her mother. American Express Statement Ending Feb. 9, 2012 (Exhibit 1 at 16-7162_0363).

⁵⁷ Duncan D. Hunter for Congress, July 2012 FEC Quarterly Report of Receipts and Disbursements, filed July 15, 2012, at 64.

⁵⁸ American Express Statement Ending May 11, 2012 (Exhibit 1 at 16-7162_0404); Aston at The Whaler on Kaanapali Beach, Our Resort, <http://www.whalerkaanapali.com/our-resort/> (last visited Aug. 16, 2016).

⁵⁹ North American Feis Commission, <http://www.northamericanfeiscommission.org/> (last visited Aug. 17, 2016).

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65. Mrs. Hunter's hotel invoice totaled \$632.53 during her January 15 through January 17, 2016 stay at the Arizona Grand Resort.⁶⁰ This included two charges for \$612.61 and \$19.92, the exact amounts disbursed by the campaign committee to the Arizona Grand Resort on January 19, 2016 and January 21, 2016.⁶¹
66. The \$612.61 portion covered the room fee in addition to two charges for guest suite dining, one of which totaled \$231.25.⁶²
67. The invoice for the January stay indicates that the room reservation was part of the "NAFC Belt & Feis 2016 CI."⁶³ Margaret Hunter's name also appears on the hotel's list of guests participating in the 2016 NAFC Belt from January 15 through January 17, 2016.⁶⁴
68. The North American Feis Commission held its 2016 NAFC Championship event at the Arizona Grand Resort on January 16, 2016.⁶⁵
69. The OCE did not find any evidence that Rep. Hunter attended this Arizona trip. The OCE could not identify a bona fide campaign purpose for Mrs. Hunter's attendance at the Feis championship event in Arizona.

b. \$2,259.22 for February 2016 Arizona Grand Resort Trip

70. In addition to attendance at the Feis event in January, Mrs. Hunter returned to the Arizona Grand Resort the following month from February 12, 2016 until February 14, 2016, and the campaign committee paid the entire \$2,259.22 cost of her stay.⁶⁶ During this trip, Mrs. Hunter's name appeared on invoices for two rooms that she booked through Expedia.⁶⁷

⁶⁰ January 2016 Arizona Grand Resort Invoice and Receipts (Exhibit 12 at 16-7162_0654).

⁶¹ *Id.*; Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 157-158.

⁶² January 2016 Arizona Grand Resort Invoice and Receipts (Exhibit 12 at 16-7162_0654-0657).

⁶³ *Id.* (Exhibit 12 at 16-7162_0654).

⁶⁴ 2016 NAFC Belt Room Listing (Exhibit 13 at 16-7162_0660). As further indication of Mrs. Hunter's interest in Feis, the OCE notes that on July 29, 2012, Mrs. Hunter used campaign funds for a \$25.00 purchase at Feis 'n Stuff in Irvine, California. *See* American Express discussion *infra* Part II.B.iv.3; American Express Statement Ending August 10, 2012 (Exhibit 1 at 16-7162_0449). The campaign-funded Feis 'n Stuff purchase was reported as a \$25.00 campaign expense to American Express on September 4, 2012 with the disbursement purpose "GIFTS FOR SUPPORTERS – NO MEMO REQUIRED." Duncan D. Hunter for Congress, Fourth Amended October 2012 FEC Quarterly Report of Receipts and Disbursements, filed January 21, 2013, at 122.

⁶⁵ North American Feis Commission, <http://www.northamericanfeiscommission.org/> (last visited Aug. 17, 2016); North American Feis Commission 2016 NAFC Championships Page, http://www.northamericanfeiscommission.org/NAFC_Championships.php (last visited Aug. 17, 2016).

⁶⁶ February 2016 Arizona Grand Resort Invoice and Receipts (Exhibit 14 at 16-7162_0665, 0668). The \$2,259.22 in expenses from the invoices for the family's two night stay from February 12 until February 14, 2016 match the campaign committee's February 2016 disbursements to the Arizona Grand Resort in the campaign committee's FEC filings. On February 16, 2016, the campaign committee reported a \$769.02 disbursement to the Arizona Grand Resort for "TRAVEL." Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 71. On February 19, 2016, the campaign committee reported a \$100.00 disbursement for "FOOD/BEVERAGES" at the Arizona Grand Resort. *Id.* at 98. On February 19, 2016 the campaign committee disbursed \$45.43 for "FOOD/BEVERAGES" and \$25.00 for "PARKING" expenses at the Arizona Grand Resort. *Id.* at 98-99. Finally, on March 8, 2016, the campaign committee made a direct

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71. Although the hotel records indicate that the reservation was for two adults and no children, nineteen receipts with signatures for hotel purchases during the stay provide no evidence that Rep. Hunter or another adult attended the trip to Arizona.⁶⁸ In contrast, it is clear from the signatures and the type of purchases on the hotel receipts that all three of Rep. Hunter's children were present in February at the Arizona Grand Resort.⁶⁹
72. The OCE reviewed receipts and records for the family's stay at the hotel and found that in addition to lodging expenses, the \$2,259.22 paid for by the campaign committee included four in-room movies, gift shop purchases, and many charges with receipts signed by Rep. Hunter's three children.⁷⁰
73. The OCE could not identify a campaign or political purpose for Mrs. Hunter's February 2016 stay at the Arizona Grand Resort.⁷¹

4. \$3,024.39 for Family Trips to Boise, Idaho

74. The campaign committee spent \$3,024.39 on travel expenses for Rep. Hunter, Mrs. Hunter, and the couple's children to visit family in Idaho, including travel to Rep. Hunter's cousin's wedding. As of the date of these findings, there was no public record indicating that Rep. Hunter repaid the campaign committee for these expenses.

a. *\$1,083.63 for July 2015 Family Wedding in Boise*

75. In July 2015, Rep. Hunter's campaign committee paid \$1,083.63 for the Hunter family to attend the wedding of Rep. Hunter's cousin in Boise, Idaho.⁷²
76. The Hunter family stayed for three nights in two rooms at the Grove Hotel as part of the "Sohlberg-Hunter Wedding" room block.⁷³ In addition to lodging expenses, the invoices show that the family's total expenses at the hotel included parking, sundry, and bar charges.⁷⁴

reimbursement to Margaret Hunter for \$1,319.77 that was itemized on the FEC filing as an expense for "TRAVEL" at the Arizona Grand Resort on February 16, 2016. *Id.* at 66.

⁶⁷ February 2016 Arizona Grand Resort Invoice and Receipts (Exhibit 14 at 16-7162_0665, 0668); February 2016 Arizona Grand Resort Reservation Notes (Exhibit 15 at 16-7162_0687-0693).

⁶⁸ *Id.*; February 2016 Arizona Grand Resort Invoice and Receipts (Exhibit 14 at 16-7162_0665-0685).

⁶⁹ *See id.* (including receipts signed by Rep. Hunter's children).

⁷⁰ *Id.*

⁷¹ In addition, the OCE found that Mrs. Hunter's credit card on file during the hotel stay was declined and that Mrs. Hunter then put another card on file to pay the cost of the hotel. February 2016 Arizona Grand Resort Invoice and Receipts (Exhibit 14 at 16-7162_0665-0685).

⁷² The groom, Travis Hunter, is Rep. Hunter's cousin who worked at Boise Hunter Homes, where Rep. Hunter worked prior to joining Congress, and which is owned by Rep. Hunter's paternal uncle and aunt. Boise Hunter Homes "Who We Are", <http://www.boisehunterhomes.com/who-we-are/> (last visited Aug. 17, 2016); Rep. Hunter 2008 Candidate Financial Disclosure Statement, filed May 27, 2008 at 5; Former Staffer A Transcript (Exhibit 6 at 16-7162_0618).

⁷³ The Grove Hotel Invoice 1 (Exhibit 16 at 16-7162_0695); The Grove Hotel Invoice 2 (Exhibit 17 at 16-7162_0697).

⁷⁴ *Id.*

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77. On July 5, 2015, the \$533.02 and \$550.61 invoices for the two rooms were paid with a credit card in Rep. Hunter's name.⁷⁵ The aggregate \$1,083.63 cost appears on FEC filings as two July 7, 2015 campaign committee disbursements for \$533.02 and \$550.61 to the Grove Hotel, showing that the campaign committee paid for the whole stay during the wedding.⁷⁶

b. \$1,940.76 for September 2011 Family Trip to Boise

78. The OCE found that the campaign committee disbursed \$1,940.76 for a September 2011 trip to Boise attended by Rep. Hunter, Mrs. Hunter and their three children.

79. Specifically, Rep. Hunter purchased five Southwest Airlines flights to Boise for September 16, 2011 for himself, Mrs. Hunter and their children, at \$283.80 each, and totaling 1,419.00.⁷⁷ The campaign committee reported \$1,419.00 in corresponding Southwest Airlines flight expenses on October 11, 2011.⁷⁸

80. Additionally, the OCE reviewed \$521.76 in campaign-funded credit card purchases from September 2011 related to the Idaho trip.⁷⁹ On September 17 and September 19, 2011, Rep. Hunter and Mrs. Hunter made three separate purchases at a Boise Cracker Barrel restaurant for \$108.67, \$36.52, and \$167.19.⁸⁰ They also used campaign committee funds on September 19, 2011 for a \$36.38 meal at the Great American restaurant in Boise.⁸¹ Both Rep. Hunter and Mrs. Hunter purchased gas while in Idaho for \$28.65 and \$45.35 respectively.⁸² A \$99.00 parking fee on September 19, 2011 at Lindbergh Parking probably accrued when the family returned from Boise to the San Diego airport, which is also known as Lindbergh field.⁸³ The campaign committee paid for each of these expenses of the family's travel to Boise.

81. Without cooperation from the campaign committee or the Hunters, the OCE could not identify a campaign or political purpose for this 2011 trip.⁸⁴

⁷⁵ The Grove Hotel Credit Card Receipts (Exhibit 18 at 16-7162_0699-0702).

⁷⁶ Duncan D. Hunter for Congress, Second Amended October 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 16, 2016, at 70-71.

⁷⁷ See American Express discussion *infra* Part II.B.iv.3; American Express Statement Ending September 9, 2011 (Exhibit 1 at 16-7162_0291-0291).

⁷⁸ Duncan D. Hunter for Congress, Year-End 2011 FEC Quarterly Report of Receipts and Disbursements, filed January 30, 2012, at 90.

⁷⁹ See American Express discussion *infra* Part II.B.iv.3; American Express Statement Ending October 11, 2011 (Exhibit 1 at 16-7162_0035-0036; 0304, 0307).

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ In 2010, Rep. Hunter supported a Republican congressional primary candidate in Idaho, but the OCE found no evidence of a campaign or political purpose for the 2011 trip. See Former Staffer A Transcript (Exhibit 6 at 16-7162_0618-0619).

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5. Additional Personal Flight and Travel Expenses

82. The OCE reviewed United Airlines flight records and transactional history for Rep. Hunter and Mrs. Hunter, and found that Rep. Hunter and his wife repeatedly used campaign committee funds for flight costs with no clear campaign nexus, including the cost of flying a pet rabbit.

a. *\$625.00 in Flights for a Pet Rabbit*

83. In 2014 and 2015, Rep. Hunter's campaign committee spent \$625.00 on five separate \$125.00 "pet in cabin" United Airlines charges to fly a pet rabbit.⁸⁵ One of the passenger flight records specifically states, "Member Traveling with 1 Rabbit in Cabin."⁸⁶

MEMBER TRAVELING WITH 1 RABBIT IN CABIN
01 REMARKS ADDED BY PTK SU JA 24FEB 1455
Z DAD148
24FEB/0858/EMAIL RECEIPT SENT 02/24
01 REMARKS ADDED BY WEC SU ER 24FEB 1458
Z D11D7D

84. Former Staffer A told the OCE that at some point after she no longer worked in the congressional office, Rep. Hunter kept a rabbit named Cadbury in his congressional office.⁸⁷ Former Staffer A explained that the rabbit "was an office pet that Duncan had brought back with him from San Diego" and that it had a cage in the congressional office.⁸⁸ The rabbit accompanied Rep. Hunter and his children on flights at the campaign committee's expense.

