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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 21-6998

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on December 17, 2021, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Representative Alex Mooney

NATURE OF THE ALLEGED VIOLATION: Rep. Mooney may have accepted a free or below-market-value trip to Aruba, as well as free lodging and event space from a company that provides services to his campaign committee. If Rep. Mooney accepted impermissible gifts in the form of a trip to Aruba and free lodging and event space, then he may have violated House rules, standards of conduct, and federal law.

Rep. Mooney may have used official resources, including staff time, for campaign work and personal errands. If Rep. Mooney used official resources for campaign work and personal errands, then he may have violated House rules, standards of conduct, and federal law.

Rep. Mooney may have authorized expenditures from his Members’ Representational Allowance (“MRA”) that were not for permissible official expenses. If Rep. Mooney authorized impermissible MRA expenditures, then he may have violated House rules, standards of conduct, and federal law.

Rep. Mooney’s campaign committees reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Rep. Mooney converted campaign funds from his campaign committees to personal use, or if Rep. Mooney’s campaign committees expended funds that were not attributable to bona fide campaign or political purposes, then Rep. Mooney may have violated House rules, standards of conduct, and federal law.

Rep. Mooney may have withheld, concealed, or otherwise falsified information during an OCE investigation. If Rep. Mooney withheld, concealed, or falsified information during the OCE’s investigation, then he may have violated House rules, standards of conduct, and federal law.

RECOMMENDATION: The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney accepted impermissible gifts in the form of a trip to Aruba and free lodging and event space.

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The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney used official resources for campaign work and personal errands.

The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney authorized impermissible MRA expenditures.

The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney converted campaign funds from his campaign committees to personal use, or Rep. Mooney's campaign committees expended funds that were not attributable to bona fide campaign or political purposes.

The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney withheld, concealed, or falsified information during the OCE's investigation.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE: Omar S. Ashmawy, Staff Director & Chief Counsel.

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FINDINGS OF FACT AND CITATIONS TO LAW

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 21-6998

On December 17, 2021, 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 a violation occurred.

I. INTRODUCTION

Summary of Allegations

1. On March 9, 2021, the OCE opened a preliminary review to address allegations that Rep. Mooney had converted campaign funds to personal use. In that review (OCE Rev. No. 21-6617), the OCE found substantial reason to believe Rep. Mooney spent campaign funds on personal meals and trips within his district and referred the matter to the Committee for further review.
2. Following that review, evidence of additional potential violations came to the OCE’s attention. Accordingly, the OCE began the instant review to consider allegations that Rep. Mooney (1) accepted impermissible gifts from a campaign vendor in the form of a vacation to Aruba and free use of a Capitol Hill house for event space and lodging; (2) misused official resources and accepted gifts from his employees by requesting a litany of personal services be performed for him and his family; (3) converted official and campaign resources to personal use; and (4) tampered with or withheld documents from the OCE in the prior investigation into other personal use allegations.
3. Evidence collected by the OCE establishes the following:
 - Rep. Mooney and his family enjoyed a vacation to the Ritz-Carlton in Aruba, paid for by HSP Direct, LLC, a company to which Rep. Mooney has significant financial and personal ties. Congressional staff resources were devoted to arranging the Mooneys’ travel, all while Rep. Mooney evaded Ethics Committee review of the trip.
 - Rep. Mooney, his family, and his campaign and congressional staff used a house on Capitol Hill associated with HSP Direct, LLC at no cost for lodging, workspace, and to host events.
 - Rep. Mooney routinely diverted official resources and staff time away from his constituents and official duties in favor of his and his family’s personal needs and sometimes for campaign activities. Moreover, staff rarely, if ever, were compensated for the substantial time and effort devoted to serving the Mooney family, and at times were

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forced to absorb costs associated with personal errands or work extra hours to make up for lost time.

- In addition to the instances of personal use identified in OCE Rev. No. 21-6617, Rep. Mooney converted campaign funds to personal use by purchasing groceries for personal consumption and paying for family activities with campaign funds.
- As to the allegations by two former staffers that Rep. Mooney tampered with or withheld documents during the prior OCE Rev. No. 21-6617, OCE efforts to investigate these claims were significantly hampered by Rep. Mooney's refusal to cooperate in this review. However, evidence and testimony indicate that Rep. Mooney may have offered false testimony and altered his calendar in order to conceal wrongdoing.

