



Attorneys and Counselors at Law

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Mailing Address:
P.O. Box 650
Jackson, Mississippi 39205
Telephone: (601) 965-1900
Facsimile: (601) 965-1901

Gregg Harper
Member of Congress, 2009-2019
Direct Dial: (601) 965.1890
E-mail: gharper@watkinscager.com

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VIA ELECTRONIC MAIL

The Honorable Theodore E. Deutch, Chairman
The Honorable Jackie Walorski, Ranking Member
Committee on Ethics
United States House of Representatives
Washington, DC 20515

Re: Rep. Doug Lamborn, OCE Review No. 21-4329

Dear Chairman Deutch and Ranking Member Walorski:

Please accept this as our Response to the Report of the Office of Congressional Ethics (“OCE”) in Review No. 21-4329 regarding Representative Doug Lamborn. We respectfully request that the Committee on Ethics (the “Committee”), after a thorough evaluation, dismiss the OCE’s referral and take no further action.

INTRODUCTION

OCE, with its Report, has decided for all Members of the House that OCE can micromanage any and all aspects of the operation of a Congressional office, which should be of concern to the public, every Member of Congress, and especially to the House Committee on Ethics. A thorough review of the facts will make it clear to everyone that no ethical violation has occurred, and the same should be dismissed.

The origin for this review arises from a Complaint filed by Mr. Brandon Pope against the Office of Doug Lamborn on May 13, 2021. You will find that anyone you talk to on Rep. Lamborn’s staff will absolutely and strongly disagree with the assertions and characterization of events by Mr. Pope. It appears that OCE has a bias against Rep. Lamborn and has used that to also attack Mrs. Lamborn, who has been an integral part of Rep. Lamborn’s success by serving as his campaign Treasurer and trusted advisor through the 24 election victories, and no losses, in the Colorado General Assembly and then in Congress. Counsel for Rep. Lamborn does not use the word “bias” lightly, but a reading of the Report in Paragraph 30 states in part: “with one staffer **credibly** (emphasis

added) citing his unwillingness to perform these tasks as one of the reasons for his termination from Rep. Lamborn's office." How has OCE determined that the person who has sued for money damages is credible, but none of the other witnesses are characterized as such?

This misplaced reliance will be discussed in greater detail below, but it is extremely troubling that OCE relied on and gave credibility to two witnesses who have glaring credibility problems – either motive on the part of Mr. Pope as well as documented deviations from the truth, and numerous documented deviations from the truth on the part of Mr. Hosler.

One must also ask if Mr. Pope was in such a difficult work environment during his time as a Fellow, beginning in August 2019, why did he accept the offer to become a full-time employee for Rep. Lamborn on May 1, 2020?

Rep. Lamborn asserts the following:

- I. **Rep. Lamborn did not misuse official resources for personal and non-official purposes, and therefore, did not violate House rules and standards of conduct.**
- II. **Rep. Lamborn did not solicit or accept improper gifts from subordinates, and did not violate House rules, standards of conduct, or federal law.**

Rep. Lamborn conducts himself and runs his office in accordance with all House rules and standards of conduct, and he will fully cooperate with the Committee to demonstrate the same. Rep. Lamborn cooperated fully with OCE, including flying to DC to testify before the OCE, but the Report and Findings say that he was uncooperative. Besides being insulting, it's simply not true. Upon advice of counsel, Rep. Lamborn would not provide eight (8) months of Daily Reports to assist OCE on a fishing expedition that they would one day release to the public, said information containing constituent information that is private. This last-minute request FROM OCE was for every staffer in DC as well as in the District and covered approximately 700 pages.

The Office of Congressional Ethics (OCE) has consistently done two things throughout this process that should disqualify it from being considered an impartial and hence a credible party.

First, OCE assumes that Congressman Lamborn is guilty until proven innocent. They treat anything the Congressman says, or anyone who supports the Congressmen, with suspicion.

Second, OCE fails to account for obvious biases on the part of the two witnesses opposed to the Congressman and his office. The source of the allegations of unethical behavior first surfaced in an employment lawsuit brought by Mr. Brandon Pope, a former staffer, against the office of Congressman Lamborn. Mr. Pope is seeking money damages from the government for back wages, future wages, pain and suffering, as well as attorney's fees. OCE refuses to consider that they are being used by Mr. Pope to try to secure his financial jackpot.

In addition, Mr. Pope is being helped in his lawsuit by Mr. Josh Hosler, the Congressman's former district director and a friend of Mr. Pope. Mr. Hosler has even filed a Declaration in Mr. Pope's employment lawsuit dated May 14, 2021 supporting the plaintiff. In this Declaration he stated in Paragraph 22 that Mr. Pope had been a "great employee," and that Mr. Pope was fired only out of retaliation for speaking out against Covid practices in the office.

However, after this sworn statement was made by Mr. Hosler, it came to light in court filings that Mr. Hosler had sent an email just prior to Mr. Pope's termination stating that Mr. Pope was "abrasive with staff and his direct supervisors," "no longer willing to take direction from anyone," "belligerent towards management with unprofessional verbiage and disrespectful responses." In conclusion, Mr. Hosler stated that Mr. Pope "never shows regret for his actions or an intent to improve his behavior." A copy of that email from Mr. Hosler is attached as Exhibit A.

When his previous words came to light, Mr. Hosler has tried to backpedal and claim that somehow, he didn't mean what he said in the email. However, this glaring disconnect between his earlier email and his words in the May 14 Declaration, which were made under oath, casts his truthfulness and his entire testimony in this matter into question. At best, he has damaged the case of his friend, Mr. Pope, with his inconsistency. At worst, he has also opened himself up to a charge of perjury.

Two things should be clear to OCE from this episode which they have refused to acknowledge—that Mr. Hosler has a bias in favor of Mr. Pope, and that Mr. Hosler's credibility has been compromised. These two witnesses utter a number of untruths as will be documented later in this Response.