85. On July 9, 2014, Mrs. Hunter and the three children flew from San Diego to Washington, D.C. with a connection through Houston, returning on the same flight path on July 14, 2014.⁸⁹ Mrs. Hunter's flight was paid for with campaign committee funds and the children's flights were booked with Rep. Hunter's reward miles.⁹⁰

⁸⁵ As noted below, one of \$125.00 pet in cabin charges eventually may have been refunded after Rep. Hunter already charged the expense and the campaign committee already disbursed funds to American Express to pay for the purchase.

⁸⁶ United Airlines February 28, 2015 Passenger Records for Rep. Hunter (Exhibit 19 at 16-7162_0705).

⁸⁷ Former Staffer A Transcript (Exhibit 6 at 16-7162_0626).

⁸⁸ *Id.*

⁸⁹ United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0568); United Airlines July 2014 Passenger Records for Mrs. Hunter (Exhibit 20 at 16-7162_0709-0711).

⁹⁰ *Id.* Mrs. Hunter's \$743.00 flight charge on June 23, 2014 matches the campaign committee's disbursement for the same amount on June 25, 2014. Duncan D. Hunter for Congress, First Amended July 2014 FEC Quarterly Report of Receipts and Disbursements, filed September 3, 2014, at 91. According to FEC filings, the campaign committee also paid four \$69.00 fees to United Airlines on June 25, 2014 that match the cost of four purchases on the United Airlines records for \$69.00 from June 23, 2014. *Id.* at 89-90. United Airlines July 2014 Passenger Records for Mrs. Hunter (Exhibit 20 at 16-7162_0709). Based on the OCE's review of other United Airlines records, these \$69.00 charges appear to be expenses for Economy Plus seats upgrades.

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86. The United Airlines transactional records for Mrs. Hunter's flights show that on July 9, 2014 she paid two \$125.00 "pet in cabin" fees for each leg of the round trip flight, which corresponded to two \$125.00 campaign disbursements to United Airlines on July 11, 2014.⁹¹
87. Again, the Hunter family paid two \$125.00 fees to fly with the pet rabbit during a trip to Minnesota in February 2015. The campaign committee paid for flight tickets for Rep. Hunter, Mrs. Hunter, and the three children from Dulles International Airport to Minneapolis Saint Paul International Airport with a connection through Denver on February 5, 2015, and then from the Minneapolis Saint Paul airport to San Diego with a connection through Denver on February 8, 2015.⁹²
88. On Mrs. Hunter's purchase records for these Minnesota and San Diego flights, there are two \$125.00 charges from November 9, 2014 that are notated as "PET CBN."⁹³ Directly below the two \$125.00 charges, the United Airlines passenger records state: "IN CABIN PET DETAILS NEGGBURT/BRABBIT."⁹⁴ These two \$125.00 charges match two campaign committee disbursements to United Airlines for \$125.00 on November 12, 2014.⁹⁵
89. Finally, on February 28, 2015, Rep. Hunter flew from Dulles to San Diego with a connection in Denver and the OCE found that his flight was likely paid for with official funds.⁹⁶
90. While Rep. Hunter deemed his actual flight expenses as official travel paid for with official funds, Rep. Hunter decided to use campaign funds to pay the rabbit's costs. On February 24, 2015, Rep. Hunter's passenger records show that he paid a \$125.00 "PET IN CABIN FEE" and the United Airlines records clearly state that a Member of Congress would be traveling with one rabbit on the flight.⁹⁷ The records also state that the passenger was advised of the

⁹¹ *Id.* (Exhibit 20 at 16-7162_0709-0710); Duncan D. Hunter for Congress, First Amended October 2014 FEC Quarterly Report of Receipts and Disbursements, filed Dec. 16, 2014, at 88.

⁹² United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0561); United Airlines February 5-8, 2015 Passenger Records for Mrs. Hunter (Exhibit 21 at 16-7162_0713-0716); United Airlines February 5-8, 2015 Passenger Records for Rep. Hunter (Exhibit 22 at 16-7162_0718-0720); Duncan D. Hunter for Congress, Year-End 2014 FEC Quarterly Report of Receipts and Disbursements, filed January 30, 2015, at 21-23; Duncan D. Hunter for Congress, Post-General 2014 FEC Quarterly Report of Receipts and Disbursements, filed December 2, 2014, at 34-36; Duncan D. Hunter for Congress, First Amended April 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2015, at 85, 87-88. On January 13, 2015, Rep. Hunter paid \$732.20 for his flights as part of the trip and this amount matches the campaign committee's January 15, 2015 disbursement for \$732.20 to United Airlines. Similarly, Mrs. Hunter paid \$546.20 for her flights, which matches the campaign committee's November 12, 2014 disbursement for this amount. In fact, the campaign committee reported three additional disbursements for \$546.20 to United Airlines on November 12, 2014, showing that the children likely accompanied their parents on the trip. In total there were eight campaign committee disbursements, four on December 1, 2014 and four on January 15, 2015, that were likely all correlated to flight charges for Mrs. Hunter and the three children as part of the trip.

⁹³ United Airlines February 5-8, 2015 Passenger Records for Mrs. Hunter (Exhibit 21 at 16-7162_0713).

⁹⁴ *Id.*

⁹⁵ Duncan D. Hunter for Congress, Post-General 2014 FEC Quarterly Report of Receipts and Disbursements, filed December 2, 2014, at 34-35.

⁹⁶ United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0561); United Airlines February 28, 2015 Passenger Records for Rep. Hunter (Exhibit 19 at 16-7162_0704-0707).

⁹⁷ *Id.* (Exhibit 19 at 16-7162_0705).

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“kennel type and dimensions allowed for in cabin pets.”⁹⁸ On February 26, 2015, the campaign committee disbursed \$125.00 to United Airlines for the expense of flying the pet.⁹⁹

91. Rep. Hunter’s passenger records also indicate that after the campaign committee already disbursed \$125.00 to pay the expense for the rabbit, the pet in cabin fee may have been refunded on the day of the flight, February 28, 2015.¹⁰⁰ The campaign committee then reported a \$125.00 refund from United Airlines on March 2, 2015.¹⁰¹ Because Rep. Hunter refused to cooperate with this review, the OCE could not determine if the pet rabbit was on the flight.
92. While the OCE found these records of flights for the rabbit, there may have been additional pet in cabin fees on other airlines or associated with passenger records that Rep. Hunter did not produce. Without cooperation, the OCE did not have the opportunity to ask Rep. Hunter about the rabbit’s flight history or to determine why he used campaign funds to pay for the pet’s travel.

b. Flight and Travel Expenses for Rep. Hunter’s Relatives and Friends

93. The OCE found that the campaign committee funded \$6,341.97 in travel for Rep. Hunter’s relatives and friends.
94. The campaign committee paid \$936.16 for five separate United Airlines charges for flights for Mrs. Hunter’s mother.¹⁰² All of the flights involved travel to or from Chicago and based on the information reviewed without cooperation from Rep. Hunter or Mrs. Hunter, the OCE did not find evidence Rep. Hunter or Mrs. Hunter accompanied Mrs. Hunter’s mother on the flights.
95. Rep. Hunter’s mother also flew at the campaign committee’s expense. The OCE found that the campaign committee paid for two July 26, 2012 credit card charges for \$33.50 and \$534.70 for Rep. Hunter’s mother’s August 2012 round trip flights from San Diego to Tampa.¹⁰³ She appears to have accompanied multiple members of the Hunter family as part

⁹⁸ *Id.* (Exhibit 19 at 16-7162_0706).

⁹⁹ Duncan D. Hunter for Congress, First Amended April 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2015, at 89.

¹⁰⁰ United Airlines February 28, 2015 Passenger Records for Rep. Hunter (Exhibit 19 at 16-7162_0704).

¹⁰¹ Duncan D. Hunter for Congress, First Amended April 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2015, at 41.

¹⁰² See American Express discussion *infra* Part II.B.iv.3 and Exhibit 1. The \$936.16 included a \$504.20 round trip flight from San Diego to Chicago. See discussion of expense for Mrs. Hunter’s mother’s Chicago flight *infra* n. 56. See also American Express Statement Ending February 9, 2012 (Exhibit 1 at 16-7162_0363). The \$936.16 for Mrs. Hunter’s mother’s flights also included an \$89.00 charge for a flight from San Diego to Chicago on March 22, 2012. American Express Statement Ending March 11, 2012 (Exhibit 1 at 16-7162_0374-0375). There were additional charges for a February 13, 2012 flight from Chicago to San Diego for \$85.20 and for a April 21, 2012 flight from San Diego to Chicago for \$220.80. *Id.* Finally, the campaign committee paid \$36.96 related to Mrs. Hunter’s mother’s May 29, 2012 flight from Warsaw to Chicago. American Express Statement Ending April 10, 2012 (Exhibit 1 at 16-7162_0391).

¹⁰³ American Express Statement Ending August 10, 2012 (Exhibit 1 at 16-7162_0453, 0455).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended of this flight and also to have received a \$5.00 campaign committee disbursement related to another December 2011 flight to Washington, D.C. with the family.¹⁰⁴

96. In addition, the campaign committee purchased flights for Mrs. Hunter's sister Bozena Miller, her son and another relative totaling \$2,707.00.¹⁰⁵ These included three \$425.60 flights from San Diego to New Orleans in June 2012, three \$306.20 flights from San Diego to Tucson in January 2012, and a \$511.60 charge for Mrs. Hunter's nephew's flight from San Diego to Dulles on May 6, 2012 accompanying Mrs. Hunter and her children on the same trip.¹⁰⁶
97. The OCE also found that the campaign paid \$1,723.79 for multiple flights for April and Micah Fisk.¹⁰⁷ The OCE could not determine what role, if any, April and Micah Fisk might have played with the campaign or official office.
98. The campaign committee also paid \$551.82 in hotel expenses for Deborah Tofflemire to stay at the Hyatt Place Washington in Washington, D.C. from February 12, 2016 until February 14, 2016.¹⁰⁸ Mrs. Hunter made this hotel booking using her personal email address on January 6, 2016 and the campaign committee disbursed \$551.82 to Expedia on January 7, 2016 for the expense.¹⁰⁹ Mrs. Tofflemire appears to be the mother of a student at Rep. Hunter's children's school and she appears to have stayed in the hotel room with her son, who also flew to Washington, D.C. that weekend at Rep. Hunter's expense.¹¹⁰ Rep. Hunter

¹⁰⁴ *Id.* (Exhibit 1 at 16-7162_0453-0456). The campaign committee disbursed \$1,251.60 to American Express on October 25, 2011 for "Travel, meals, lodging" itemized to United Airlines. Duncan D. Hunter for Congress, Year-End 2011 FEC Quarterly Report of Receipts and Disbursements, filed January 30, 2012, at 89. The \$1,251.60 amount matches the total amount of Rep. Hunter's United Airlines purchases that appear on the September 2011 American Express statement. American Express Statement Ending October 11, 2011 (Exhibit 1 at 16-7162_0306). Although many of the purchases may be bona fide campaign expenditures to fly Mrs. Hunter and their children from San Diego to Washington, D.C., there is a \$5.00 expenditure within the purchases related to a flight for Rep. Hunter's mother. *Id.*

¹⁰⁵ The OCE confirmed these family relationships through a public records search.