4. Below are the specific allegations considered in this review and the Board's recommendations:
5. Rep. Mooney may have accepted a free or below-market-value trip to Aruba, as well as free lodging and event space from a company that provides services to his campaign committee. If Rep. Mooney accepted impermissible gifts in the form of a trip to Aruba and free lodging and event space, then he may have violated House rules, standards of conduct, and federal law.
6. Rep. Mooney may have used official resources, including staff time, for campaign work and personal errands. If Rep. Mooney used official resources for campaign work and personal errands, then he may have violated House rules, standards of conduct, and federal law.
7. Rep. Mooney may have authorized expenditures from his MRA that were not for permissible official expenses. If Rep. Mooney authorized impermissible MRA expenditures, then he may have violated House rules, standards of conduct, and federal law.
8. Rep. Mooney's campaign committees reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Rep. Mooney converted campaign funds from his campaign committees to personal use, or if Rep. Mooney's campaign committees expended funds that were not attributable to bona fide campaign or political purposes, then Rep. Mooney may have violated House rules, standards of conduct, and federal law.
9. Rep. Mooney may have withheld, concealed, or otherwise falsified information during an OCE investigation. If Rep. Mooney withheld, concealed, or falsified information during the OCE's investigation, then he may have violated House rules, standards of conduct, and federal law.
10. The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney accepted impermissible gifts in the form of a trip to Aruba and free lodging and event space.

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11. The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney used official resources for campaign work and personal errands.
12. The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney authorized impermissible MRA expenditures.
13. The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney converted campaign funds from his campaign committees to personal use or Rep. Mooney's campaign committees expended funds that were not attributable to bona fide campaign or political purposes.
14. The Board recommends that the Committee further review the above allegation concerning Rep. Mooney because there is substantial reason to believe that Rep. Mooney withheld, concealed, or falsified information during an OCE investigation.

Jurisdiction Statement

15. The allegations that were the subject of this review concern Rep. Mooney, a Member of the United States House of Representatives from the 2nd District of West Virginia. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics ("OCE") directs that, "[n]o review shall be undertaken ... by the [B]oard of any alleged violation that occurred before the date of adoption of this resolution."¹ The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

Procedural History

16. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on August 10, 2021. The preliminary review commenced on August 11, 2021.²
17. On August 11, 2021, the OCE notified Rep. Mooney of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.³

¹ H. Res. 895 of the 110th Congress § 1(e) (2008) (as amended) (hereafter "the Resolution").

² A preliminary review is "requested" in writing by members of the Board of the OCE. The request for a preliminary review is received by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board's request.

³ August 11, 2021 Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Mooney.

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18. At least three members of the Board voted to initiate a second-phase review in this matter on September 9, 2021. The second-phase review commenced on September 10, 2021.⁴ The second-phase review was scheduled to end on October 24, 2021.
19. On September 9, 2021, the OCE notified Rep. Mooney 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.⁵
20. The Board voted to extend the second-phase review by an additional period of fourteen days on October 15, 2021. The additional period ended on November 7, 2021.
21. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on December 17, 2021.
22. The report and its findings in this matter were transmitted to the Committee on Ethics on December 22, 2021.

Summary of Investigative Activity

23. The OCE requested documentary and in some cases testimonial information from the following sources:
 - (1) Rep. Mooney;
 - (2) HSP Direct, LLC;
 - (3) Former Staffer 1, a former high-level employee in Rep. Mooney's congressional office;
 - (4) Former Staffer 2, a former scheduler in Rep. Mooney's congressional office;
 - (5) Former Staffer 3, a former employee who held positions in both Rep. Mooney's congressional and campaign offices;
 - (6) Former Staffer 4, a former employee in Rep. Mooney's congressional office;
 - (7) Former Staffer 5, a former employee who held positions in both Rep. Mooney's congressional and campaign offices;
 - (8) Former Staffer 6; a former employee in Rep. Mooney's congressional office;
 - (9) Current Staffer 1, an employee in Rep. Mooney's congressional office;
 - (10) Current Staffer 2, an employee in Rep. Mooney's congressional office; and
 - (11) Current Staffer 3, a shared office and financial administrator in Rep. Mooney's congressional office.
24. The following individuals and entities refused to cooperate with the OCE's review:
 - (1) Rep. Mooney;
 - (2) HSP Direct, LLC.

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

⁵ September 9, 2021 Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Mooney.

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II. GIFTS OF A CARIBBEAN VACATION, CAPITOL HILL LODGING, AND EVENT SPACE FROM A CAMPAIGN VENDOR

A. Applicable Law, Rules, and Standards of Conduct

25. Federal Law

5 U.S.C. § 7353 provides that “Except as permitted by subsection (b), no Member of Congress or officer or employee of the executive, legislative, or judicial branch shall solicit or accept anything of value from a person— (1) seeking official action from, doing business with, or (in the case of executive branch officers and employees) conducting activities regulated by, the individual’s employing entity; or (2) whose interests may be substantially affected by the performance or nonperformance of the individual’s official duties.”

26. House Rules

House Rule 25, clause 5 (a)(1)(A)(i) states that “[a] Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift except as provided in this clause.”