Without the bias on the part of OCE against the Congressman, as well as their lack of skepticism toward two obviously biased witnesses, OCE would not have reached the conclusions it did. This matter would not have been referred to the House Committee on Ethics. They would have concluded that the testimony and facts favor a finding that Congressman Lamborn has indeed acted ethically and that this matter should have been dismissed.

Congressman Lamborn has been in either the Colorado House and Senate or in the U.S. House for 27 years. He has never been even accused of unethical behavior, much less found to be unethical. That is, not until Mr. Pope's lawsuit seeking money damages was filed.

The remainder of this Response will rebut the findings of OCE point by point. Let us now look at the introductory topic examined by OCE, the role of Mrs. Lamborn, and then the five specific topics OCE raised.

Congressman Lamborn's Wife's Involvement in the Official Office

OCE in its Report/Findings of Fact initially examines the role of Mrs. Lamborn in the office in Paragraphs 19 through 30 of the Report. OCE admits that "it is not unusual for spouses to play a role in a congressional office" in Paragraph 21. OCE also admits that it is not unusual for a spouse to have an official email account in Paragraph 21, which Mrs. Lamborn did so she could synchronize her schedule with that of the Congressman, who after all is her husband. (In fact, OCE shows its obsession on this point by asking each of the three witnesses who are current staffers about this in their interviews). While conceding that an official email account is ethical, they try to cast it as improper and excessive in Paragraph 21.

OCE next states in Paragraphs 22 and 23 that Mrs. Lamborn was "deeply involved" and "had a significant role in the office," as if this were unethical. The Congressman specifically testified, as stated in Paragraph 23, that Mrs. Lamborn indeed had a role in interviewing certain staffers, alluding to the position of scheduler in particular who needs to interact on a constant basis with Mrs. Lamborn. But OCE fails to say where this violates ethics rules, although they imply that something nefarious is going on.

In Paragraphs 24 and 25 OCE expresses surprise and concern that Mrs. Lamborn had access to and read the "daily reports," although it is clear that these sometimes-discussed matters that affected the schedule of the Congressman and by extension Mrs. Lamborn as well. While implying that this was unacceptable, OCE does not cite any authority as to why this would be unethical.

Next, in Paragraphs 26 and 27 OCE asserts that Mrs. Lamborn "regularly" made requests, either campaign-related or personal. As will be detailed more below, the campaign related matters were done according to House rules, and the alleged personal errands simply did not happen at all (with a single possible exception related to lifting a heavy piece of furniture into a pickup, which is also described below).

Paragraph 28, referring to communication by Mrs. Lamborn, whether by email, phone, text, or in person, is simply irrelevant and does not have ethical implications.

Paragraphs 29 and 30, in which OCE concludes that Mrs. Lamborn's involvement was unethical, is based on the word of "former staffers." This is code for the two individuals whose word should be taken with skepticism, one, Mr. Pope, because he thinks he has a serious financial interest, and the other, Mr. Hosler, because he is directly helping his friend seeking the payoff but who has also impeached his credibility with inconsistent statements.

OCE concludes in Paragraph 30 that "five of Rep. Lamborn's staffers stated that they performed personal tasks for the Lamborns." This is totally false! Two of these five are to be treated skeptically as explained above, and who, moreover, admitted that they supposedly saw others do personal errands although they themselves did not do any personal errands (even though OCE said all five did personal errands themselves). Exhibit 2 at 19, Lines 12 through 15. Exhibit 2 at 30, Lines 14 through 19.

Of the remaining three, two say they never did personal errands. They only did allowable campaign related errands as allowed under House rules, and as will be described in more detail below. The one remaining staffer may have done a minor personal errand on one occasion, as will be described in more detail below.

Not only does OCE quote only the two who are working against the Congressman, they fail to include countervailing quotes from those who are current staffers. Had they done so, they would have quoted Mr. Anderson who stated in his OCE interview, when asked about his relationship with Mrs. Lamborn, said "It is fine. Very professional. And I think professional, respectful, and appropriately distant." Exhibit 3 at 25.

To conclude the Response to this initial section of the Report, concerning the actions of Mrs. Lamborn, Congressman Lamborn is extremely fortunate to have a spouse who is engaged and dedicated, and who simply wants her husband to be successful in his responsibilities. As his campaign manager or finance chairman throughout his public life in Colorado, both in the Colorado General Assembly and then in Congress, Mrs. Lamborn has overseen a record of 24 wins and no losses. Instead of acknowledging her commitment to her husband's success, not just politically but legislatively as well, OCE tries to paint her strong role and involvement as suspect and sinister. They should be celebrating her role.

Now let us examine the five areas OCE addresses in its Report.

OCE Allegation of "Picking up Mail and Other Campaign Related Tasks."

OCE once again gives undue credence to what should be the discredited testimony of Mr. Hosler. He is quoted in Paragraphs 31 through 33 of the Report/Findings of Fact saying that he and other staffers were asked to do campaign related tasks on a regular basis.

Nothing could be further from the truth. As Ms. Tapia and Ms. Sebastian told the OCE interviewer, they were paid by the campaign to do clearly defined work as allowed under House ethics rules. The former, Ms. Tapia, on limited occasions picked up campaign checks at the campaign Post Office box when Mrs. Lamborn, who was the campaign treasurer and manager, was out of town. Exhibit 4 at 9 to 11. She had done this previously for another Congressman. Ms. Tapia was always careful to not even bring campaign mail into the Congressional office but rather kept it in her car and then processed it at her house. Exhibit 4 at 12.

Mr. Tapia would say something like “Ran unofficial errand during my lunch break” in her Daily Report. See July 3, 2019; Sept. 18, 2019; Sept. 19, 2019; Sept. 24, 2019; Sept. 25 2019; and Oct. 2, 2019 emails, all contained in Exhibit 6. This appeared to be the extent of the campaign involvement during the last two-year election, all as allowed under House rules.