¹⁰⁶ American Express Statement Ending February 9, 2012 (Exhibit 1 at 16-7162_0362); American Express Statement Ending March 11, 2012 (Exhibit 1 at 16-7162_0376-0377); American Express Statement Ending June 10, 2012 (Exhibit 1 at 16-7162_0421). Ms. Miller's son (Mrs. Hunter's nephew) and another relative who shared Ms. Miller's son's last name, which is not Ms. Miller's last name, traveled on these flights. United Airlines reward miles also covered the cost of an additional flight for Ms. Miller's son and for other relatives. United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0569).

¹⁰⁷ The campaign-funded flights for the Fisks include a \$757.20 flight from San Diego to Dulles, \$150.00 and \$99.99 for a flight from Dulles to San Diego with a connection in Los Angeles, a \$541.60 round trip flight from San Diego to Dulles, and a \$25.00 and \$150.00 for a flight associated with the round trip flight from San Diego to Dulles. American Express Statement Ending April 10, 2012 (Exhibit 1 at 16-7162_0392); American Express Statement Ending May 11, 2012 (Exhibit 1 at 16-7162_0407); American Express Statement Ending October 11, 2012 (Exhibit 1 at 16-7162_0491); American Express Statement Ending December 11, 2012 (Exhibit 1 at 16-7162_0521, 0525).

¹⁰⁸ *See* Hunter Family Expedia Records (Exhibit 5 at 16-7162_0585-0587); Expedia Hyatt Place Washington Reservation (Exhibit 23 at 16-7162_0722-0723). The Expedia records spell the name Tofflemyer, however, based on a public records search, the OCE found that this was a misspelling of Deborah Tofflemire.

¹⁰⁹ *See* Hunter Family Expedia Records (Exhibit 5 at 16-7162_0585-0587); Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 85.

¹¹⁰ United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0569). The OCE identified these individuals and their connection to Christian Unified Schools through a public records search.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended used United Airlines reward miles to pay for the flights for this student to travel from San Diego to Washington, D.C. on February 10, 2016 and return on February 15, 2016.¹¹¹

99. For all the individuals identified above, the OCE could not identify any role with the campaign committee or if there was a campaign or political purpose for the campaign committee's disbursements for their travel.

ii. Rep. Hunter's Campaign Committee Paid for Utilities and Maintenance Expenses for His California Home

100. In addition to personal travel expenses, Rep. Hunter used campaign funds to pay routine utilities and maintenance expenses at his California home. Under FEC rules, utility payments for any part of a member or candidate's personal residence are per se personal use.¹¹² In total, the OCE found that the campaign committee paid at least \$4,666.06 for cable, internet, water service, and garage repairs at Rep. Hunter's family home from 2014 through 2016, and as of the date of these findings, there was no public report that Rep. Hunter repaid these expenses.

1. \$300.00 Water Bill Payment

101. Padre Dam Municipal Water District provided water service to the Hunter family personal residence in California starting in July 2009.¹¹³ Beginning in at least 2014, Padre Dam Municipal Water District records show that Mrs. Hunter received multiple past due notices.¹¹⁴
102. On August 10, 2015, the Padre Dam Municipal Water District records for the Hunter's home show a \$300.00 payment, as reflected in the previous activity section of the August 21, 2015 account statement.¹¹⁵ On August 10, 2015, the campaign committee reported a \$300.00 disbursement to Padre Dam Municipal Water District with the stated purpose of "utilities."¹¹⁶

2. \$3,166.06 for Cable and Internet Service

103. In addition to water service, Rep. Hunter's campaign committee paid for Cox Communications cable television and internet services at the Hunter personal residence in California. In December 2009, Mrs. Hunter opened an account with Cox Communications to provide service to the home.¹¹⁷

¹¹¹ *Id.*

¹¹² 11 C.F.R. § 113.1(g)(1)(i)(E).

¹¹³ Padre Dam Municipal Water District Transaction History (Exhibit 24 at 16-7162_0730).

¹¹⁴ Padre Dam Municipal Water District Notes Report (Exhibit 25 at 16-7162_0732-0734).

¹¹⁵ Padre Dam Municipal Water District Account Statement August 21, 2015 (Exhibit 26 at 16-7162_0736); Padre Dam Municipal Water District Transaction History (Exhibit 24 at 16-7162_0725).

¹¹⁶ Duncan D. Hunter for Congress, Second Amended October 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 16, 2016, at 72.

¹¹⁷ Rep. Hunter's Home Cox Communications Account Transactional History (Exhibit 27 at 16-7162_0738). The OCE also reviewed an account at the location of Rep. Hunter's previous district office and found that payments for this office's Cox Communications service matched disbursements from Rep. Hunter's Member's Representational

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104. Between May 21, 2014 and March 9, 2016, the campaign committee paid at least \$3,166.06 to Cox Communications for cable and internet service provided to the Hunter family home. Specifically, individual campaign disbursements for ten non-consecutive months during this period match exact payments reflected on Cox Communications account statements for service provided to the Hunter's residence during that period.¹¹⁸
105. Rep. Hunter's campaign committee paid for service at the Hunter family residence that included the Cox Advanced TV Premier Package, DVR service, the premium channels HBO and Starz, and Cox High Speed Internet.¹¹⁹ The account statements for this period include charges for late payment fees, multiple UFC (Ultimate Fighting Championship) events, NFL Red Zone, and many pay-per-view movies from multiple genres.¹²⁰
106. The OCE notes that between March 2009 and October 2012, the campaign committee paid an additional \$2,158.39 to Cox Communication for cable service.¹²¹ The disbursements during this period ranged in value from \$49.88 to \$65.32.¹²² The OCE found that it was possible that these charges correlated to Cox High Speed Internet expenses during that time.¹²³ Although the OCE did not include these payments in its sum of problematic charges, the OCE nevertheless notes concern about the validity of these additional payments.

Allowance. As such, campaign committee funds were not used to pay for service provided to that official district office. Rep. Hunter's Congressional Office Cox Communications Account Transactional History (Exhibit 28 at 16-7162_0796-0852); U.S. House of Representatives, Statements of Disbursements.

¹¹⁸ See Rep. Hunter's Home Cox Communications Account Transactional History (Exhibit 27 at 16-7162_0786) (indicating a \$261.12 payment on May 26, 2014); Rep. Hunter's Home Cox Communications Account Statements (Exhibit 29 at 16-7162_0854-0923) (showing account balance payments of \$368.09, \$299.58, \$305.99, \$298.25, \$363.83, \$357.41, \$341.07, \$277.55 and \$293.17). The amount of the ten account balance payments match the amount of ten campaign committee payments to Cox Communications. Duncan D. Hunter for Congress, First Amended July 2014 FEC Quarterly Report of Receipts and Disbursements, filed September 3, 2014, at 77; Duncan D. Hunter for Congress, First Amended July 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 100; Duncan D. Hunter for Congress, Second Amended October 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 16, 2016, at 61, 87; Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 47, 70, 106-107; Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 84.

¹¹⁹ Rep. Hunter's Home Cox Communications Account Transactional History (Exhibit 27 at 16-7162_0786); Rep. Hunter's Home Cox Communications Account Statements (Exhibit 29 at 16-7162_0854-0923).

¹²⁰ *Id.*

¹²¹ See Duncan D. Hunter for Congress, January 2009 – January 2013 Reports of Receipts and Disbursements (reporting payments to "Cox Communication" rather than "Cox Communications").

¹²² *Id.*

¹²³ While the FEC disbursements were very close in amount to the cost of the internet provided to the Hunter family home between March 2009 and October 2012, they did not line up to the cent. For example, on both April 24, 2012 and May 17, 2012, the campaign committee reported disbursements to Cox Communication for \$64.88 and the corresponding transactional records for those months show that Cox High Speed Internet cost \$64.99. Rep. Hunter's Home Cox Communications Account Transactional History (Exhibit 27 at 16-7162_0759-0760); Duncan D. Hunter for Congress, First Amended 2012 Pre-Primary Report of Receipts and Disbursements, filed July 11, 2012, at 33; Duncan D. Hunter for Congress, July 2012 Quarterly Report of Receipts and Disbursements, filed July 15, 2012, at 36. Without cooperation from Rep. Hunter, Mrs. Hunter, the campaign committee, or Bruce Young, the OCE could not confirm whether there was an explanation for these cable service charges besides their use for home-internet expenses for the Hunter family.

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3. Additional Utility Expenses

107. Similarly, the OCE found that the campaign committee disbursed \$1,268.00 to San Diego Gas & Electric on October 14, 2015.¹²⁴ San Diego Gas & Electric refused to cooperate with this review and did not provide the OCE with Rep. Hunter's account statements, and therefore the OCE could not determine if the campaign committee's disbursements matched charges for these utilities at the Hunter's home.¹²⁵

4. \$1,200.00 in Garage Door Replacement Expenses

108. In addition, the Hunter family spent \$1,200.00 in campaign funds to purchase a new garage door and a window for their personal residence in California from the Easy Open Door Co., Inc.¹²⁶
109. In press reports, Rep. Hunter's Chief of Staff Joseph Kasper, who did not cooperate with this review, said that "the campaign had authorized a charge related to an incident that occurred as a result of moving campaign materials on campaign time."¹²⁷ In spite of this alleged justification for the campaign expense, the campaign committee listed the cost as "Mistaken Charge – Reimbursed 4/8/2016" in its FEC report and then in a later FEC filing indicated that Rep. Hunter repaid the campaign committee for the expense.¹²⁸

iii. Rep. Hunter's Campaign Committee Paid Rep. Hunter's Family's Health Care and Educational Expenses

110. The OCE found that Rep. Hunter's campaign committee paid for personal family expenses for health care, school uniforms, and other school expenses. According to FEC reports, some of the expenses were repaid to the campaign committee. However, it is difficult to reconcile the description in FEC reports of many of the charges as "mistaken" with the nature of such purchases.

¹²⁴ Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 113 (reporting two separate \$1,001.50 and \$266.50 disbursements to San Diego Gas & Electric).

¹²⁵ Moreover, the campaign committee's FEC filings show multiple payments for phone service, which may be problematic campaign committee expenses if they included personal phone accounts for members of the Hunter family. See generally Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2009 – July 2016 (reporting disbursements to AT&T, Verizon, and Grasshopper Group LLC for phone service). Without cooperation from Rep. Hunter, the OCE could not determine the nature of the expenses; however, some of these additional campaign committee disbursements for utilities may have been personal in nature.

¹²⁶ Easy Open Door Co. Inc. Records (Exhibit 30 at 16-7162_0925-0926); Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 101.

¹²⁷ See Morgan Cook, "Hunter repaid funds spent on surf shop, garage door," THE SAN DIEGO UNION-TRIBUNE, Apr. 19, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/19/hunter-garage-door/>.

¹²⁸ Duncan D. Hunter for Congress, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 101; Duncan D. Hunter for Congress, 2016 FEC Pre-Primary Report of Receipts and Disbursements, filed May 26, 2016, at 28.