House Rule 25, clause 5 (a)(2)(A) states that “[i]n this clause the term ‘gift’ means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.”

House Rule 25, clause 5(a)(3)(D)(i) creates an exception to the gift rule for “[a]nything provided by an individual on the basis of a personal friendship unless the Member, Delegate, Resident Commissioner, officer, or employee of the House has reason to believe that, under the circumstances, the gift was provided because of the official position of such individual and not because of the personal friendship.”

House Rules 25, clause 5(a)(3)(P) creates an exception to the gift rule for, “[a] gift of personal hospitality (as defined in section 109(14) of the Ethics in Government 5 U.S.C. app. 4 § 109(14), Act) of an individual other than a registered lobbyist or agent of a foreign principal.” Pursuant to 5 U.S.C. app. 4 § 109(14), “‘personal hospitality of any individual’ means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family.”

27. House Ethics Guidance

Pursuant to the Committee’s Gift Guidance, “[y]ou may be able to accept a gift that is offered because of personal friendship and not related to your position with the House. This exception does not require that you be friends with someone before you joined the House, nor does it

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*prohibit friendships with registered federal lobbyists or foreign agents. But you should always be mindful of why you were offered the gift and who the true source of the gift may be.”*⁶

*According to the Gift Guidance, “[i]f the gift’s fair market value exceeds \$250, you must seek formal Committee approval to accept a gift offered because of personal friendship, even if the gift meets all the requirements discussed below. If the fair market value of a gift is \$250 or less, you may decide for yourself if the gift meets the requirements. The Committee views trips as a whole; therefore, the value of a trip would be the transportation expenses, lodging expenses, and meal expenses that someone else offers to pay on your behalf.”*⁷

The Gift Guidance goes on to explain, “[t]o accept a gift under personal friendship, you must consider the circumstances of the offer, including, but not limited to

- the nature of your relationship with your friend, including any past exchange of gifts;*
- if your friend paid or will pay for the gift personally, or if your friend will seek a business reimbursement or tax deduction; and*
- if the same or similar gift was or will be offered to another Member, officer, or employee.”*⁸

*Discussing the personal hospitality exception to the gift rule, the Gift Guidance explains, “You may stay in someone’s home or personally-owned facility, or eat a meal at someone’s home, as long as the person who offers the personal hospitality is not a registered federal lobbyist or foreign agent. You may not accept the offer of personal hospitality if the purpose is business-related or the property is used for a business purpose, such as being rented out to others.”*⁹ *A footnote to this guidance explains, “[i]f the individual providing the gift is reimbursed by a business or seeks a business expense deduction for the hospitality, that hospitality is a business expense and not personal hospitality. Similarly, any property or facilities owned by a corporation or a firm, even if the individual providing the gift is the sole owner of the corporation or firm, are not personally owned by the individual and may not be used for personal hospitality.”*¹⁰

B. Rep. Mooney’s Acceptance of Gifts from a Campaign Vendor and Donor

28. In this review, the OCE considered allegations concerning Rep. Mooney’s relationship with a campaign vendor, HSP Direct, LLC (“HSP Direct”). Specifically, the OCE collected evidence pertaining to a family vacation to Aruba that appeared to be financed by HSP Direct. The OCE also examined Rep. Mooney’s use of a Capitol Hill house associated with the company that he may have used for free lodging and free work and event space.
29. As explained below, documents and witness testimony strongly support the conclusion that Rep. Mooney violated House gift rules and federal law when he allowed HSP Direct to pay

⁶ *Gifts Guidance, Gifts Based on Personal Friendship*, Committee on Ethics, https://ethics.house.gov/house-ethics-manual/gifts#_Gifts_Based_on (last visited Dec. 10, 2021).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* (internal citations omitted).

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for a portion of his family’s travel to Aruba and nearly all their lodging, meals, drinks, and amenities while staying at the Ritz-Carlton, Aruba. Additionally, Rep. Mooney’s free use of the HSP-associated house likely implicates the gift rule and federal law.

30. Rep. Mooney declined to cooperate with this review by refusing to produce documents and submit to an interview. However, the OCE was able to obtain documents and communications from HSP Direct along with extensive witness testimony and further documentary evidence from Rep. Mooney’s former and current staff members who were familiar with the Aruba trip and Rep. Mooney’s use of the HSP house.

- i. Family Vacation to Aruba

31. The evidence gathered in this review shows that Rep. Mooney and his family took a week-long vacation to the Ritz-Carlton in Aruba in early March of 2021 that was paid for by HSP Direct. As explained below, HSP Direct’s payment for the Mooney family’s vacation, totaling at least \$10,803.65 in travel, lodging, meals, amenities, entertainment, and activities, likely constitutes an impermissible gift under House rules.
32. Rep. Mooney also likely violated House rules and federal law when he enlisted his congressional staff to plan the Aruba vacation for his family on official time using official resources. Moreover, when congressional staff and HSP Direct raised questions about the Committee’s involvement (or lack thereof) in approving the trip, Rep. Mooney dismissed those concerns and proceeded without consulting the Committee.

