

July 29, 2020

Brian G. Svoboda  
BSvoboda@perkinscoie.com  
D. +1.202.434.1654  
F. +1.202.654.9150

**BY ELECTRONIC MAIL**

The Honorable Theodore E. Deutch, Chairman  
The Honorable Kenny Marchant, Ranking Member  
U.S. House of Representatives Committee on Ethics  
1015 Longworth House Office Building  
Washington, DC 20515

**Re: Response to OCE's Report and Findings (No. 19-3824)**

Dear Chairman Deutch and Ranking Member Marchant:

We write on behalf of Representative Sanford Bishop, in response to the Report and Findings in this review, transmitted by the Office of Congressional Ethics ("OCE") and provided by the Committee on Ethics to Representative Bishop. We ask that the Committee release this response to the public, along with the Report and Findings.

**INTRODUCTION**

The Report and Findings present deficiencies in the recordkeeping, reporting and compliance functions of Representative Bishop's principal campaign committee, Sanford Bishop for Congress ("the Campaign"), that persisted over an extended period of time. However, as the Findings show, Representative Bishop has acknowledged these deficiencies and taken steps to correct them.

Before the OCE notified Representative Bishop of the review, after the Campaign's current treasurer returned from a Federal Election Commission ("FEC") training seminar that the Congressman urged her to attend, the Congressman initiated efforts to bring the Campaign into compliance. When the OCE review began, Representative Bishop cooperated completely. After that review ended, the Congressman and his Campaign continued to take remedial measures, even during the disruptions brought by the COVID-19 pandemic.

The remedial measures taken by Representative Bishop have included the following:

- The issuance of personal checks by the Congressman to the Campaign for reimbursement of dues payments and certain other expenses;
- The training and installation of a new treasurer to oversee the Campaign's activities;

- The engagement of an outside compliance firm, headed by an expert with thirty-seven years of experience, to prepare and file the Campaign’s reports with the FEC;
- The performance of a complete financial reconciliation of the Campaign’s activities, to culminate in the filing of comprehensive amendments to the Campaign’s FEC reports during the period covered by OCE’s review;
- The termination of automated campaign payments for monthly bills at Green Island Country Club, Inc. and Stonebridge Golf and Country Club—which the Campaign used for its annual flagship fundraising event, and which Representative Bishop used for other campaign and officially-connected purposes; and
- To avoid any question regarding his compliance as to the four annual constituent events questioned by OCE’s report, despite their clear officially-connected purpose, the issuance of a personal check in the amount of \$16,087.87 to reimburse the U.S. Treasury for the costs of these events.

The OCE recognizes that Representative Bishop “cooperated with the review” and “exhibited a genuine desire to correct certain issues that arose during the course of his review.” OCE Findings ¶ 5. Having fully cooperated with the OCE, Representative Bishop is prepared to work with the Committee toward an appropriate resolution to this matter. Representative Bishop acknowledges that mistakes were made by his campaign and that he should have provided better oversight on these matters. This is a responsibility he does not take lightly, and he intends to make sure careless errors like this never happen again. Serving the people of Georgia’s Second Congressional District is the greatest honor of his life and Representative Bishop will continue to focus on addressing the important needs of his constituents during this incredibly challenging time.

## **DISCUSSION**

Representative Bishop has represented Georgia’s Second Congressional District since his election in 1992. Over the years, the flagship fundraising event for his campaign, Sanford Bishop for Congress (the “Campaign”) has been a golf tournament which was held initially at Stonebridge Golf and Country Club in Albany, Georgia and then at Green Island Country Club in Columbus, Georgia. The Campaign paid for the costs of these events. The Campaign’s reports were prepared and filed by its treasurer, who had served in that role since 1993. After the treasurer was diagnosed with Parkinson’s Disease, which slowly progressed, the Campaign engaged another individual as her assistant, with the intention of ultimately having her succeed the treasurer.

At Representative Bishop’s request, in August 2019, before the OCE review began or was known to him, the then-assistant treasurer attended the Federal Election Commission’s Regional Conference in Chicago, Illinois, and participated in the technical workshops designed for Federal

Candidates, Parties, and PAC's. *See* Report and Findings at ¶¶ 35-36. Immediately upon her return from the conference, she informed Representative Bishop that she became aware that some practices of the Campaign appeared to be inconsistent with FEC guidelines. *Id.* ¶ 39. Because the then-treasurer's condition had worsened considerably in the preceding months, and Representative Bishop had now been made aware that there were questions about the Campaign's compliance with FEC guidelines, Representative Bishop initiated steps to bring his campaign into compliance and promoted the assistant to the role of treasurer on September 9, 2019. *See id.* at ¶ 40.