Ms. Sebastian, as explicitly allowed under House rules, wore two hats. One was as communications director of the Congressional office and one was as communications direction of the campaign. Exhibit 5 at 10 to 15. She kept a bright line of separation between her official duties and her campaign duties, and she was always careful to only use her personal phone and computer for campaign activities, and her office phone and computer for official Congressional activities. She tried her best to do campaign work after hours, during lunch breaks, and on weekends, but if an urgent matter came up during the day she would, as anticipated in House rules, deal with that matter outside the Congressional office.

Mr. Hosler himself even took a leave of absence to manage a petition drive for the campaign, after the Congressman and the Chief of Staff consulted with appropriate House advisers on how to do so ethically and correctly. This leave of absence lasted 25 day, for which he was paid \$6,000. He did not do any campaign work whatsoever after he rejoined the Congressional staff as District Director. For one thing, Mrs. Lamborn, the campaign manager, did not need anything from him. For another, Mr. Hosler, whose only mission during the leave of absence was to collect signatures from petition gatherers and turn them into the Secretary of State in Denver, managed to lose hundreds of names at one point, imperiling the mission. Mrs. Lamborn did not trust him to perform any campaign duties afterward.

So when Mr. Hosler is quoted in Paragraphs 31 through 33 of the Report that he continued to do campaign work such as stuffing envelopes after he rejoined the staff, that is a total fabrication. As further proof on this point, see the Affidavit attached as Exhibit B from Congressman Lamborn dated December 15, 2021, stating that his campaign has used commercial mail houses for all campaign mailings for approximately the last ten years. So, for many years there has been absolutely no need for any campaign worker or volunteer to “stuff envelopes.” Exhibit 2 at 13 and 14. No such campaign pieces can

ever be produced which were done by hand by Mr. Hosler either in the office or elsewhere because such pieces simply do not exist. Having made such a serious claim of what amounts to a criminal act, Mr. Hosler should be able to back it up with a physical example of a "stuffed envelope" campaign piece done in the office or anywhere else for that matter. The lack of physical examples should speak volumes and is evidence of yet one more lie.

Mr. Pope also lied in his Complaint in the Covid lawsuit in Paragraphs 17(f) and 21 that he, or any staff for that matter, did campaign mailings at any time during the election cycle. No mailings were done by the campaign except by commercial mail houses, who printed, stamped, and sorted all such mail and then delivered it directly to the Post Office. Mr. Pope and Mr. Hosler said they did campaign work during official time in contradiction to what everyone else, who testified that campaign work was properly segregated according to ethical rules. This is just one of the many areas where OCE failed to drill down when faced with inconsistencies in the testimony, or they simply chose who they wanted to believe despite the lack of documentation.

OCE also misinterpreted what should have been clear testimony from Ms. Tapia. In Paragraphs 36 through 40 of the Report, OCE displays a sloppy approach to the evidence by misunderstanding Ms. Tapia's limited and defined role of picking up campaign checks from the campaign Post Office box when Mrs. Lamborn was away. Ms. Tapia refers to this as doing an "unofficial errand." It only happened a handful of times and was spread out over several election cycles. However, OCE staffers mistakenly interpret this as Ms. Tapia running all sorts of personal errands for Mrs. Lamborn, such as picking up personal mail.

This is actually a very serious misunderstanding on the part of OCE staff and is critical to their charge of unethical behavior. By interpreting Ms. Tapia's reference to "unofficial errands" as something other than occasional, paid trips to the campaign post office box, they then conclude that they have a smoking gun for personal errands for Mrs. Lamborn. This dangerous misinterpretation leads to their conclusion that personal errands of an undefined nature were done for Mrs. Lamborn by Ms. Tapia. See Paragraphs 39 and 40 of the Report in particular. It's interesting that the specific nature of these unofficial errands can never be pinned down. The reason why is because they never occurred.

Every time Ms. Tapia refers in her testimony or in her daily reports to an "unofficial errand" it was for a campaign mail run that she was hired to do on her personal time! It was never for grocery shopping, clothes shopping, dog sitting, watering plants, or whatever "unofficial" personal errands for Mrs. Lamborn that OCE staffers conjured up in their fevered imaginations. Tellingly, Ms. Tapia said she never did a personal errand. Paragraph 38 of the Report and Exhibit 4 at Page 11, Lines 18 and 19. This whole section goes away if only OCE had properly interpreted the plain testimony in front of them.

Incidentally, the last minute request for daily reports was not agreed to by the Congressman, as referred to in Paragraph 41 of the Report, not because he was afraid more references to “unofficial errands” would turn up. They would not turn up and, in any case, that phrase was always and only a reference by Ms. Tapia to allowable campaign mail runs. The OCE request for hundreds of pages of daily reports covering an eight month period would have led to privacy breaches of confidential constituent matters.

Congressman Lamborn also testified, like Ms. Tapia and Ms. Sebastian, to how there was a bright line of separation between the official and the campaign activities by staff, which was followed religiously and is allowed under House rule. However, he and they were not believed by OCE staff. Exhibit 1 at 9 to 12.

When the evidence is looked at, and also weighed for credibility, Congressman Lamborn’s staff never performed campaign activities on official time or with government resources. What they did do was paid for by the campaign. It was all according to House rules.

OCE Allegation of “Moving Furniture and Scheduling Zoom Calls.”

Once again, OCE staffers give too much credibility to the testimony of Mr. Hosler. He is quoted in Paragraph 48 of the Report as saying he did various campaign and personal activities. However, as described above, once he rejoined the staff after his leave of absence for petition work, he was never again needed or trusted for campaign work. As for personal errands, he categorically states he never did any personal tasks for Mrs. Lamborn. Exhibit 2 at 19.

As an aside, it is interesting that Mr. Hosler, speaking for his friend Mr. Pope, said that Mr. Pope also did not do either campaign work or personal errands for Mrs. Lamborn. Exhibit 2 at 30. We also know that Ms. Tapia was never even asked to do a personal errand. “I’ve never been asked to do a personal errand,” she stated. Exhibit 4 at 11. Similarly, Ms. Sebastian was never asked to do a personal errand. When OCE asked if she ever did any personal errands she said, “No, not that I’m aware of.” Exhibit 5 at 16.