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1. \$1,137.00 for Rep. Hunter's Son's Dental Care

111. On June 10, 2015, Rep. Hunter paid for \$1,137.00 in dental work for his son at the Center for Oral and Facial Surgery in El Cajon, California.¹²⁹ On July 13, 2015, the Center for Oral and Facial Surgery refunded \$325.80 of the expense.¹³⁰
112. The original \$1,137.00 payment to the Center for Oral and Facial Surgery appears as a June 11, 2015 disbursement on the FEC filings.¹³¹ The \$325.80 refund to the campaign committee account also appears in the campaign filings.¹³²
113. On April 8, 2016, almost a year after the campaign committee paid the dental expenses, and following public reporting critical of the expenditures to the Center for Oral and Facial Surgery, Rep. Hunter submitted a check to repay the remainder of the balance for the purportedly mistaken dental expenses after the refund.¹³³ The campaign committee's FEC filings identify the original charge for \$1,137.00 as "Mistaken Charge – part refunded 7/14/15; part reimbursed 4/8/16."¹³⁴

2. \$6,150.00 in Payments to Rep. Hunter's Children's School and \$739.68 for Faculty Travel

114. The OCE found that the campaign committee made \$6,150.00 in payments to Christian Unified Schools, a school attended by Rep. Hunter's children.¹³⁵ Under FEC rules, any payment to the school for tuition would constitute personal use.¹³⁶
115. In addition, Rep. Hunter used campaign funds to pay certain travel expenses for school faculty and their families from 2013 through 2015.
116. On November 9, 2015, the campaign committee disbursed \$1,000.00 to the school, which originally was reported in the campaign's filings as "DONATION FOR LOCAL ORGANIZATION" and is now listed as "MISTAKEN TRANSACTION – REFUNDED

¹²⁹ Center for Oral & Facial Surgery Records (Exhibit 31 at 16-7162_0928-0933).

¹³⁰ *Id.* (Exhibit 31 at 16-7162_0933).

¹³¹ Duncan D. Hunter for Congress, October 2015 FEC Quarterly Report of Receipts and Disbursements, filed October 15, 2015, at 54.

¹³² Duncan D. Hunter for Congress, Second Amended October 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 16, 2016, at 68.

¹³³ Duncan D. Hunter for Congress, 2016 FEC Pre-Primary Report of Receipts and Disbursements, filed May 26, 2016, at 27-28.

¹³⁴ Duncan D. Hunter for Congress, Second Amended October 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 16, 2016, at 85; *See* Morgan Cook, "Hunter to cut short Israel trip, repay campaign funds," THE SAN DIEGO UNION-TRIBUNE, Apr. 7, 2016, *available at* <http://www.sandiegouniontribune.com/news/2016/apr/07/hunter-repay/>.

¹³⁵ Duncan D. Hunter for Congress, Second Amended October 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 16, 2016, at 70; Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 85, 106.

¹³⁶ 11 C.F.R. § 113.1(g)(1)(i)(D).

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4/5/2016.”¹³⁷ On September 21, 2015, the campaign committee disbursed \$1,650.00 to the school, which originally was reported to the FEC as “PERSONAL EXPENSE – TO BE PAID BACK” before it was amended to read “MISTAKEN TRANSACTION – REFUNDED 4/5/2016.”¹³⁸ On August 14, 2015, the campaign committee reported a \$3,500.00 disbursement to the school for “ANNUAL FUNDRAISING DONATION,” which later was changed to “MISTAKEN TRANSACTION – REFUNDED 4/5/2016.”¹³⁹

117. Rep. Hunter’s Chief of Staff Joseph Kasper, who refused to cooperate with this review, told the media that Chris Marston, who is the current Treasurer of the campaign committee, mistakenly assumed that the school payments were tuition and therefore originally reported the disbursement as a “personal expense” to be repaid.¹⁴⁰ Mr. Kasper has also told the press that one of the payments was a charitable contribution to the school’s sports fund, although a school representative told the media that there were no charitable donations on record from the campaign committee.¹⁴¹
118. Christian Unified Schools represented to the OCE that it had no records related to tuition payments, charitable contributions, or refunds from the campaign committee.¹⁴² Christian Unified Schools Interim Superintendent Tobin Wilkins refused to respond to multiple phone calls or letters requesting the opportunity to discuss payments or charitable contributions that the campaign committee may have made to the school.
119. Notably, the OCE found that the campaign committee paid for at least \$754.68 in travel expenses for Christian Unified Schools faculty members and their family.
120. Specifically, United Airlines records show that Rep. Hunter used rewards miles to fly Gene and Martha Beezer round trip from San Diego to Washington, D.C. in January 2015.¹⁴³ The OCE confirmed through a public records search that Gene and Martha Beezer are the parents of David Beezer, Christian Unified Schools’ Development Director and Director of Athletics.¹⁴⁴ The campaign committee also paid \$739.68 for a hotel room in Martha Beezer’s name from January 26, 2015 until January 30, 2015 at the Henley Park Hotel in Washington,

¹³⁷ Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 85; Duncan D. Hunter for Congress, Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2016, at 84.

¹³⁸ Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 106; Duncan D. Hunter for Congress, Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2016, at 105.

¹³⁹ Duncan D. Hunter for Congress, Second Amended October 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 16, 2016, at 70; Duncan D. Hunter for Congress, October 2015 FEC Quarterly Report of Receipts and Disbursements, filed October 15, 2015, at 39.

¹⁴⁰ Olivia Nuzzi, “Trump Co-Chair Paid for Kids’ School With Campaign Cash,” THE DAILY BEAST, April 6, 2016, available at <http://www.thedailybeast.com/articles/2016/04/06/trump-co-chair-paid-for-kids-tuition-with-campaign-cash.html>.

¹⁴¹ *Id.*

¹⁴² Christian Unified School Certification to the OCE, signed by Tobin Wilkins, May 24, 2016 (Exhibit 32 at 16-7162_0935).

¹⁴³ United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0568).

¹⁴⁴ Christian Unified School Directory, <http://www.christianunified.org/about-us/directory> (last visited Aug. 17, 2016).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended D.C.¹⁴⁵ Presumably, David Beezer would have played a role in any alleged contribution to the school's sports fund.

121. United Airlines rewards miles also were used in December 2013 to fly Christian Unified Schools' support staffer Kathy Alesi and her husband from San Diego to Washington D.C.¹⁴⁶
122. Finally, using United Airlines rewards miles, Rep. Hunter flew Tracy Crouder, a Christian Unified Schools receptionist, and two members of her family from San Diego to Washington D.C in February 2013.¹⁴⁷ The campaign committee paid the three \$5.00 fees associated with the Crouders' flights, likely the cost to use reward miles.¹⁴⁸ The OCE could not identify a campaign or political purpose for the Beezer's, Alesi's, or Crouder's travel expenses.

3. \$207.63 in Payments for Rep. Hunter's Children's School Uniforms

123. Rep. Hunter used campaign funds to purchase \$207.63 in school uniforms for his children. According to the Educational Outfitters website, Educational Outfitters is "the approved source for uniform apparel" for Christian Unified Schools.¹⁴⁹ On August 20, 2015, the campaign committee reported a \$207.63 disbursement to Educational Outfitters with a stated purpose of "Gift Certificate for Donation to Local Organization Event."¹⁵⁰ This stated purpose misrepresents what was actually \$207.63 children's clothing purchase.
124. Records from Educational Outfitters show that on August 18, 2015, the Hunter family purchased \$207.63 in school uniforms.¹⁵¹ The August 18, 2015 purchase at the Educational Outfitters store in La Mesa, California included shorts, skirts, polo shirts, and "CUSSD" (Christian Unified Schools of San Diego) embroidery.¹⁵²
125. Notably, none of the records at Educational Outfitters for this period, listed under the names Duncan and Margaret Hunter, show a gift certificate purchase. Educational Outfitters confirmed that such a gift certificate purchase would have appeared on the records provided to the OCE for the Hunter's account.¹⁵³ As such, Rep. Hunter's campaign committee appears

¹⁴⁵ See Hunter Family Expedia Records (Exhibit 5 at 16-7162_0585-0587); Duncan D. Hunter for Congress, First Amended April 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2015, at 75.

¹⁴⁶ United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0567); Christian Unified School Directory, <http://www.christianunified.org/about-us/directory> (last visited Aug. 17, 2016).

¹⁴⁷ *Id.*; United Airlines Flight Recap Sheet for Rep. Hunter (Exhibit 2 at 16-7162_0566).

¹⁴⁸ See American Express discussion *infra* Part II.B.iv.3; see also American Express Statement Ending January 11, 2013 (Exhibit 1 at 16-7162_0543). These were included in the campaign committee's January 28, 2013 disbursement of \$325.00 to American Express. Duncan D. Hunter for Congress, First Amended April 2013 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2013, at 78.

¹⁴⁹ Educational Outfitters Find My School, Christian Unified Schools, <http://sandiego.educationoutfitters.com/find-my-school/christian-unified-schools/> (last visited Aug. 18, 2015).

¹⁵⁰ Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 125.

¹⁵¹ Duncan and Margaret Hunter Educational Outfitters of San Diego Account Summary (Exhibit 33 at 16-7162_0937) (reporting an August 18, 2015 purchase of \$207.63 in the tender history for Rep. Hunter and Mrs. Hunter's account).

¹⁵² Duncan and Margaret Hunter Educational Outfitters of San Diego Transactional History (Exhibit 34 at 16-7162_0939-0941).

¹⁵³ Email between Helen Eisner, Investigative Counsel, and Educational Outfitters of San Diego, June 3, 2016.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended to have misrepresented the purpose of the \$207.63 disbursement on its FEC filings as a permissible campaign expense for a gift certificate donation.

126. The OCE Board notes that there are other instances in Rep. Hunter's campaign committee FEC filings where the reported purpose was a "donation" or item purchased for a charity event.

iv. Further Evidence of Campaign-Funded Purchases for Personal Goods and Services

127. Upon further review of additional campaign-funded purchases, the OCE found a pattern of campaign committee outlays for everyday and household expenses such as meals, groceries, gas, and other retail items purchased by Rep. Hunter and Mrs. Hunter. The manner in which such purchases were reported to the FEC, their small-dollar amount, their frequency, and the location of many purchases in El Cajon, La Mesa, Alpine, and San Diego, California, near the Hunter's family home, raises concerns that many of these expenses were not bona fide campaign or political expenditures, but rather personal purchases for goods and services.
128. Under FEC rules, use of funds in a campaign account to pay for household food items or supplies is per se personal use.¹⁵⁴ Without cooperation from Rep. Hunter, Mrs. Hunter, or the campaign committee, the OCE could not identify a campaign or political purpose for Rep. Hunter and Mrs. Hunter's purchases for everyday and household goods and services.
129. The evidence supports the conclusion that Rep. Hunter and his spouse often used the campaign committee's account as their personal account to pay the cost of expenses that would have existed irrespective of Rep. Hunter's congressional campaign.

1. Purchases for Goods and Services with Misleading FEC Purpose Statements

130. The OCE found that the campaign committee often misrepresented campaign-funded purchases for goods and services as legitimate campaign expenses in the disbursement purpose description in its FEC filings, when the actual purchase, if accurately described, would have been personal in nature.

¹⁵⁴ 11 C.F.R. § 113.1(g)(1)(i)(A).

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131. For example, in its FEC filings, the campaign committee reported a \$21.94 disbursement on October 19, 2010 as “Golf with supporters – no memo required.”¹⁵⁵ However, the credit card records for the expense show that it was actually a \$21.94 purchase by Mrs. Hunter at J.C. Penney in El Cajon, California for backpacks.¹⁵⁶

Full Name (Last, First, Middle Initial) American Express		Transaction ID: B4A09D22A12FE42848BA	
Mailing Address World Financial Center		Date of Disbursement M M / D D / Y Y Y Y 10 / 19 / 2010	
City New York	State NY	Zip Code 10285	Amount of Each Disbursement this Period 21.94
Purpose of Disbursement Golf with supporters - no memo required		Category/ Type	
Candidate Name			
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: 2010 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		
State:	District:		

10/05/10	JCPENNEY STORE 2414 EL CAJON DEPARTMENT STORE Description BACKPACKS	CA	\$21.94
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132. As another example, a February 17, 2010 campaign committee disbursement for “CAMPAIGN SUPPLIES- NO MEMO REQUIRED” for \$59.23 was actually a \$59.23 purchase at Sears in El Cajon, California to buy three windows.¹⁵⁷
133. Further, the campaign committee reported two disbursements on September 28, 2015 totaling \$229.44 for “FOOD/BEVERAGES” at Star Trader located at Tomorrowland Way in Anaheim, California.¹⁵⁸ Star Trader is a store at the Disneyland resort that sells Star Wars-themed merchandise.¹⁵⁹ Even if Rep. Hunter purchased some food at the store, it was unlikely that the entire \$229.44 purchase was for food and beverages, or that any Star Wars-themed items purchased were legitimate campaign expenses.
134. The OCE also found that on November 6, 2010, Mrs. Hunter spent \$32.61 in San Diego, California on what the campaign committee described to the FEC as “Campaign supplies – no memo required,” even though the credit card description for the purchase was “Holiday Mall Photos.”¹⁶⁰

¹⁵⁵ Duncan D. Hunter for Congress, First Amended 2010 Post-General FEC Quarterly Report of Receipts and Disbursements, filed Apr. 26, 2011, at 35.