- a. *Rep. Mooney’s Relationship with HSP Direct*

33. HSP Direct is a direct mail fundraising company that has provided services to Rep. Mooney’s campaign committees since at least January 2, 2020.¹¹ In Federal Election Commission (“FEC”) filings, Rep. Mooney’s campaign committees have disclosed \$60,688.03 in payments to HSP Direct for “direct marketing” since that date.^{12, 13}
34. In addition to hiring HSP Direct for its direct mail fundraising, Rep. Mooney’s campaign committees have received contributions from both HSP Direct and its principals. HSP Direct has contributed at least \$17,750 to Rep. Mooney’s campaign committees through its PAC since 2015.¹⁴ Jamie Hogan is a partner at HSP Direct as well as the company’s CEO.¹⁵ Mr.

¹¹ *Our Story*, HSP Direct, <https://www.hspdirect.com/our-story/> (last visited Dec. 12, 2021); Alex Mooney for Congress, FEC 2021 April Quarterly Report of Receipts and Disbursements, filed April 4, 2021 at 115.

¹² Rep. Mooney has established numerous campaign committees that have been active over different campaign seasons in congressional races in Maryland and West Virginia. Older committees include Mooney for Congress and Mooney for Congress 2016. The campaign committee that has reported the most expenditures is Alex Mooney for Congress, and Rep. Mooney has more recently established Mooney for Congress 2022. *See* FEC Statements of Organization for Mooney for Congress, Mooney for Congress 2016, Alex Mooney for Congress, and Money for Congress 2022.

¹³ *See* Alex Mooney for Congress and Mooney for Congress 2022, FEC Reports of Receipts and Disbursements, 2020 April Quarterly Report to 2021 October Quarterly Report.

¹⁴ *See* HSP Direct LLC PAC, FEC Reports of Receipts and Disbursements, 2015 to 2021.

¹⁵ *Jamie Hogan, CEO and Partner*, HSP Direct, <https://www.hspdirect.com/team/jamie-hogan/> (last visited Dec. 12, 2021).

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Hogan and his wife have contributed at least \$28,100 to Rep. Mooney's campaign committees since 2016.¹⁶

35. According to statements received from HSP's counsel, in addition to their political and business relationship, Rep. Mooney and Mr. Hogan have been personal friends for at least 20 years, and their families spend "a lot of time together in their homes in Virginia and West Virginia."¹⁷ Two staffers interviewed by the OCE also stated that the two are friends.¹⁸

b. The Origins of and Planning for the Aruba Trip

36. Because Rep. Mooney refused to cooperate with this review, and HSP Direct witnesses declined to interview with the OCE, it remains unclear exactly how, when, or why Rep. Mooney first learned of HSP Direct's trip to Aruba.

¹⁶ See Alex Mooney for Congress and Mooney for Congress 2016, FEC Reports of Receipts and Disbursements, 2016 April Quarterly Report to 2021 October Quarterly Report.

¹⁷ Letter from David Wilson, Counsel to HSP Direct, LLC, to Sean Quinn, Investigative Counsel, Office of Congressional Ethics, November 3, 2021. HSP Direct provided all documents the OCE requested with respect to the Aruba trip. After learning about Rep. Mooney's use of the HSP house during the review, the OCE made a supplemental request for documents and information and requested to interview HSP Direct employees and officers. HSP provided some further information regarding the HSP house but declined to produce documents or submit to witness interviews. The cited letter is a statement from counsel and not from a witness to this review, therefore the OCE gave appropriately limited evidentiary value to this information.

¹⁸ Transcript of Interview of Former Staffer 1 ("Former Staffer 1 Transcript"), Oct. 21, 2021 (Exhibit 1 at 21-6998_0086); Transcript of Interview of Former Staffer 2 ("Former Staffer 2 Transcript"), Oct. 12, 2021 (Exhibit 2 at 21_6998_0145-46).

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37. The first mention of the trip appears to have occurred on November 30, 2020, when Rep. Mooney emailed his chief of staff, Michel Hough, and his fundraising consultant, Katy Cannon, to inform them that he would “like to consider a PAC event the week of March 6 through March 13 in Aruba.” He went on to state that “HSP Direct will be the main hosts, and we can see if we can find any other takers.” He then forwarded the email, excerpted in relevant part below, to his then-scheduler, Former Staffer 2, and told her to put the trip on his calendar.¹⁹

Fwd: PAC event
4 messages

Alex Mooney [REDACTED] Wed, Dec 2, 2020 at 7:06 PM
To: [REDACTED] Former Staffer 2

Pencil that week in below for Aruba.