This covers all the five current or former staffers interviewed by OCE, with the exception of Mr. Anderson who will be discussed next.

Mr. Anderson stated that from his perspective he did five personal errands for Mrs. Lamborn in the four years and four months that he worked in the office. Two of these were for moving furniture and three were for helping Mrs. Lamborn with Zoom. Exhibit 3 at 19. A closer look at these five incidents reduces them in scope or eliminates them completely.

Although Congressman Lamborn was never asked about it by the OCE, he would have willingly explained, and does so in the Affidavit dated December 15, 2021, attached as Exhibit B, that the free Zoom app was originally set up by Mr. Anderson on the Lamborn home computer as an official part of his dues, not as a personal errand. It was installed by him so that Congressman Lamborn could participate in some upcoming Zoom prayer meetings that Mr. Anderson was helping to lead as part of his official, faith-based community outreach. This was necessary to do from home during the Covid shutdown.

Because of technical difficulties apparently Mrs. Lamborn asked him for help two more times to get the free Zoom app working properly. One of these was when she dropped by the Congressional office to save Mr. Anderson the trouble of driving to the Lamborn's house, even though it is only a short distance away. Admittedly, Mrs. Lamborn also used the free Zoom app when it was set up and working for a family conversation. It is not clear whether this is a violation of ethics rules, because no government funds were required to either install the free Zoom app or operate it afterward. In all three cases, the time involved by Mr. Anderson was minimal.

As for the two incidents of moving furniture, both involved lifting a heavy couch or dresser into a pickup truck, which was beyond the ability of Mrs. Lamborn. One was on a day that was clearly a day off for Mr. Anderson, as he stated he had just come from the gym. Exhibit 3 at 47. The other was indeed in response to a call from her to him during business hours. Mr. Anderson took what he considered a personal break to go over to her house and assist her. He estimated it took ten minutes. Exhibit 3 at 26.

For what it is worth, the Lamborns and the Andersons have a social relationship outside the office, including watching sporting events at each other's house, sharing meals, attending children's weddings, and so on.

As an aside, Mr. Hosler once again displays a tendency to fabricate facts out of thin air when he stated that Mrs. Lamborn's pickup mentioned above was taking furniture to a vacation home in Wyoming. Exhibit 2 at 22. The Lamborns own no vacation homes anywhere, including Wyoming. Although it is difficult to prove a negative, OCE or anyone else who does a real estate records search in Wyoming could easily verify this. Also, real estate property has to be listed in the annual Financial Disclosure filed by every sitting Congressman, and a listing for a vacation home is absent for Congressman Lamborn. Mr. Pope as well lied about a vacation home in his Complaint filed in the Covid lawsuit in Paragraph 17(a).

To summarize this second area, only one staffer of all the ones interviewed, arguably ever did a personal errand for Mrs. Lamborn. Mr. Anderson did one or two follow up tweaks to an initial, official free Zoom app installation on the Lamborn home computer. Minimal time was involved. Of the two incidents involving the lifting of a piece of

furniture into a pickup, one was on Mr. Anderson's day off and the other he said he considered personal time. In any event it took a total of ten minutes. This is the extent of Mr. Anderson's possible personal errands during his four years of service.

**OCE Allegation regarding the
“Naturalization Celebration for Rep. Lamborn’s Daughter-in-Law.”**

Yet once again, OCE relies on the word of a former staffer who has been shown to give conflicting stories even when under oath. Mr. Hosler stated that a naturalization party in the district office was directed to be held by the Congressman, his wife, and the Chief of Staff. Paragraphs 51 and 52 of the Report.

This is completely false. A celebration of sorts was held but it was initiated by a staffer, Ms. Sebastian, and the Congressman and his wife had nothing to do with it. Had Ms. Sebastian even been asked about this by OCE staffers during her interview, she would have been glad to tell them that the ceremony was entirely her idea. The ceremony for the daughter-in-law was combined with an already scheduled birthday party for Ms. Sebastian and for which refreshments had been arranged. There was not a bit of extra cost or extra time for anyone involved.

As Ms. Sebastian states in her Affidavit dated December 15, 2021, attached as Exhibit C, she felt that it would be a positive thing to celebrate the new citizenship of the Congressman's daughter-in-law. This is because she had been naturalized during the Covid shutdown and even her own husband had not been allowed to be present during the actual proceeding. Ms. Sebastian decided to include her in the already planned birthday party. The Congressman tried to explain this to OCE staffers during his interview, Exhibit 1 at 19 to 22, but they apparently preferred the testimony of an individual whose words should be taken with skepticism over that of the Congressman.

In conclusion, it is curious why OCE would investigate a celebration which, when it was combined with an already planned birthday party, incurred no additional resources of time or money.

OCE Concerns with “Facilitating Rep. Lamborn’s Son’s Job Application.”

As with the previous area concerning a naturalization ceremony, OCE staff relies on the word of a former staffer, Mr. Pope, who has already been shown to have misrepresented certain claims contained in his Complaint. Mr. Pope also has a considerable financial interest in making it appear that the Congressman was derelict in his approach to ethics, which he believes would indirectly bolster Mr. Pope's claim that the Congressman was also derelict about Covid precautions. Complaint at Paragraph 22. In other words, alleging unethical behavior by the Congressman appears to be part of Mr. Pope's litigation strategy.

The Congressman's son in late 2019 was seeking a job with the Department of Defense using his computer skills. Mrs. Lamborn was aware that Ms. Tapia in the district office had experience with federal job applications, having done it herself and by occasionally giving basic job application information to veterans and other constituents. Learning this from Mrs. Lamborn, their son asked Ms. Tapia if she could share helpful information to him.

Ms. Tapia in her interview stated that she then shared with the Lamborn's son some federal job application materials she had previously compiled. No additional time was needed to compile this information. Exhibit 4 at 14 to 16 and 19. This was something she would have done for any other constituent, no more and no less. Exhibit 4 at 33 to 34. She specifically did not help with writing a resume. Exhibit 4 at 15.