¹⁵⁶ American Express Statement Ending October 11, 2010 (Exhibit 1 at 16-7162_0151).

¹⁵⁷ Duncan D. Hunter for Congress, First Amended April 2010 FEC Quarterly Report of Receipts and Disbursements, filed July 14, 2010, at 69; American Express Statement Ending February 8, 2010 (Exhibit 1 at 16-7162_0075).

¹⁵⁸ Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 114.

¹⁵⁹ *Id.*; The Star Trader Disneyland, <https://disneyland.disney.go.com/shops/disneyland/star-trader> (last visited Aug. 18, 2016).

¹⁶⁰ American Express Statement Ending Nov. 10, 2010 (Exhibit 1 at 16-7162_0162). This \$32.61 charge, when paired with another \$77.68 expense for Mrs. Hunter at Office Depot, was part of a \$110.29 campaign committee reported disbursement to American Express on November 24, 2010. See Exhibit 1 for comparative charges for the November 2010 credit card statement (Exhibit 1 at 16-7162_0018); Duncan D. Hunter for Congress, First Amended Year-End 2010 FEC Quarterly Report of Receipts and Disbursements, filed Feb. 18, 2011 at 6.

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135. As another example of misleading disbursement purpose descriptions, on July 9, 2012, the campaign committee reported two disbursements for \$28.93 and \$38.95 to pay the campaign's credit card bill as "Food for workers – No Memo Required" and one for \$9.82 as "Meals with supporters – No Memo Required."¹⁶¹ These were actually purchases for those exact amounts by Rep. Hunter and Mrs. Hunter at gas stations in California.¹⁶²
136. These examples are emblematic of a pattern in the campaign committee's purchase history, where small expenditures for goods and services that appear personal in nature were characterized in FEC filings as legitimate campaign committee disbursements.

2. Campaign-Funded Grocery and Meal Purchases

137. Recognizing the pattern of purchases for every day goods and services by Rep. Hunter and Mrs. Hunter, the OCE further examined the campaign committee's expenditures for groceries and meals. The OCE found that Rep. Hunter's campaign committee paid for thousands of dollars in grocery expenses, the majority of which were purchased by Mrs. Hunter in locations like El Cajon and La Mesa, California near the family's home.
138. While some of these purchases may have been bona fide campaign expenditures, the repeated use of campaign committee funds by Rep. Hunter's spouse to pay for food near the Hunter's California residence raises concerns about misuse of campaign funds. Mrs. Hunter refused to cooperate with this review and, although she sometimes received payments from the campaign committee for management services and consulting, the OCE could not determine her exact responsibilities, if any, for the campaign committee.¹⁶³
139. The OCE reviewed the campaign committee's total direct disbursements in its FEC filings to the grocery stores Costco, Vons, and Albertsons between January 2009 and the present. In six and a half years of FEC filings, the campaign committee reported disbursements totaling approximately \$11,541.51 to Costco, \$3,585.09 to Vons, and \$4,438.74 to Albertsons.¹⁶⁴
140. In three years of statements for a campaign-affiliated credit card, the OCE found that the campaign committee paid approximately \$5,113.46 for twenty-four charges at Costco, nineteen of which were made by Mrs. Hunter.¹⁶⁵ In the same period, the campaign committee paid approximately \$628.60 for twelve charges at Albertsons Grocery Store, nine of which were made by Mrs. Hunter.¹⁶⁶ Finally, the campaign committee paid for twenty-six

¹⁶¹ Duncan D. Hunter for Congress, Fourth Amended October 2012 FEC Quarterly Report of Receipts and Disbursements, filed Jan. 21, 2013 at 79, 81, 83.

¹⁶² American Express Statement Ending June 10, 2012 (Exhibit 1 at 16-7162_0416, 0418).

¹⁶³ See discussion of Mrs. Hunter's compensation for services provided to the campaign committee *supra* n. 17.

¹⁶⁴ Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2009 – July 2016.

¹⁶⁵ See American Express discussion *infra* Part II.B.iv.3 and Exhibit 1. \$4,419.63 of the campaign committee's total Costco disbursements between June 2010 and January 2013 were itemized on the FEC filings as American Express purchases, and thus were included in the \$5,113.46 of American Express purchases. The OCE found that none of the reported disbursements to Vons or Albertsons in the FEC reports were itemized as American Express credit card purchases, and thus there was no evidence of overlap between the credit card purchases at these stores and direct disbursements from the campaign committee to these stores.

¹⁶⁶ See *id.*

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charges at Vons Grocery Store, all of which were made by Mrs. Hunter, totaling approximately \$2,258.70.¹⁶⁷ Almost all of these purchases were made at stores in locations like El Cajon and La Mesa, California near the Hunter family's home.¹⁶⁸

141. The OCE also reviewed three years of campaign-affiliated credit card statements for purchases at restaurant chains and fast-food stores. In the credit card records from January 2010 through February 2013, the campaign committee paid for thirty-three separate purchases at Starbucks totaling approximately \$526.38, twenty-six of which were made by Mrs. Hunter.¹⁶⁹ The credit card statements also show that the campaign committee paid for twenty-four charges at Jack in the Box totaling approximately \$494.80, twenty-two of which were made by Mrs. Hunter.¹⁷⁰ Finally, the campaign committee paid fifteen different credit card charges in the three year period at Olive Garden, totaling approximately \$1,595.19, thirteen of which were made by Mrs. Hunter.¹⁷¹
142. The frequency, location, amount, and the fact that Mrs. Hunter made many of the purchases for groceries and meals described above, raise questions about permissible use of campaign funds, and because Rep. Hunter, Mrs. Hunter, and the campaign committee refused to cooperate with this review, the OCE could not identify a campaign or political purpose for these expenses.¹⁷²

¹⁶⁷ See *id.*

¹⁶⁸ See *id.*

¹⁶⁹ See *id.*

¹⁷⁰ See *id.*

¹⁷¹ See *id.*

¹⁷² In light of concerns about campaign committee payments for other everyday expenses, the OCE reviewed the campaign committee's overall practice for mileage reimbursements and fuel purchases. The campaign committee's FEC filings illustrate that Mrs. Hunter received \$7,080.15 in mileage reimbursements from the campaign committee from 2010 through 2016. Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2009 – July 2016. Put in context, using the Internal Revenue Service 54 cents per mile standard mileage rate for 2016, that amount equates to 13,111 miles in campaign-related car travel. IRS 2016 Standard Mileage Rates for Business, Medical, and Moving Announced, Dec. 17, 2015, <https://www.irs.gov/uac/newsroom/2016-standard-mileage-rates-for-business-medical-and-moving-announced> (last visited Aug. 18, 2016). In addition, individual former and current staffers who did not cooperate with this review received significant mileage reimbursements from the campaign committee. It is possible that all of these expenses are legitimate and verifiable campaign expenses; however, these individuals' refusal to cooperate prevented the OCE from identifying a credible campaign purpose for the mileage reimbursements. Specifically, from January 2009 to the present, the campaign committee paid mileage and fuel reimbursements totaling approximately \$11,653.08 to Sheila Hardison, \$3,190.42 to Joe Browning, and \$5,403.85 to Bruce Young. Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2009 – July 2016. In that same period, Rep. Hunter received \$7,750.77 in mileage and fuel reimbursements from the campaign committee. *Id.* The campaign committee started reporting direct disbursements to gas vendors in 2015, rather than reporting only mileage reimbursements. From January 2015 to the present, the campaign committee disbursed approximately \$2,703.90 to Chevron, \$2,437.21 to Shell, and \$519.26 to Exxon. *Id.* In the January 2010 through February 2013 statements for the campaign-affiliated American Express account, the OCE found that the campaign committee paid approximately \$806.84 to Chevron, \$1,981.31 to Shell, and \$367.17 to Exxon. See American Express discussion *infra* Part II.B.iv.3 and Exhibit 1 (providing the corresponding American Express credit card statements and identifying credit card purchases paid for by the campaign committee from January 2010 until February 2013). The OCE could not determine whether there was a campaign or political purpose for the gas expenses without cooperation from Rep. Hunter, and the high-dollar amounts of reimbursements, the location of many of the gas stations near the Hunter's home, and the required travel distances to justify such expenditures, call into question the campaign and political purpose of such expenditures.

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3. Rep. Hunter's Credit Card Spending Practices

143. American Express credit card statements for a campaign committee-affiliated credit card show a similar pattern of personal campaign-funded purchases for goods and services, and misrepresentation in campaign committee filings submitted to the FEC. Without cooperation, the OCE could not identify a specific dollar amount for Rep. Hunter and Mrs. Hunter's personal purchases; however, Rep. Hunter's problematic purchases during his time in Congress may total tens of thousands of dollars.
144. The OCE reviewed American Express statements from January 2010 through February 2013 for a credit card held in the name of Bruce Young, the campaign committee's Treasurer during that period of time.¹⁷³ Rep. Hunter and Mrs. Hunter were the only additional authorized cardholders for the credit card account.¹⁷⁴ This American Express account was the primary credit card used by the campaign committee until 2013 when Chris Marston became the campaign's Treasurer.¹⁷⁵
145. The OCE reviewed all 1,652 transactions made by Bruce Young, Rep. Hunter, and Mrs. Hunter from thirty-eight American Express statements from January 2010 through February 2013. As described below and fully itemized in attached Exhibit 1, the OCE compared the dollar amount of credit card purchases to the amount of campaign committee disbursements to American Express reported on FEC filings to determine which credit card purchases were paid for by the campaign committee.¹⁷⁶
146. In many cases, the OCE found that it was possible that the transactions were legitimate and verifiable campaign expenditures. However, in other cases, the purchases appeared to be personal in nature and the purpose described on the campaign's FEC filings for the transaction had no nexus to the actual purchase. For many transactions, Rep. Hunter, Mrs. Hunter, Bruce Young, and the campaign committee's refusal to cooperate with this review prevented verification of a bona fide campaign or political purpose for the expenditures.

a. Concealment of Personal Purchases for Goods and Services

147. Notably, the OCE found that Rep. Hunter's campaign committee may have employed legal reporting techniques that obscured personal credit card purchases that likely had no legitimate or verifiable campaign purpose, heightening the OCE's concern about Rep. Hunter's practice of using campaign committee funds to pay for routine household and everyday goods and services for his family.
148. Frequently, the campaign committee's disbursement in the FEC filings to pay the American Express credit card balance was actually an aggregate value representing multiple credit card

¹⁷³ See Exhibit 1.

¹⁷⁴ See *id.*

¹⁷⁵ Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2010 through April 2013 (reporting disbursements to American Express from January 14, 2010 until January 29, 2013); Former Staffer A Transcript (Exhibit 6 at 16-7162_0604).

¹⁷⁶ See Exhibit 1.