Sent from my iPhone

Begin forwarded message:

From: Alex Mooney [REDACTED]
Date: November 30, 2020 at 1:08:50 PM EST
To: Katy Cannon [REDACTED]
Cc: Michael Hough [REDACTED]
Subject: PAC event

I would like to consider a PAC event the week of March 6 through March 13 in Aruba. HSP direct will be the main hosts, and we can see if we find any other takers.

Sent from my iPhone

[REDACTED] Former Staffer 2 Wed, Dec 2, 2020 at 7:14 PM
To: Alex Mooney [REDACTED]

Congressman,

This has been completed.

[REDACTED] Former Staffer 2
(Quoted text hidden)

Alex Mooney [REDACTED] Wed, Dec 2, 2020 at 7:26 PM
To: [REDACTED] Former Staffer 2

Just call it "HSP PAC" event.

Sent from my iPhone

38. However, HSP Direct produced approximately 150 pages of documents and communications related to the trip, and there is no indication that HSP Direct’s PAC had anything to do with

¹⁹ Email from Rep. Mooney to Former Staffer 2, December 2, 2020 (Exhibit 9 at 21-6998_0661).

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planning or financing the trip. FEC filings confirm that the PAC did not finance a trip to Aruba, and the PAC's only expenditures are contributions to candidates.²⁰

39. In fact, as explained by an HSP Direct employee in emails to Former Staffer 2, the trip was a reward to approximately 160 HSP Direct employees for meeting certain company sales goals.²¹ The OCE is not aware of any individuals, other than the Mooneys, not employed by HSP Direct that participated in the trip. Additionally, counsel for HSP Direct told the OCE that no other Members of Congress were present on the trip.²²
40. Within Rep. Mooney's office, those who were aware of the trip or involved in its planning knew that the travel was personal in nature and characterized it as a family vacation.²³ Current Staffer 2 recalled hearing, in office conversation, that the family was taking a vacation to Aruba,²⁴ and Former Staffer 1 was under the impression that Rep. Mooney would be paying HSP Direct back for anything the company initially paid for during the trip because it was personal in nature.²⁵

c. Official Staff's Role in Planning Rep. Mooney's Family Vacation

41. As planning for the trip got underway, Rep. Mooney and his wife relied heavily on Former Staffer 2 to handle all the logistics involved in getting the family of five to Aruba, including hurdles related to the COVID-19 pandemic.²⁶
42. Former Staffer 2 was the primary point of contact between HSP Direct and the Mooneys with respect to arranging the family's travel.²⁷ Documents and testimony obtained by the OCE show that in the months leading up to March 2021, Former Staffer 2 was in frequent communication with staff at HSP Direct in an effort to secure the Mooneys' spot on the trip and to perform the various administrative tasks necessary to ensure their travel went smoothly.²⁸
43. In her witness interview with the OCE, Former Staffer 2 described hours of work leading up to the March 6, 2021 departure.²⁹ This work included setting up COVID-19 tests required for entry into Aruba, obtaining travel visas for Rep. Mooney, his wife, and three children, securing travel insurance, and relaying itinerary details from HSP Direct employees to the Mooneys.³⁰ HSP Direct used a company for the COVID-19 tests that required an email

²⁰ See generally HSP Direct LLC PAC, FEC Reports of Receipts and Disbursements.

²¹ Email from Former Staffer 2 to Anne Carpenter, Jan. 3, 2021 (Exhibit 10 at 21-6998_0664).

²² Letter from David Wilson, Counsel to HSP Direct, LLC, to Sean Quinn, Investigative Counsel, Office of Congressional Ethics, November 3, 2021.

²³ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0144), Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0082); Transcript of Interview of Current Staffer 2 ("Current Staffer 2 Transcript"), Oct. 1, 2021 (Exhibit 7 at 21-6998_0514).

²⁴ Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0514).

²⁵ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0083).

²⁶ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0143).

²⁷ *Id.*

²⁸ See e.g., Email from Former Staffer 2 to Anne Carpenter, Jan. 3, 2021 (Exhibit 10 at 21-6998_0664); Email from Glenda Henricus to Former Staffer 2, March 1, 2021 (Exhibit 15 at 21-6998_0686-89).

²⁹ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0143).