This would normally be the end of any investigation on this topic, but once again OCE goes out of its way to give credence to a former staffer whose word should be taken skeptically, because of his vested interest, over the words of witnesses who contradict him.

Mr. Pope, the terminated former staffer who has brought a Covid-related lawsuit against the government, gave testimony to the OCE which vastly inflated his role in helping the Lamborn's son with his job search. Paragraphs 60 and 61 of the Report. He said he spent hours advising the son, assisted with his resume, and even conducted a mock interview. These claims are highly exaggerated and false.

Mr. Lamborn's son submitted an Affidavit to the House Ethics Committee confidentially. Its conclusions and highlights, however, are incorporated here.

The essence of the Affidavit is as follows. The Lamborn's son had his job search well underway before he ever talked to Mr. Pope or Ms. Tapia. In fact, the interview which ultimately led to his current job with the DOD had already been scheduled. This eliminated any need to have someone review his resume or give him targeted job opportunity leads. He was, however, willing to look at further materials provided by Ms. Tapia or even Mr. Pope in case they were of use. As it turned out, while he appreciated their interest, what they provided was too basic and not targeted to what he was looking for. The information provided by Mr. Pope was nothing more than what a simple Google search would have turned up.

The Affidavit by Congressman Lamborn's son demolishes the claim by Mr. Pope that he reviewed his resume, researched suitable job opportunities, or conducted a mock interview. The assistance provided by Mr. Pope was geared to someone who had just gotten out of the military or was trying to decide what type of job he wanted in life. It was not for someone like Rep. Lamborn's son who was highly educated and who had

been working at a high professional level for over a decade. Rep. Lamborn's son found the whole meeting a waste of time, but politely sat through it because he thought it would have been rude to leave someone who was trying to be helpful.

The entire extent of their written interaction is contained in the emails in Exhibits 7 and 8, besides a 20 minute or so sit down meeting. Their written interaction consisted of Mr. Pope sending seven or so links to federal job openings, see Exhibit 7, none of which were on target because they were mostly for federal agencies like the FBI, the CIA, and the Secret Service. They were not for the Department of Defense which is what the Lamborn's son wanted, had already scheduled an interview for, and ultimately obtained.

Their interaction concluded with a short email thread consisting of three messages from the Lamborn's son sandwiched around two responses from Mr. Pope. Exhibit 8. The only thing conceivably helpful from Mr. Pope is contained in the two following sentences of one of these emails, "I believe the interview questions will be based largely on your background, resume, and portfolio. You may get questions asking why the Navy or why the DOD but I don't think there will be anything too challenging." That's it.

While the Lamborn's son appreciated the response, being told he may get questions about his background, resume, and portfolio told him nothing he didn't already know, as did being told he might get asked about why he is interested in working for them. In the entire email thread, there is no mention of a mock interview.

This is the entire extent of their written interaction. It does not include a review of any resume, does not include anything remotely resembling a mock interview, and does not include a discussion of suitably targeted job opportunities. Yet these are the three things that OCE staff takes at Mr. Pope's words that he provided the Lamborn's son.

The claim by Mr. Pope that "he spent several hours providing extensive guidance," Paragraph 60 of the Complaint contains two lies. There was nowhere near that time provided, and the guidance was shallow and unhelpful. The brief documentation that does exist in Exhibits 7 and 8 shows a brief and shallow interaction that is not in any way extraordinary or unusual. Perhaps if OCE had had the benefit of interviewing Rep. Lamborn's son they would have seen through Mr. Pope's highly exaggerated claims.

So, when OCE staff is quoted in Paragraph 67 of the Report asking Ms. Tapia if it were appropriate for Congressional staff to review a resume, examine specific job opportunities, and assist in preparing for an interview, those three questions are entirely irrelevant. None of those were done for Rep. Lamborn's son. Mr. Tapia, speaking theoretically, correctly answered that to have done so would have been inappropriate. But that had nothing to do with Rep. Lamborn's son.

OCE shows their usual pattern of taking sides when they accept Mr. Pope's assertion that this was extraordinary help for a family member rather than staff saying they were doing what they would have for any other veteran walking through the door. They disregard both Ms. Tapia's testimony, Exhibit 4 at 14 to 16, 19, and 34, and Congressman Lamborn's testimony, Exhibit 1 at 38 and 39, who both said that other veterans would have and indeed did get similar help over the years, no more and no less.

Finally, the Congressman stated that his son was not only a veteran but a constituent. OCE, based on a shoddy and cursory review of addresses, refused to believe the Congressman that his son was a constituent at the time. However, had OCE taken the time to look at voting records, driver's licenses, and jury duty records rather than street address they would have confirmed what the Congressman testified. His son was indeed a resident and a constituent. It is disappointing but not surprising that OCE goes out of its way to play an adversarial role even when it doesn't have all the facts.

OCE Allegation that "Rep. Lamborn's Staff May Have Been Compelled to Provide Gifts on Special Occasions."

No surprise here, but OCE once again resorts to its pattern of believing the testimony of a former disgruntled or discredited staffer over that of multiple other witnesses. Mr. Jeff Anderson stated in his testimony that both birthday and Christmas gift contributions for the Congressman were voluntary. Exhibit 3 at 30 and 34. Ms. Tapia testified that chipping in for a gift for Congressman Lamborn was totally voluntary. Exhibit 4 at 44 to 45. Sometimes someone did not want to participate and so did not. Exhibit 4 at 45 to 46. Ms. Sebastian was not asked about this point, but had she been she would have stated what the two previous staffers did, which was that any such contribution was totally voluntary as well as being modest, as stated in her Affidavit dated December 15, 2021, attached as Exhibit C.

It's noteworthy that in this section of the Report, OCE only quotes from the two former staffers, one with a sizable pecuniary interest and one whose word is unreliable, but nothing from the three staffers cited in the paragraph above.

OCE does admit in the Report on Page 6 that the House ethics manual permits the receiving of gifts for certain special occasions. "You may not accept a gift from someone you supervise unless the gift is given for a special occasion. Special occasions include birthdays, holidays, marriages, births or adoption of children, anniversaries, retirements, deaths, and other similar occasions for which gifts are traditionally given." Birthday and Christmas gifts are expressly included in the rules.