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purchases. In most cases, itemization of the underlying purchases was not required because the individual purchases were less than \$200.00.¹⁷⁷ Therefore, the campaign committee acted consistently with FEC rules and did not need to itemize purchases under the \$200.00 aggregate threshold.¹⁷⁸

149. However, the campaign committee may have taken advantage of the fact they did not need to itemize in order to conceal small personal purchases within unitemized umbrella payments to American Express from the campaign committee.
150. Rep. Hunter's campaign committee often bundled campaign and non-campaign purchases for goods and services into large umbrella payments to American Express. Then, the campaign committee reported the large aggregate disbursements to American Express using campaign-related descriptions in the disbursement purpose section of its FEC filings. This allowed Rep. Hunter's campaign committee to pass off personal expenses as legitimate expenditures under the cover of large aggregate payments by the campaign committee to pay the credit card.

b. Examples of Bundling Campaign and Personal Purchases

151. Instead of describing the entire thirty-eight month period of purchases itemized in attached Exhibit 1, this section focuses on the statements closing on October 11, 2010 and on October 11, 2011 as representative of the campaign committee's reporting and spending practices.¹⁷⁹
152. As an example of bundling campaign and personal purchases for goods and services, the OCE found that three campaign payments to American Express on October 19, 2010 totaling \$1,270.21 actually represented twenty different small American Express transactions totaling that amount from the October 2010 statement.¹⁸⁰

¹⁷⁷ The FEC's Campaign Guide for Congressional Candidates and Committees explains, "[i]n the case of operating expenditures charged on a credit card, a committee must itemize a payment to a credit card company if the payment exceeds the \$200 aggregate threshold The committee must also itemize, as a memo entry, any specific transaction charged on a credit card if the payment to the actual vendor exceeds the \$200 threshold. The memo entry must also include the name and address of the vendor, the purpose of the disbursement and the amount of the disbursement." FEC Campaign Guide for Congressional Candidates and Committees (June 2014) at 105.

¹⁷⁸ *Id.*

¹⁷⁹ See Exhibit 1 for comparative charges for all thirty-eight statements from January 2010 until February 2013.

¹⁸⁰ American Express Statement Ending Oct. 11, 2010 (Exhibit 1 at 16-7162_0147-0158). Specifically, on October 19, 2010, the campaign committee reported payments to American Express for \$571.65, \$520.04, and \$178.52, with two described as "MEALS WITH SUPPORTERS- NO MEMO REQUIRED" and one described as "TRAVEL, MEALS, LODGING – NO MEMO REQUIRED" aggregating to \$1,270.21. Duncan D. Hunter for Congress, First Amended 2010 Post-General FEC Quarterly Report of Receipts and Disbursements, filed Apr. 26, 2011, at 32, 35. This amount matched twenty purchases totaling \$1,270.21 on the corresponding American Express statement. American Express Statement Ending Oct. 11, 2010 (Exhibit 1 at 16-7162_0147-0158). One transaction to Crystal City Sports exceeded \$200 and should have been itemized on the FEC filing.

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OCTOBER 2010 AMERICAN EXPRESS STATEMENT ENDING 10/11/2010								
Rep. Hunter American Express Campaign Disbursements on FEC Reports			Transactions on American Express Statement					
Reported Purpose	Payment Date	Amount	Payee	Location	Cardholder	Date	Amount	
MEALS WITH SUPPORTERS - NO MEMO REQUIRED	10/19/2010	\$571.65	Hyatt	San Diego	DH	9/11/2010	\$170.56	
MEALS WITH SUPPORTERS - NO MEMO REQUIRED	10/19/2010	\$520.04	La Salsa	La Mesa	MH	9/16/2010	\$19.05	
TRAVEL, MEALS, LODGING - NO MEMO REQUIRED	10/19/2010	\$178.52	Crystal City Sports	Arlington	DH	9/16/2010	\$219.01	
		<u>\$1,270.21</u>	OSF- Dussini	San Diego	MH	9/17/2010	\$195.43	
			Gifts Etc.	San Diego	DH	9/22/2010	\$6.38	
			Panda Express	El Cajon	MH	9/22/2010	\$23.90	
			Whitlows on Wilson	Arlington	DH	9/23/2010	\$36.85	
			Carl's Jr.	San Diego	MH	9/24/2010	\$16.02	
			Exxon Mobil		DH	9/24/2010	\$32.34	
			Exxon Mobil	Sterling, VA	DH	9/24/2010	\$75.00	
			Carl Jr.	La Mesa	MH	9/27/2010	\$15.78	
			DZ Akins	San Diego	MH	9/27/2010	\$35.56	
			The Occidental Grill	Washington, DC	DH	9/29/2010	\$138.85	
			Capitol City Brewing	Washington, DC	MH	9/30/2010	\$42.78	
			Local 16	Washington, DC	DH	9/30/2010	\$135.20	
			Holiday Inn	Washington, DC	MH	10/1/2010	\$28.40	
			SCI Vending	El Cajon	MH	10/7/2010	\$5.00	
			Cottonwood	El Cajon	DH	10/8/2010	\$14.34	
			Olive Garden	La Mesa	MH	10/8/2010	\$52.76	
			Sheraton SD Marina	San Diego	DH	10/9/2010	\$7.00	
							<u>\$1,270.21</u>	

153. While there may have been legitimate expenses for meals with supporters or for travel as described by the purpose reported to the FEC, the \$1,270.21 in transactions also included purchases that were not for meals with supporters or travel. For example, the twenty transactions include a \$32.34 purchase by Rep. Hunter at Exxon in Sterling, Virginia for items including tobacco and alcohol.¹⁸¹ Within the twenty transactions, the campaign also paid for Mrs. Hunter's \$19.05 meal at the restaurant La Salsa in La Mesa, California.¹⁸² On that same day when she dined at La Salsa in California, September 16, 2010, Rep. Hunter used campaign committee funds across the country at a sports pub in Arlington, Virginia.¹⁸³
154. The bundled twenty transactions also include many small charges to fast food and other restaurant chains like Carl's Jr. and Panda Express, at locations in La Mesa, El Cajon, and San Diego, California near the Hunter family's residence, that were purchased by Mrs. Hunter and were purportedly expended by the campaign committee for "meals with supporters" or "travel."¹⁸⁴
155. The disbursement purpose categorization on the FEC report compared to their actual purpose illustrates how characterizing expenses as campaign-related and avoiding itemization may have allowed Rep. Hunter and Mrs. Hunter to conceal small-dollar personal expenses.
156. The American Express statement ending on October 11, 2011 also helps illustrate Rep. Hunter's campaign committee's credit card practices. As a further example of the bundling technique, five of the October 25, 2011 disbursements to American Express totaled

¹⁸¹ American Express Statement Ending Oct. 11, 2010 (Exhibit 1 at 16-7162_0152).

¹⁸² *Id.* (Exhibit 1 at 16-7162_0149).

¹⁸³ *Id.* (Exhibit 1 at 16-7162_0152).

¹⁸⁴ *Id.* (Exhibit 1 at 16-7162_0147-0158).

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\$2,315.85.¹⁸⁵ They were reported in FEC filings as “Event expense” for one and “Travel, meals, lodging” for the other four.¹⁸⁶ The five payments to American Express match forty individual transactions totaling exactly \$2,315.85 in the October 2011 American Express statement.¹⁸⁷

157. Included in the forty bundled charges – in addition to other potentially problematic purchases—is Rep. Hunter’s purchase of a \$92.27 “MLB” item – likely Major League Baseball – using the vendor GSI Commerce, an e-commerce company that is associated with Ebay.¹⁸⁸

158. The forty bundled charges in the October 2011 credit card statement also include the seven payments, totaling \$521.76 for meals, airport parking, and fuel as part of the family trip to Boise, Idaho discussed earlier in these findings.¹⁸⁹

OCTOBER 2011 AMERICAN EXPRESS STATEMENT ENDING 10/11/2011							
Rep. Hunter American Express Campaign Disbursements on FEC Reports			Transactions on American Express Statement				
Reported Purpose	Payment Date	Amount	Payee	Location	Cardholder	Date	Amount
EVENT EXPENSE	10/25/2011	\$539.54	Rancho Bernardo	CA	DH	7/26/11	\$10.00
TRAVEL, MEALS, LODGING	10/25/2011	\$183.61	The Field	San Diego	DH	9/10/11	\$118.38
TRAVEL, MEALS, LODGING	10/25/2011	\$456.35	Ace Lot	San Diego	MH	9/11/11	\$38.00
TRAVEL, MEALS, LODGING	10/25/2011	\$543.29	East Potomac Golf	Washington, DC	DH	9/14/11	\$20.00
TRAVEL, MEALS, LODGING	10/25/2011	\$593.06	Daily News	San Diego	DH	9/16/11	\$11.28
			News Exchange	San Diego	DH	9/16/11	\$10.98
			Paradies	Phoenix	DH	9/16/11	\$53.32
			Pizza Uno	San Diego	MH	9/16/11	\$42.71
			Cracker Barrel	Boise, Idaho	DH	9/17/11	\$108.67
			Chevron	Eagle, Idaho	MH	9/17/11	\$45.35
			Cracker Barrel	Boise, Idaho	MH	9/17/11	\$36.52
			Chevron	Boise, Idaho	DH	9/18/11	\$28.65
			Cracker Barrel	Boise, Idaho	MH	9/19/11	\$167.19
			Great American	Boise, Idaho	MH	9/19/11	\$36.38
			Lindbergh Parking	San Diego	MH	9/19/11	\$99.00
			MLB		DH	9/20/11	\$92.27
			Shell	El Cajon	MH	9/21/11	\$123.33
			House Members Dining	Washington, DC	DH	9/22/11	\$14.95
			Beverly Hills Hotel	Beverly Hills	DH	9/24/11	\$20.40
			Shell	El Cajon	DH	9/24/11	\$92.77
			Marriott Food & Bev	Burbank	MH	9/24/11	\$114.02
			Albertsons	Alpine	MH	9/27/11	\$150.34
			Shell	Alpine	MH	9/27/11	\$40.97
			Rancho Bernardo	CA	DH	9/28/11	\$8.84
			Rancho Bernardo	CA	DH	9/28/11	\$46.00
			Rancho Bernardo	CA	DH	9/28/11	\$107.29
			Rancho Bernardo	CA	DH	9/28/11	\$186.24
			Cottonwood	El Cajon	DH	9/29/11	\$7.95
			Cottonwood	El Cajon	DH	9/29/11	\$12.25
			Cottonwood	El Cajon	DH	9/29/11	\$50.68
			Chevron	Alpine	MH	9/29/11	\$36.61
			CK Alpine	Alpine	MH	9/30/11	\$54.24
			American Airlines		BY	10/2/11	\$25.00
			American Airlines		BY	10/2/11	\$10.00
			Starbucks	San Diego	DH	10/3/11	\$7.32
			World Market	La Mesa	MH	10/4/11	\$86.43
			Subway	Sterling, VA	DH	10/6/11	\$7.23
			Cheesecake San Diego	San Diego	MH	10/7/11	\$65.95
			On The Border	El Cajon	DH	10/9/11	\$66.89
			California Pizza	San Diego	DH	10/10/11	\$61.45
							<u>\$2,315.85</u>

¹⁸⁵ The five disbursements were for \$183.61, \$456.35, \$539.54, \$543.29 and \$593.06. Duncan D. Hunter for Congress, 2011 Year-End FEC Quarterly Report of Receipts and Disbursements, filed Jan. 30, 2012, at 55-58.

¹⁸⁶ *Id.*

¹⁸⁷ American Express Statement Ending Oct. 11, 2011 (Exhibit 1 at 16-7162_0035-0036, 0301-0314).

¹⁸⁸ Evelyn M. Rusli and Verne G. Kopytoff, “With GSI Deal, eBay Shifts to Big Retailers,” THE NEW YORK TIMES, March 28, 2011, available at http://dealbook.nytimes.com/2011/03/28/ebay-to-buy-gsi-commerce-for-2-4-billion-bid/?_r=0.