³⁰ *Id.*

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address for each individual tested.³¹ Consequently, Former Staffer 2 also had to set up a personal email account for Rep. Mooney's youngest daughter, who was approximately five or six years old, to use for testing.³²

44. Former Staffer 2 recalled returning home from work around 6:00 PM the night before the trip and continuing to work remotely with Rep. Mooney's wife, Dr. Grace Mooney, until about 11:00 PM to ensure that all the proper documentation detailed above was prepared and organized for a smooth departure the next day.³³
45. In addition to the time she devoted to these tasks at home after work hours, Former Staffer 2 says she used her official office and computer during official work hours for planning the Aruba trip for the Mooneys.³⁴
46. Former Staffer 1, a supervisor and high-level staffer in Rep. Mooney's congressional office, corroborated this account: "I remember that [Former Staffer 2] was going back and forth— [Former Staffer 2] the scheduler—many, many times with details trying to get the COVID test and stuff for [Dr. Mooney]. She had to work those type of details. [Rep. Mooney] had her do that by getting—calling places, getting the information from HSP. She was the middle person for that."³⁵

d. Payment for the Trip and Ethics Committee Review Avoidance

47. The OCE also found that, despite Rep. Mooney's assertions that he would repay HSP Direct for the trip, he reimbursed only a portion of his family's flights to Aruba, with full knowledge that the reimbursement represented only a fraction of the total cost of the vacation. Further, as described below, Rep. Mooney actively avoided Committee involvement in approving HSP Direct's payment, even though HSP Direct indicated a desire to ensure the vacation complied with applicable law and House rules.
48. In early planning emails, dated December 30, 2020, Former Staffer 2 sought information about the trip from Nicole Hall, president of HSP Direct. Among her questions, Former Staffer 2 asked "[i]s HSP paying for the trip?"³⁶ Ms. Hall responded, "HSP will pay for whatever legally we can pay for Congressman Mooney. Jamie is going to discuss with [Rep. Mooney] to figure out what we can legally pay for."³⁷
49. Planning for the trip continued and on February 26, 2021, Anne Carpenter, an office manager at HSP Direct, emailed Former Staffer 2 stating "[j]ust a reminder, we have put The Congressman and his family's reservations on our master account. After the trip we will send

³¹ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_00165).

³² *Id.*

³³ *Id.* at 21-6998_0166.

³⁴ *Id.* at 21-6998_0167.

³⁵ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0083).

³⁶ Email from Former Staffer 2 to Anne Carpenter, Jan. 3, 2021 (Exhibit 10 at 21-6998_0664).

³⁷ *Id.*

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended over an itemized list of their expenses and he will need to let us know what amount he needs to reimburse HSP Direct.”³⁸

50. Later in the day, the office manager emailed Former Staffer 2 again:³⁹

On Fri, Feb 26, 2021 at 2:12 PM Anne Carpenter [REDACTED] wrote:

Former Staffer 2 [REDACTED] just to follow up from my previous email, I was told Congressman Mooney would be talking with Ethics to find out what specifically needed to be reimbursed for this trip.

If you have that information, then we can go ahead and send you an estimated expenses list ahead of our departure date.

We are excited to have The Mooney’s join us, but we don’t want anyone to be surprised by any charges.