If OCE cannot attack the Congressman for accepting such gifts then, why are gifts being discussed? OCE implies, without evidence, that the Congressman solicited these gifts. Solicitation is indeed prohibited under the rules. The practice of the Congressman was to

avoid any discussion or even thought of gifts in advance. This was precisely so that he could not be accused of making it an issue and thus soliciting. Exhibit 1 at 15. None of any staffers, current or former, stated that the Congressman ever solicited a gift. Sometimes on these occasions, gifts were given and sometimes they were not. It made no difference to the Congressman. He did insist that it be communicated that any gift giving of any type for anyone in the office was to be completely voluntary. Exhibit 1 at 15 and 16.

OCE was also off target when it stated in Paragraph 80 of the Report that “unlike Rep. Lamborn and Mrs. Lamborn, staffers did not receive gifts with the same frequency or of equal or similar value to that of the Lamborns.” Had they listened closely to Rep. Lamborn’s testimony, he pointed out that at a minimum and, as a starting point, staffers would first receive House Christmas ornaments. Exhibit 1 at 19. These cost approximately \$15 which was apparently about what staffers contributed to the Congressman’s gift.

Next, the Lamborns would host a dinner or breakfast for the staff, usually for each office, which had value as well. For instance, the Christmas breakfast for staff at the Trump International Hotel on December 7, 2018, cost the Lamborns \$384.10. This works out to just under \$40 a person, in addition to the \$15 ornament. A Christmas breakfast at the Capitol Hill Club on December 11, 2020 cost the Lamborns \$229.89. That plus the ornaments worked out to about \$35 a person. That same December, the Christmas celebration for the staff in Colorado Springs was at the Flying W Ranch and included spouses if they were able to come. The event cost the Lamborns \$1,124.60. Including the ornament that is easily more than \$100 for each staffer. Receipts for these three meals are attached to the Congressman’s Affidavit in Exhibit B.

OCE is obviously incorrect when it states that the Lamborns did not give gifts in proportion to what they received. Rather, the evidence shown above reveals that the Lamborns gave as much or more than what they received. This is, however, a curious issue for OCE to have raised in any event because proportionality is not mentioned in the House ethics rules. It is just something that OCE apparently added to the rules on its own.

Conclusion

In conclusion, four of the five areas examined by OCE do not reveal a single violation of House ethics rules. The one and only possible questionable incident was the receiving by Mrs. Lamborn of a personal errand by Mr. Anderson when he helped lift a heavy piece of furniture into a pickup. That errand took him ten minutes, including a short drive, and he considered it his own time, not official time.

All the other discussion by OCE of receiving gifts, campaign related activity done by staffers, a naturalization ceremony for the daughter-in-law, and helping with a job application for a son upon closer examination show absolutely no ethical violations.

The only negative allegations in this whole affair come from one of two former staffers, one of whom, Mr. Pope, believes he has a huge financial interest pending. The other, Mr. Hosler, is a friend of Mr. Pope and indeed has helped him materially in Mr. Pope's lawsuit. Also, Mr. Hosler has been documented to have lied about serious matters as shown previously.

The Congressman disagrees vehemently with the assertion by OCE that he did not fully cooperate. He sat for a Zoom interview. He made a statement to the Board of OCE in person. Three of his current staffers sat for interviews. He supplied all reasonable requests for additional documents. The only thing not provided to OCE was when it made a last-minute request for hundreds of Daily Report emails. Some of these contain the names and personal details of confidential casework. Had OCE asked for an in camera review of the emails, with no chance of them becoming public, the Congressman would have been glad to ask the House Ethics Committee if it were possible to ethically oblige OCE. But apart from that, given that OCE has a pattern of making documents public, and given that confidentiality of constituents must be protected, the Congressman had no choice but to refuse this request. Suffice it to say that Congressman Lamborn fully cooperated.

It is sad that OCE always takes the nefarious interpretation over an innocent interpretation. It is sad that OCE relies on two questionable sources over multiple sources who have not had their veracity challenged. It is sad when OCE favors the two questionable sources when they bring no documentation to bear.

It is unacceptable when OCE does sloppy work, such as repeatedly confusing legitimate campaign mail runs, allowed under the ethics rules for Ms. Tapia, with some type of vague personal errands that would not be allowed. It is also sloppy not to ask Mrs. Sebastian about her involvement in setting up the naturalization celebration for the Lamborn's daughter-in-law which was combined with an already planned birthday party for no additional cost of time or money. It is sloppy not to ask Rep. Lamborn if the installation of a free Zoom app on his home computer was an official part of his Congressional duties or was merely personal. Had they probed these matters and not just trusted the negative comments of sources with an obvious ax to grind, they may have come to different conclusions.

The Congressman now puts his case into the hands of the House Ethics Committee. He intends to cooperate fully with them just as he did with all the reasonable requests of OCE. He expects to be vindicated because he conscientiously follows ethics rules to the best of his ability. We respectfully request that his matter be dismissed.

Respectfully submitted, this the 16th day of December, 2021.

Congressman Doug Lamborn

By: Gregg Harper
Gregg Harper

Declaration

I, Representative Doug Lamborn, declare (certify, verify, or state) under penalty of perjury that the response and factual assertions contained in the attached letter dated Dec. 16, 2021, relating to my response to the October 25, 2021, Committee on Ethics letter, are true and correct.

Signature:

Doug Lamborn

Name:

Representative Doug Lamborn

Date:

Dec. 16, 2021

From: [Anderson, Dale](#)
To: [Hosler, Joshua](#)
Subject: Re: Working report for DLL
Date: Saturday, November 28, 2020 1:48:03 AM

Is that all? Did you have any edits or additions for the rest of the draft I wrote?