¹⁸⁹ American Express Statement Ending Oct. 11, 2011 (Exhibit 1 at 16-7162_0301-0314).

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159. These examples from the October 2010 and October 2011 credit card statements are not standalone examples. Exhibit 1 provides a comparison of all the American Express charges to highlight where problems might exist, and to show how Rep. Hunter's campaign committee may have used bundling and deceptive purpose statements to legitimize their campaign-funded purchases for goods and services.
160. Without cooperation, the OCE could not ask Rep. Hunter and Mrs. Hunter about tens of thousands of dollars in potentially personal credit card purchases. Because campaign employees and consultants, including Bruce Young the holder of the American Express account and the former campaign Treasurer, did not produce any information to the OCE, the OCE could not identify a campaign or political purpose for many of the American Express purchases.¹⁹⁰
4. Rep. Hunter and Mrs. Hunter's Repayments to the Campaign Committee for their Personal and Mistaken Purchases for Goods and Services
161. In total, as of the date of these findings, Rep. Hunter and Mrs. Hunter refunded the campaign committee \$17,310.92 in "mistaken" or "personal expenses" by writing four checks in June 2015, October 2015, and April 2016.¹⁹¹
162. The OCE notes that Rep. Hunter paid back \$11,896.00 of the \$17,310.92 following widespread media coverage of his potential misuse of campaign funds and FEC inquiry into campaign committee expenditures.¹⁹² The OCE also notes certain inconsistencies with these repayments, and that in some cases the repayments themselves may identify additional possible violations.
163. The explanations contained in the FEC reports corresponding to the three checks from Rep. Hunter and the one check from Mrs. Hunter describe which disbursements from the campaign committee the \$17,310.92 was meant to repay.¹⁹³

¹⁹⁰ The OCE notes that the pattern of campaign committee purchases documented in three years of American Express statements likely continued after February 2013 with other credit cards affiliated with the campaign committee. Rep. Hunter refused to provide any records for those credit cards to the OCE.

¹⁹¹ Duncan D. Hunter for Congress, First Amended July 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 5, 66; Duncan D. Hunter for Congress, First Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 5; Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 29; Duncan D. Hunter for Congress, 2016 FEC Pre-Primary Report of Receipts and Disbursements, filed May 26, 2016, at 27-28.

¹⁹² See Letter from Bradley Matheson, Sr. Campaign Finance & Reviewing Analyst, Reports Analysis Division, FEC to Duncan D. Hunter for Congress, Apr. 4, 2016 (requesting additional information about expenses reported in the Duncan D. Hunter for Congress Year-End 2015 FEC Quarterly Report of Receipts and Disbursements); see also Morgan Cook, "FEC questions Duncan Hunter's video game charges," THE SAN DIEGO UNION-TRIBUNE, Apr. 5, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/05/hunter-video-games/>; Morgan Cook, "Hunter to cut short Israel trip, repay campaign funds," THE SAN DIEGO UNION-TRIBUNE, Apr. 7, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/07/hunter-repay/>.

¹⁹³ Duncan D. Hunter for Congress, First Amended July 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 5, 66; Duncan D. Hunter for Congress, First Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 5; Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 29; Duncan D. Hunter for Congress, 2016 FEC Pre-Primary Report of Receipts and Disbursements, filed May 26, 2016, at 27-28.

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164. The majority of the \$17,310.92 refund repaid campaign committee disbursements to Christian Unified Schools and for the 2015 trip to Hawaii.¹⁹⁴
165. However, the amount was also intended to repay the campaign committee for purchases made at retailers including Nordstrom and Barnes & Noble,¹⁹⁵ as well as a \$360.58 purchase at Emerald City Gang Inc., a California surf shop – despite public statements by Rep. Hunter’s Chief of Staff Joseph Kasper suggesting that the expense was for “materials and items for a community event.”¹⁹⁶
166. The repayments also refunded “mistaken” disbursements to Legoland, and to the video game companies Blizzard and Origin.com.¹⁹⁷
167. Further, the campaign committee reported seventy-eight disbursements totaling \$1,423.72 to the video game company Steam Games. The Hunter’s repaid some, but not all, of these expenditures.¹⁹⁸
168. In some cases, it remains unclear what was repaid and what was not for the Steam Games purchases. For instance, FEC filings claim that the campaign committee was refunded \$1,272.10 for Steam Games transactions on April 5, 2016; however, the \$6,150.00 repayment to the campaign committee on April 5, 2016 that allegedly included the repayment for the Steam Games purchases, actually appears to be a reimbursement to the campaign committee for \$6,150.00 in “mistaken” disbursements to Christian Unified Schools.¹⁹⁹

¹⁹⁴ *Id.*

¹⁹⁵ Duncan D. Hunter for Congress, First Amended July 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 99, 100, 105, 111; Duncan D. Hunter for Congress, 2016 FEC Pre-Primary Report of Receipts and Disbursements, filed May 26, 2016, at 28.

¹⁹⁶ Duncan D. Hunter for Congress, First Amended July 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 101; Duncan D. Hunter for Congress, 2016 FEC Pre-Primary Report of Receipts and Disbursements, filed May 26, 2016, at 28; *see also* See Morgan Cook, “Hunter repaid funds spent on surf shop, garage door,” THE SAN DIEGO UNION-TRIBUNE, Apr. 19, 2016, *available at* <http://www.sandiegouniontribune.com/news/2016/apr/19/hunter-garage-door/>.

¹⁹⁷ Duncan D. Hunter for Congress, First Amended July 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 15, 2016, at 5, 66; Duncan D. Hunter for Congress, 2016 FEC Pre-Primary Report of Receipts and Disbursements, filed May 26, 2016, at 28.

¹⁹⁸ Duncan D. Hunter for Congress, Second Amended October 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 16, 2016, at 47-48, 63-65; Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 55-61, 70-80, 98-99, 114-115, 134 -136. In its originally filed FEC reports, the campaign committee described the majority of these expenditures as “PERSONAL EXPENSES- TO BE REIMBURSED.” Duncan D. Hunter for Congress, October 2015 FEC Quarterly Report of Receipts and Disbursements, filed October 15, 2015, at 48, 63-65; Duncan D. Hunter for Congress, Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed January 31, 2016, at 55-61, 70-80, 98-99, 115, 134-136. In amended filings with the FEC, the purpose description for the transactions previously described as “personal expenses” was edited to read “FRAUDULENT CHARGE” and apparently the campaign committee challenged some of the charges as fraudulent. Duncan D. Hunter for Congress, Second Amended October 2015 FEC Quarterly Report of Receipts and Disbursements, filed April 16, 2016, at 47-48, 63-65; Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 55-61, 70-80, 98-99, 114-115, 134 -136.

¹⁹⁹ Duncan D. Hunter for Congress, 2016 FEC Pre-Primary Report of Receipts and Disbursements, filed May 26, 2016, at 27.

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169. Finally, the campaign committee's FEC filings state that the \$17,310.92 repayment includes repayment for eleven direct disbursements to Mrs. Hunter in the first quarter of 2016 totaling \$2,023.00.²⁰⁰ However, the FEC filings provide no explanation regarding what was purchased, nor what necessitated her reimbursement and later repayment to the campaign committee.²⁰¹
170. Based on the foregoing information, the OCE Board finds that there is substantial reason to believe that Rep. Hunter converted campaign funds to his personal use to pay expenses that were not legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes, in violation of House rules, standards of conduct, and federal law.

III. INDIVIDUALS AND ENTITIES THAT REFUSED TO COOPERATE WITH THE OCE REVIEW

A. Fifteen Individuals and Entities Represented by the Same Attorney That Refused to Cooperate with the OCE

Multiple Representation and Conflict of Interest Issues Presented by Representation of Rep. Hunter and Fourteen Witnesses by the Same Counsel

171. In this review, Rep. Hunter and the fourteen additional witnesses identified in this section were represented by the same counsel, Elliot Berke. All fifteen uniformly refused to cooperate with this OCE review. These witnesses include Margaret Hunter, the campaign committee, two independent campaign consulting firms, and current and former congressional and campaign staffers with direct knowledge of Rep. Hunter's travel and financial practices.
172. Their refusal to cooperate, under the guidance of the same counsel, prejudiced the OCE's review by precluding the OCE's access to critical documentary and testimonial evidence.
173. Moreover, their representation by the same counsel raises serious conflict of interest concerns. In many cases, the OCE found that the interests of Rep. Hunter and the other fourteen witnesses may have been directly adverse given their varied knowledge and involvement in the possible conversion of campaign funds to personal use.
174. Under Rule 14(B) of the OCE's Rules for the Conduct of Investigations ("OCE Rules"), the Board "may limit or prohibit a lawyer or law firm from representing multiple witnesses or subjects if the Board finds a substantial risk that a conflict of interest may prejudice the

²⁰⁰ *Id.* at 28.

²⁰¹ *Id.* From 2010 to the present, Mrs. Hunter has received \$16,924.50 in direct reimbursements from the campaign committee. Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2010 – July 2016. These include the eleven early 2016 disbursements to Mrs. Hunter totaling \$2,023.00 that the campaign committee reported as repaid and exclude payments to Mrs. Hunter as compensation for services. Given Rep. Hunter's decision to refund the campaign committee for Mrs. Hunter's more recent campaign reimbursements, all \$16,924.50 could be problematic.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended review.”²⁰² If such potential conflicts of interests are not resolved, the Board may determine that the represented parties refused to cooperate with the OCE review.²⁰³

175. To protect the integrity of this review, the OCE asked that Mr. Berke limit his representation to Rep. Hunter, Mrs. Hunter, the campaign committee, and only current employees of the campaign or congressional office.²⁰⁴ The OCE told Mr. Berke that his continued representation of former campaign Treasurer Bruce Young, former campaign Finance Director Sheila Hardison, and former congressional Chief of Staff Victoria J. Middleton, in addition to the Gula Graham Group, and Gilliard, Blanning & Associates Inc., presented a substantial risk that a conflict of interest may prejudice the review.²⁰⁵
176. The OCE explained that if these five third-party witnesses continued to engage Mr. Berke as their counsel, rather than selecting another attorney to represent them in the review, that the Board could exercise its authority to find that those five witnesses refused to cooperate. All five witnesses continued to engage Mr. Berke as their counsel.
177. The OCE Board finds that the approach of concentrating fourteen key fact witnesses under the counsel of one attorney, with potentially adverse interests, and then uniformly refusing to cooperate, prejudiced the review by preventing the identification of evidence of Rep. Hunter’s misuse of campaign funds.

Rep. Hunter and Margaret Hunter

178. The OCE requested information from and the opportunity to interview Rep. Hunter and Mrs. Hunter. Rep. Hunter and Mrs. Hunter refused to produce any information in response to the OCE’s requests for information and declined to interview with the OCE. Therefore, Rep. Hunter and Margaret Hunter did not cooperate with the OCE review.

Duncan D. Hunter for Congress

179. Chris Marston serves as the Treasurer for Rep. Hunter’s congressional campaign committee, Duncan D. Hunter for Congress.²⁰⁶ The OCE requested information from Duncan D. Hunter for Congress and requested the opportunity to interview Mr. Marston.
180. Duncan D. Hunter for Congress refused to produce any information to the OCE and declined the OCE’s request for an interview. Duncan D. Hunter for Congress therefore did not cooperate with the OCE review.

²⁰² See OCE Rule 14(B).

²⁰³ See OCE Rules 6, 14(B).

²⁰⁴ Letter from Omar S. Ashmawy, Staff Director and Chief Counsel to Elliot Berke, Counsel to Rep. Hunter, dated June 14, 2016; Email from Helen Eisner, Investigative Counsel, to Elliot Berke, Counsel to Rep. Hunter, May 24, 2016; Letter from Omar S. Ashmawy, Staff Director and Chief Counsel to Elliot Berke, Counsel to Rep. Hunter, dated May 17, 2016.