Thanks,

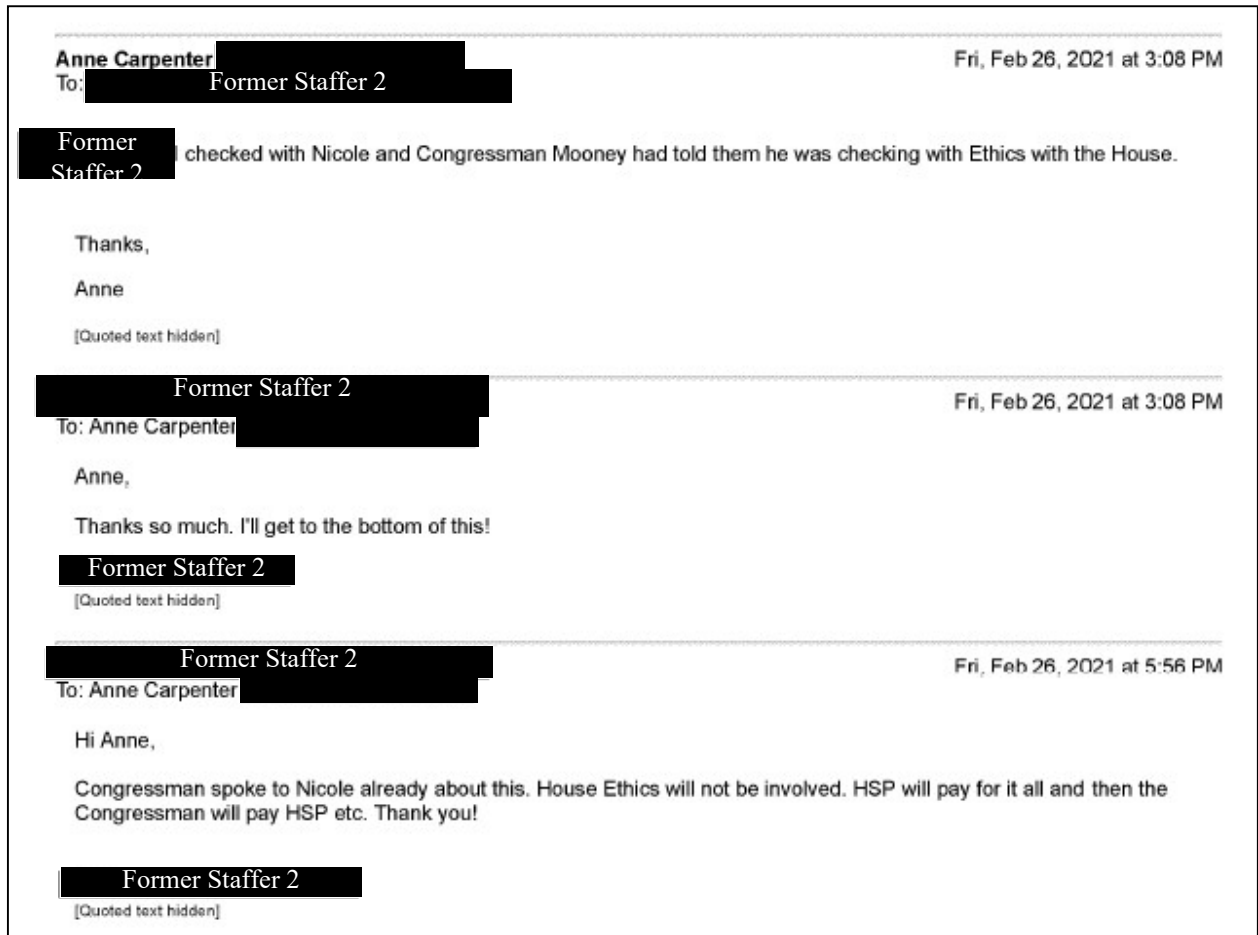
Anne

³⁸ Email from Former Staffer 2 to Anne Carpenter, Feb. 26, 2021 (Exhibit 11 at 21-6998_0669).

³⁹ *Id.*

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51. Former Staffer 2 replied “Ethics with HSP? I don’t have any information on this. This is the first im [sic] hearing about it.”⁴⁰ The email chain continued and concluded as follows:⁴¹



52. During her interview with the OCE, Former Staffer 2 described her confusion regarding this email exchange because she believed the trip was a personal vacation and did not understand why the Committee would be involved.⁴² To resolve the issue, she made a note of Ms. Carpenter’s question regarding the Committee and raised it with Rep. Mooney the next time she saw him.⁴³ Former Staffer 2 told the OCE that she remembered the specific conversation in which she asked Rep. Mooney if the Committee needed to be consulted.⁴⁴ Rep. Mooney told Former Staffer 2 that he would “handle that” and indicated that there was no reason for her to be involved.⁴⁵

⁴⁰ *Id.*

⁴¹ Email from Anne Carpenter to Former Staffer 2, Feb. 26, 2021 (Exhibit 12 at 21-6998_0673).

⁴² Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0162).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

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53. After her conversation with Rep. Mooney, Former Staffer 2 responded to Ms. Carpenter, as excerpted above, and stated, “House Ethics will not be involved. HSP will pay for it all and then the Congressman will pay HSP etc.”⁴⁶
54. Former Staffer 2 never saw an itemized receipt from HSP Direct for the vacation, and during her interview speculated that if they sent one, it likely was sent directly to Rep. Mooney.⁴⁷ As described below, this full reimbursement never occurred.

e. At Least \$10,803.65 in Travel, Lodging, Meal, and Amenity Expenses

55. The OCE obtained documents and communications from HSP Direct that detail Rep. Mooney’s family’s all-expenses-paid vacation at the Ritz-Carlton, Aruba, complete with private poolside cabanas, guided tours and activities, and at least one banquet.
56. The trip began on March 6, 2021 with a chartered flight from Dulles International Airport to Aruba.⁴⁸ The chartered flight was for HSP Direct’s employees but included the Mooney family.⁴⁹ The approximate value of the Mooney family’s pro rata share of the chartered flight is \$3,322.95.⁵⁰
57. While HSP employees were only invited to stay until March 9, 2021, the Mooneys extended their trip until March 12, 2021.⁵¹ HSP Direct paid for the extended trip and arranged for private transportation to return the Mooneys to the airport for their commercial flight on that later date.⁵² While, Rep. Mooney’s wife, Dr. Mooney, and the three children stayed until March 12, 2021, Rep. Mooney returned on March 8, 2021 to be in-country for official business and votes.⁵³ The OCE could not determine the source of payment for Dr. Mooney and the children’s return flights. Rep. Mooney appears to have paid for his return with campaign funds,⁵⁴ which is likely a violation of law forbidding the personal use of campaign funds.
58. A Ritz-Carlton invoice with itemized incidentals charged to Rep. Mooney’s room confirms that meals, drinks and even gifts and apparel for the Mooney children, totaling \$2,594.45, were charged to Rep. Mooney’s hotel room and paid for by HSP Direct.⁵⁵ Charges to the room identified on the Ritz-Carlton invoice include dozens of expenditures at various restaurants and bars around the resort, in-room dining expenses, and purchases at vendors

⁴⁶ Email from Anne Carpenter to Former Staffer 2, Feb. 26, 2021 (Exhibit 11 at 21-6998_0668).