Seven days later, on September 16, 2019, OCE initiated a preliminary review regarding whether Representative Bishop's Campaign "reported campaign disbursements that may not have been legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes." *See* OCE Initiation of a Preliminary Review. Immediately upon receipt of OCE's Notice of Preliminary Review, Representative Bishop advised OCE that he intended to fully cooperate with the review and the requests for information. *See id.* at ¶ 5. And as noted by OCE in the Report and Findings, Representative Bishop and the new treasurer fully cooperated with the OCE's requests for information by producing all responsive documents and records that they could locate. *See id.* at ¶ 42. In addition, Representative Bishop and the new treasurer made themselves available for interviews by OCE. Representative Bishop responded to each of OCE's requests to the best of his ability, knowledge, information, and belief.

The evidence developed by OCE supports Representative Bishop's lack of bad faith. *See id.* at ¶ 41. During the review, however, it became clear to him that while many of the expenses paid for by the Campaign were related to bona fide campaign and official activities, others were not. *See id.* at ¶ 5. For example, while the Campaign properly paid for the costs associated the golf fundraising events, it also paid for Representative Bishop's memberships at the Stonebridge and Green Island Country Clubs, which he used to build and maintain relationships with his constituents and donors. Although Representative Bishop was not aware at the time, he now understands that Campaign funds should not be used to pay for memberships at country clubs.

To respond to these issues, before the OCE review had even concluded, Representative Bishop began the process of taking remedial steps necessary to bring his campaign into full compliance:

*First*, the new treasurer continues to fill her role and has received the proper training to ensure that all campaign expenditures are properly made and fully documented.

*Second*, following the document production and interview phases of OCE's review, Representative Bishop engaged our law firm to conduct a full review of the Campaign's bank and financial information and its FEC reports from 2013 to the present date so that the Campaign can file amended reports with the FEC and take any other necessary corrective measures. The Campaign is accordingly filing comprehensive amendments with the FEC to its past reports.

*Third*, Representative Bishop has terminated the practice of using Campaign funds to pay for membership dues at Green Island Country Club and Stonebridge Golf and Country Club. Representative Bishop now pays personally for all such memberships and he has reimbursed his Campaign for dues payments and other disbursements made to these country clubs.

*Fourth*, Representative Bishop retained Whitney Wyatt Burns, one of the most experienced compliance consultants in the Washington D.C. area, with thirty-seven years of experience, to prepare and file the Campaign's FEC reports going forward.

*Fifth*, on December 31, 2019, Representative Bishop reimbursed the Campaign for the amount that his wife mistakenly withdrew from his Campaign account in April 2019. *See id.* ¶ 89.

*Sixth*, on June 2, 2020, Representative Bishop reimbursed the U.S. Treasury for the cost of the four annual constituent events for which he paid using the Member's Representational Allowance (the "MRA"), and which OCE disputed. Although OCE briefly asked during the interview about the annual event, Representative Bishop did not know that the event's eligibility for MRA payment was at issue until after the review was over. Representative Bishop had no opportunity to confront this late charge against him, even though House rules require OCE to provide him with a description of the specific matter and a statement of the nature of the review, and even though they provide further that OCE should act in accordance with constitutional rights and protections.

Had Representative Bishop been given the opportunity to confront this charge, he would have maintained that, when he held the annual events, he understood that payment from the MRA was permissible, because the events included official programming. The events allowed his district staff to meet constituents, including field representatives who normally work only in certain of the 29 counties comprising his district, and thus do not normally interact with constituents from the other counties. The attendees included local elected officials, ministers, sheriffs, community leaders and other constituents.

Still, Representative Bishop chose to reimburse the Treasury voluntarily for these events. While he believed at the time that MRA payment was permissible, he seeks to resolve any question regarding the propriety of the payments by making the reimbursement. Although Representative Bishop believes his reading of the application of the governing regulation was reasonable, he does not seek to dispute the matter further. Rather, he would prefer to accept that his understanding was disputed and take the remedial step of correcting it.

Representative Bishop is committed to bring his Campaign into full compliance and to avoid mistakes in the future. We are prepared to work with him toward that end, and to cooperate with the Committee toward a proper resolution of the allegations transmitted by OCE.

Thank you for your consideration.

Representative Sanford Bishop  
July 29, 2020  
Page 5

Very truly yours,

A handwritten signature in black ink, appearing to read "B Svoboda", with a long horizontal flourish extending to the right.

Brian G. Svoboda  
Aria C. Branch  
Counsel to Representative Sanford Bishop