²⁰⁵ *Id.*

²⁰⁶ See Duncan D. Hunter for Congress, July 2016 FEC Quarterly Report of Receipts and Disbursements, filed July 15, 2016 (listing Mr. Marston as the campaign committee’s Treasurer in the most recent FEC filing as of the date of these findings).

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Current Congressional Staffers: Joseph Kasper, Joe Browning, Elizabeth M. Argo, Rick Terrazas, and Wesley Schermann Jr.

181. Joseph Kasper is Rep. Hunter's congressional Chief of Staff and has worked for Rep. Hunter since his first term in office.²⁰⁷ Prior to working for Rep. Duncan D. Hunter, Mr. Kasper worked in Congress for Rep. Hunter's father.²⁰⁸ In 2016, Mr. Kasper frequently provided statements to the press regarding allegations of misuse of campaign funds that appeared in media reports.²⁰⁹
182. Rick Terrazas is Rep. Hunter's District Director and has worked for him since he was first elected.²¹⁰
183. Joe Browning, is a long time Field Representative for Rep. Hunter who has also performed work for Rep. Hunter's campaign committee.²¹¹
184. Wesley Schermann Jr. has worked for Rep. Hunter as his Special Projects Coordinator since April 2013 and prior to that worked for Rep. Hunter's father.²¹²
185. Elizabeth M. Argo is Rep. Hunter's Executive Assistant and has held that position since February 2015.²¹³
186. Mr. Kasper, Mr. Terrazas, Mr. Browning, Mr. Schermann, and Ms. Argo refused to produce any information in response to the OCE's requests for information and declined the OCE's requests for interviews. Mr. Kasper, Mr. Terrazas, Mr. Browning, Mr. Schermann, and Ms. Argo therefore did not cooperate with the OCE review.

Former Congressional and Campaign Staff: Bruce Young, Victoria J. Middleton and Sheila Hardison

187. Bruce Young was the Treasurer for Duncan D. Hunter for Congress from the campaign committee's first FEC statement of organization filing in April 2007 until early 2013.²¹⁴ From at least January 2010 through February 2013, Rep. Hunter and Mrs. Hunter used an American Express card held in Mr. Young's name.

²⁰⁷ U.S. House of Representatives, Statements of Disbursements.

²⁰⁸ *Id.*

²⁰⁹ See, e.g., Morgan Cook, "Ethics complaints highlight Hunter's Italy trip," THE SAN DIEGO UNION-TRIBUNE, Apr. 28, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/28/hunter-italy/>; Morgan Cook, "Hunter repaid funds spent on surf shop, garage door," THE SAN DIEGO UNION-TRIBUNE, Apr. 19, 2016, available at <http://www.sandiegouniontribune.com/news/2016/apr/19/hunter-garage-door/>.

²¹⁰ U.S. House of Representatives, Statements of Disbursements.

²¹¹ Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2009 – July 2016. (reporting reimbursements to Mr. Browning); U.S. House of Representatives, Statements of Disbursements.

²¹² *Id.*

²¹³ *Id.*

²¹⁴ Duncan D. Hunter for Congress, FEC Statement of Organization, filed April 3, 2007; Duncan D. Hunter for Congress, FEC Statement of Organization, filed Feb. 4, 2013.

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188. The OCE requested information from and the opportunity to interview Mr. Young. Bruce Young refused to produce any information to the OCE and declined the OCE's request for an interview. Bruce Young therefore did not cooperate with the OCE review.
189. Victoria J. Middleton was Rep. Hunter's congressional Chief of Staff from the beginning of his first term in office until December 2014.²¹⁵ Prior to her service for Rep. Hunter, she worked as Chief of Staff in Rep. Hunter's father's congressional office.²¹⁶
190. The OCE requested information from and the opportunity to interview Ms. Middleton. Ms. Middleton refused to produce any information to the OCE and declined the OCE's request for an interview. Victoria J. Middleton therefore did not cooperate with the OCE review.
191. Sheila Hardison was the Finance Director for Rep. Hunter's campaign committee who was involved in planning events and fundraising.²¹⁷ Ms. Hardison received fundraising consulting disbursements from the campaign committee until early 2014 and frequently received reimbursements from the campaign committee for mileage and supplies.²¹⁸
192. The OCE requested information from and the opportunity to interview Ms. Hardison. Ms. Hardison refused to produce any information to the OCE and declined the OCE's request for an interview. Sheila Hardison therefore did not cooperate with the OCE review.

Campaign Consultants: The Gula Graham Group and Gilliard, Blanning & Associates Inc.

193. The Gula Graham Group is a political fundraising group that Rep. Hunter's campaign committee has paid more than \$500,000 in consulting fees to since 2009.²¹⁹ Former Staffer A told the OCE that the Gula Graham Group took over fundraising for Rep. Hunter in 2009.²²⁰
194. The OCE requested information from the Gula Graham Group and directed its request to Mike Gula. Before acquiring counsel, Mike Gula indicated to the OCE that he would start gathering materials.²²¹ Later, the Gula Graham Group's counsel Elliot Berke informed the OCE that the Gula Graham Group was declining the OCE's request for documents and for an interview with Mr. Gula. The Gula Graham Group therefore did not cooperate with the OCE review.

²¹⁵ U.S. House of Representatives, Statements of Disbursements.

²¹⁶ *Id.*

²¹⁷ Former Staffer A Transcript (Exhibit 6 at 16-7162_0592-0593).

²¹⁸ *See* Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2009 – July 2016 (reporting disbursements to Ms. Hardison).

²¹⁹ *See id.* (reporting disbursements to the Gula Graham Group); The Gula Graham Group, <http://www.gulagraham.com/> (last visited Aug. 19, 2016).

²²⁰ Former Staffer A Transcript (Exhibit 6 at 16-7162_0595-0596).

²²¹ Phone call between Helen Eisner, Investigative Counsel, and Mike Gula, the Gula Graham Group, May, 23, 2016.

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195. Gilliard, Blanning, & Associates, Inc. is a political consulting firm that has received close to \$200,000 from Rep. Hunter's campaign committee since 2009.²²² As part of this review, the OCE requested information from Gilliard, Blanning, & Associates, Inc. and directed the request to Dave Gilliard. Gilliard, Blanning, & Associates, Inc. refused to cooperate with this review and Mr. Gilliard refused the OCE's request for an interview. Gilliard, Blanning, & Associates, Inc. therefore did not cooperate with the OCE review.

B. Additional Individuals and Entities That Refused to Cooperate

Carly DeBeikes

196. Carly DeBeikes worked for Rep. Hunter's congressional office from April 2013 until February 2015 first as a Staff Assistant, and later as Scheduler and Office Manager.²²³
197. The OCE requested information from and the opportunity to interview Ms. DeBeikes. Ms. DeBeikes first told the OCE that she checked her email and that she did not have anything in her possession related to her work for Rep. Hunter.²²⁴ However, after multiple communications, Ms. DeBeikes refused to submit a form certifying that she did not have any responsive emails, communications, or other records in her possession. Ms. DeBeikes therefore did not cooperate with the OCE review.

Allison R. Sadoian

198. Allison R. Sadoian worked as a Scheduler and then Deputy Policy Director for Rep. Hunter from January 2011 until January 2013.²²⁵ The OCE requested information from Ms. Sadoian and requested the opportunity to interview her. Although Ms. Sadoian provided documentary materials to the OCE, she refused to participate in an interview. Ms. Sadoian therefore did not cooperate with the OCE's review.

Chevron Corporation

199. The OCE requested information from the Chevron Corporation ("Chevron") related to Rep. Hunter, Mrs. Hunter and the campaign committee. Upon further phone discussion with Chevron's counsel, the scope of the OCE's request was narrowed to include the gas station transactional history for Rep. Hunter, Mrs. Hunter or any account authorized by the campaign committee.
200. The OCE informed Chevron's counsel by letter and email that OCE Rule 4(A)(2) requires that witnesses sign a certification under 18 U.S.C. § 1001 stating that the witness has not knowingly or willfully withheld information from the OCE, including in situations where the

²²² Gilliard, Blanning, & Associates, Inc., <http://www.gbacampaigns.com/> (last visited Aug. 19, 2016); Duncan D. Hunter for Congress, FEC Reports of Receipts and Disbursements, January 2009 – July 2016 (reporting disbursements to Gilliard, Blanning, & Associates, Inc. and Gilliard, Blanning, Wysocki & Associates).

²²³ U.S. House of Representatives, Statements of Disbursements.

²²⁴ Email from Carly DeBeikes to Helen Eisner, Investigative Counsel, June 13, 2016.

²²⁵ U.S. House of Representatives, Statements of Disbursements.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended explanation provided is that requested information is not available.²²⁶ Pursuant to OCE Rule 6, the OCE Board may deem non-compliance with the OCE's Rule 4 certification requirements as a refusal to cooperate.

201. Chevron refused to submit a certification form to the OCE under 18. U.S.C. § 1001 as required by OCE Rule 4(A)(2). Chevron therefore did not cooperate with the OCE's review.

San Diego Gas & Electric

202. The OCE requested information from San Diego Gas & Electric ("SDGE") regarding accounts held by, or payments or transactions made or authorized by Rep. Hunter, Margaret Hunter or Duncan D. Hunter for Congress. The campaign committee reported payments to SDGE in October 2015.²²⁷
203. The OCE found that in spite of assertions by SDGE, there were no statutory or regulatory provisions that would restrict SDGE's cooperation with this review and further that SDGE's own privacy policy would permit cooperation with the OCE's request for information. SDGE declined to produce information in response to the request, and therefore SDGE did not cooperate with the OCE's review.

IV. CONCLUSION

204. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Hunter converted campaign funds to personal use to pay expenses that were not legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes.
205. Accordingly, the Board recommends that the Committee on Ethics further review the allegation that Rep. Hunter converted campaign funds to personal use in violation of House rules, standards of conduct, and federal law.

V. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATION FOR THE ISSUANCE OF SUBPOENAS

206. The following witnesses, by declining to respond to the OCE's correspondence, to interview with the OCE, or to provide requested information to the OCE, did not cooperate with the OCE review:
- (1) Representative Duncan D. Hunter;
 - (2) Margaret Hunter;

²²⁶ OCE Rule 4(A)(2); Letter from Omar S. Ashmawy, Staff Director and Chief Counsel to Reginald Brown, Counsel to Chevron Corporation, July 11, 2016; Email from Helen Eisner, Investigative Counsel, to Reginald Brown, Counsel to Chevron Corporation, July 19, 2016.

²²⁷ Duncan D. Hunter for Congress, Second Amended Year-End 2015 FEC Quarterly Report of Receipts and Disbursements, filed June 20, 2016, at 113.

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- (3) Duncan D. Hunter for Congress;
- (4) Bruce Young;
- (5) Sheila Hardison;
- (6) Joseph Kasper;
- (7) Joe Browning;
- (8) Elizabeth M. Argo;
- (9) Rick Terrazas;
- (10) Wesley Schermann Jr.;
- (11) Victoria J. Middleton;
- (12) Allison R. Sadoian;
- (13) Carly DeBeikes;
- (14) The Gula Graham Group;
- (15) Gilliard, Blanning & Associates Inc.;
- (16) Chevron Corporation; and
- (17) San Diego Gas & Electric.

207. The Board recommends the issuance of subpoenas to Rep. Hunter, Margaret Hunter, Duncan D. Hunter for Congress, Bruce Young, Sheila Hardison, Joseph Kasper, Joe Browning, Elizabeth M. Argo, Rick Terrazas, Wesley Schermann Jr., Victoria J. Middleton, Allison R. Sadoian, Carly DeBeikes, the Gula Graham Group, Gilliard, Blanning & Associates Inc., Chevron Corporation, and San Diego Gas & Electric.