Sent from my iPhone

On Nov 27, 2020, at 21:45, Hosler, Joshua <Joshua.Hosler@mail.house.gov> wrote:

On several occasions, Dale and I caught Brandon wearing inappropriate attire to work. Several times he has worn casual house loafers instead of dress shoes. Has worn polo shirts and casual outfits that do not reflect the professional standards of our office. I mentioned several times the standard that is expected in the office and meetings. He failed to wear a blazer and or tie to some meetings with Dale and I at the offices of defense company executives.

I have had to restrict Brandon from answering the phones several times, because of his temper and his unprofessionalism while on the phone with constituents. This has caused unfair extra work for the other staff.

On October 6th, 2020, I was coming back from a meeting and passed Brandon on the way you out of the office and was going home without permission. He claimed a call with Dave Klotzman, who calls daily, greatly upset him. It was strange, because Klotzman always calls and has never upset Brandon to the degree of leaving work. Especially without asking.

Since mid summer, Brandon's temperament has been very abrasive and he is no longer willing to take direction from anyone. This has caused several issues of belligerency towards management with unprofessional verbiage and disrespectful responses.

Sent from my iPhone

On Nov 27, 2020, at 2:50 PM, Anderson, Dale
<Dale.Anderson@mail.house.gov> wrote:

Josh,

Here is the Conduct Report I began writing today for the Congressman to read. This is the format he prefers to read. The more detail, the better. As you can see, storylines work much better than bullets.

I need you to fill in your portion into the highlighted area where I left you some notes to follow. You should be able to throw in at least 3-4 paragraphs from everything you have already told me.

Read the whole document and let me know if you have any edits or additions in other areas as well.

Send back to me by COB Saturday.

Dale Anderson
Chief of Staff
Congressman Doug Lamborn (CO-05)

<Conduct Report on Brandon Pope.docx>

RE: REP. DOUG LAMBORN
OCE Review No. 21-4329

AFFIDAVIT OF DOUG LAMBORN

STATE OF COLORADO
COUNTY OF EL PASO

THIS DAY personally appeared before me, the undersigned authority of law in and for the jurisdiction aforesaid, the within named Doug Lamborn, who being first duly sworn according to law, state on oath:

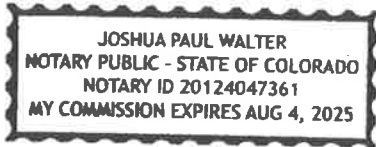
1. That as referenced in the Response to Report dated December 16, 2021, my campaign for reelection, Lamborn for Congress, has exclusively used commercial mail houses for all campaign mailings for approximately ten years, including all the time during which Mr. Brandon Pope and Mr. Josh Hosler were employed in my Congressional Office.
2. Said commercial mail houses take the document provided to them in electronic form and print it, fold it, collate it, stuff envelopes where necessary, sort it by address and zip code, and deliver it directly to the Post Office to be mailed.
3. That there has been no need for volunteers or anyone outside of the commercial mail houses to "stuff envelopes" for campaign mailing purposes. When both of these former employees stated under oath that they "stuffed envelopes" for the campaign, implying that that would have been an improper use of their time, that statement is absolutely false.
4. That as referenced in the Response to Report referred to above, the free Zoom app that was installed on my home computer in 2020 by Mr. Jeff Anderson of my staff was intended to be used for official purposes relating to participating in prayer meetings and similar faith based outreach efforts in my Congressional District. These outreach efforts were done remotely using the free Zoom app because of Covid protocols, which we followed diligently.
5. That as referenced in the Response to Report referred to above, at Christmas my wife and I would host dinners for the DC office staff and for the Colorado office staff most years if not every year. Three examples of this in the last several years include a breakfast for the DC staff at the Trump International Hotel on December 7, 2018 costing \$384.10, a breakfast for the DC staff at the Capitol Hill Club on December 11, 2020 costing \$229.89, and a holiday celebration at the Flying W Ranch in Colorado Springs on December 20, 2020 costing \$1,124.60. Copies of receipts for all three events are attached hereto.

Further, Affiant saith not.



DOUG LAMBORN

SWORN TO AND SUBSCRIBED BEFORE me this 15th day of December, 2021





Notary Public

My commission expires:

08-04-2025

TRUMP INTERNATIONAL HOTEL
BLT

1100 Pennsylvania Ave.
Washington, DC U.S. 20004
202-695-1100

12/7/2018 1:33 PM

TABLE# 40
SERVER 101000148/Maira
CHECK# 48753

2018/12/07 06:33:53
****Authorize****

MERC ID:000000005290784
REF No: 1038006798 CHIP READ
CT No: *****
EXP: XX/XX
CARD: VISA
CheckNo:48753
TableNo:40
APPROVAL CGDE: 954192

Subtotal: \$320 10

Tip: 64.00

Total: 384.10

campagin

SIGNATURE
CUSTOMER COPY



STATEMENT

CAPITOL HILL CLUB
300 FIRST STREET, S.E.
WASHINGTON, D.C. 20003

Membership Type: N08-Non Res--August
Club Status: Active

Hon. Doug Lamborn
Lamborn for Congress
P O Box 64107
Colorado Springs, CO 80962

EXPIRES DATE	MEMBER NUMBER
12/31/2020	[REDACTED]

Balance Due: \$100.21
AMOUNT ENCLOSED \$

PLEASE DETACH AND RETURN UPPER PORTION WITH PAYMENT

DATE	REF NO	DESCRIPTION	PAYMENT	AMOUNT	GRATUITY	SALES TAX	TOTAL
11/30/2020		Balance Forward		(\$422.33)	\$0.00	\$0.00	(\$422.33)
12/02/2020	FB178483	DR - Dinner		\$31.38	\$6.28	\$3.14	\$40.80
12/04/2020	FB178772	GR - Lunch		\$8.34	\$5.49	\$1.24	\$15.07
12/07/2020	FB178890	DR - Lunch		\$22.57	\$6.74	\$3.37	\$32.68
12/07/2020	FB178961	DR - Dinner		\$44.00	\$8.80	\$4.40	\$57.20
12/09/2020	FB179317	DR - Dinner		\$58.00	\$11.60	\$5.80	\$75.40
12/11/2020	FB179482	DR - Breakfast		\$162.01	\$50.25	\$17.63	\$229.89
12/16/2020	FB179853	DR - Dinner		\$26.00	\$5.20	\$2.60	\$33.80
12/17/2020	FB179979	DR - Dinner		\$29.00	\$5.80	\$2.90	\$37.70
Totals:			\$0.00	(\$41.03)	\$100.16	\$41.08	\$100.21

Happy and Healthy New Year.
Take out only service until at least 1/14.

This bill is payable upon receipt. For members with credit cards on file, payments will be processed on January 15th. Please remember to include your member number on all payments. You may also visit www.capitolhillclub.org to pay your bill and/or view your account activity.

pd
2/1/21

#3285

Exhibit B-4

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS
\$100.21	\$0.00	\$0.00	\$0.00	\$0.00

TOTAL BALANCE DUE	\$100.21
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Transaction Receipt from FLYING W RANCH for \$1124.60 (USD)



Auto-Receipt <noreply@mail.authorize.net>

12/8/2020 9:58 AM

To [REDACTED]

Reply Forward Delete

Description: Christmas At The Ranch - Sunday December 20, 2020 - 07:30 PM

Invoice Number TTX31929877

Billing Information

[REDACTED]
, n/a
[REDACTED]

Shipping Information

Total: \$1124.60 (USD)

Date/Time: 8-Dec-2020 9:58:17 MST
Transaction ID: 42393491316
Payment Method: Visa xxx [REDACTED]
Transaction Type: Purchase
Auth Code: 501921

FLYING W RANCH
COLORADO SPRINGS, CO 80919
US
[REDACTED]

RE: REP. DOUG LAMBORN

OCE Review No. 21-4329

AFFIDAVIT OF CASSANDRA SEBASTIAN

STATE OF Colorado
COUNTY OF El Paso

THIS DAY personally appeared before me, the undersigned authority of law in and for the jurisdiction aforesaid, the within named Cassandra Sebastian, who being by me first duly sworn according to law, states on oath:

1. I am the Communications Director for Congressman Doug Lamborn, having been so employed since March of 2019. I serve in that role on the official side and for the Campaign. I work on the official site each day, and only work on campaign matters after hours at my house or some other location as allowed under House rules, and I never perform campaign work from the official Congressional office.
2. On August 24, 2020, our district office had a small, potluck style event, which was attended by Congressman Lamborn, Jeanie Lamborn, the Congressman's son, daughter-in-law and grandchild, Joshua Hosler, Anthony Archer, Brandon Pope, Kathleen Clayton, Elizabeth Tapia, Jeff Anderson, and me.
3. The potluck was planned at my request. We did not celebrate my birthday in July, and as a "make-up" I requested a family style BBQ in the office. This event was planned as collaborative effort, and no one was forced to participate. Further, because it was potluck, there were no costs to be reimbursed.
4. I asked the district staff if they wanted to bring something and if so, what would they want to bring? Everyone but Brandon Pope wanted to participate. Again, this was not a mandatory event. It was optional. The event date had been set before I knew that the Lamborn's daughter-in-law had received her U.S. Citizenship.

5. During a visit to the district office, Joshua and I asked the Lamborns if they would be available that day to join in on the festivities. They told us that their son and daughter-in-law and new grandchild were going to be in town that day. Congressman Lamborn then elaborated that his daughter-in-law had just received her citizenship and due to Covid, no one could go into the ceremony with her. They had planned to do some fun stuff to celebrate her becoming a citizen and spend time with their new grandbaby.
6. I asked the Lamborns if they would like to bring their son, daughter-in-law and grandchild by to the potluck, so we would meet them and congratulate their daughter-in-law on her achievement. The Lamborns said they would talk to them and see if they would want to stop by for a short visit and bring the baby. The Lamborns never asked for this to be done as it was done on my own initiative and was okayed by Mr. Anderson, the Chief of Staff.
7. After speaking to the Lamborns, I called the Chief of Staff, Dale Anderson, to tell him about the potluck, and that I had invited the Lamborns. I asked Mr. Anderson if there would be any problem if we invited the Lamborn family to our summer barbeque and celebrated the daughter-in-law's citizenship? He said: "I don't think so. That sounds like fun."
8. A day or two went by and Congressman Lamborn called to tell us that they would indeed make it, and that his family would join us as well.
9. An invite went out on the calendar, everyone RSVP'd and signed up to bring food, except for Brandon Pope, who declined the invitation and did not want to bring food. I did not pressure him or ask him to bring any food for the potluck, but, rather, told him he would, of course, be welcome to join us.
10. For the party we decorated the office with Americana style decoration I brought from my home. Everyone but Brandon Pope brought a potluck item.
11. During the event the Congressman's family mingled with staff, everyone got to meet the new baby, and it was a very relaxed atmosphere. Brandon Pope did not participate at the beginning of the potluck; however, he did join us about halfway through and enjoyed food from the potluck.
12. Elizabeth Tapia printed up the standard certificate for citizenship for the Congressman's daughter-in-law and presented it to her. It took less than two minutes to print and used a single sheet of paper.

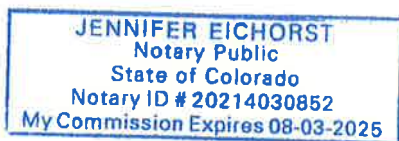
13. No additional resources, whether personal or office, were used to accommodate the Congressman's family beyond what was already planned for my birthday celebration.
14. No additional time was used to accommodate the Congressman's family beyond what we had already planned for my birthday celebration.
15. The event started at 4pm, and we were done by 5pm.
16. On the issue of giving Christmas or birthday gifts to the Congressman, sometimes this was done and sometimes not. In any event, I understood it to be completely voluntary each and every time I contributed to a gift for a special occasion. Each time I contributed it was for a modest amount.

Further, Affiant saith not.



CASSANDRA SEBASTIAN

SWORN TO AND SUBSCRIBED BEFORE ME this the 15th day of December, 2021.




Notary Public

My Commission Expires:

08-03-2025