⁴⁷ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0161).

⁴⁸ HSP Direct Chartered Flight Contract (Exhibit 13 at 21-6998_0675).

⁴⁹ Email from Anne Carpenter to Former Staffer 2, Jan. 26, 2021 (Exhibit 14 at 21-6998_0684).

⁵⁰ The total cost of the round-trip chartered flight to Aruba was \$214,000 for 161 passengers. HSP Direct Chartered Flight Contract (Exhibit 13 at 21-6998_0676). Thus, the pro rata share for one round-trip passenger was \$1,329.19. The Mooneys took the chartered flight to Aruba, but arranged their return with personal or campaign funds. Assuming a one-way rate of \$664.59 (one half the value of the round-trip seat), the chartered flight to Aruba for the family of five was worth approximately \$3,322.95.

⁵¹ Email from Glenda Henricus to Former Staffer 2, March 1, 2021 (Exhibit 15 at 21-6998_0686-89).

⁵² *Id.*

⁵³ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0158).

⁵⁴ Alex Mooney for Congress, April 2021 Report of Receipts and Disbursements, filed April 16, 2021 at 36 (reporting a \$183.30 expenditure with United Airlines on March 8, 2021).

⁵⁵ Ritz-Carlton Invoice for Room No. 5205 (Exhibit 16 at 21-6998_0691-94).

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identified as “The Ritz-Carlton Boutique,” the “Ritz Kids Shop Gifts and Souvenirs,” “Ritz Kids Shop Apparel,” and “Recreation and Ritz Kids.”⁵⁶ Itemized incidental receipts included hundreds of dollars of tropical drinks, a \$37 pair of goggles, apparel such as rash guards and a \$120 girl’s two-piece bathing suit, hydrocortisone, and a nearly daily \$30 charge for “Ritz-Kids activity,” which appears to be a child-care program at the hotel.⁵⁷

59. In addition to food and drink charges, Rep. Mooney and his family rented poolside cabanas on three occasions during the trip at a total cost of \$977.50.⁵⁸
60. Emails produced by HSP Direct show that at some point during the trip, Rep. Mooney paid for an activity with his personal credit card and asked HSP Direct to reimburse him for the expense.⁵⁹ The OCE found that this likely was a \$489.75 Jeep tour.⁶⁰ At the conclusion of the trip, on March 12, Former Staffer 2 corresponded with Ms. Carpenter to effectuate a refund to Rep. Mooney’s personal credit card for the full amount.⁶¹

⁵⁶ *Id.*

⁵⁷ *Id.* at 21-6998_0695-718.

⁵⁸ Ritz Carlton Invoice and Receipts for Cabanas (Exhibit 19 at 21-6998_0728).

⁵⁹ Email from Anne Carpenter to Former Staffer 2, March 12, 2021 (Exhibit 20 at 21-6998_0733).

⁶⁰ *Id.*

⁶¹ *Id.*

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61. The OCE tallied those expenditures that were identifiable in HSP Direct documents, to arrive at an estimated value of the gifted travel. According to that calculation, the Mooneys' Aruba vacation was worth at least \$10,803.65. The below chart breaks down expenditures by category:

Ritz-Carlton Lodging	\$3,294.00 ⁶²
Charter Air Travel to Aruba	\$3,322.95 ⁶³
Travel Insurance Fees	\$125.00 ⁶⁴
Incidentals Charged to Hotel Room	\$2,594.45 ⁶⁵
Cabana Rental Fees	\$977.50 ⁶⁶
Refunded Jeep Tour	\$489.75 ⁶⁷
Group Meals and Banquets	Unknown
Air Travel from Aruba	Unknown
Private Transportation To/From Airports	Unknown
Minimum Gift Value:	\$10,803.65

62. Additionally, this total does not include the value of drinks and meals provided at group dinners the Mooneys may have enjoyed, however, invoices show that HSP Direct paid a total of \$92,546.16 for "Banquets" during the trip.⁶⁸

⁶² Spreadsheet of Summary Room Charges (Exhibit 17 at 21-6998_0720).

⁶³ See *supra*, note 50.

⁶⁴ Travel Insured International Traveler Premium Spreadsheet (Exhibit 18 at 21-6998_0724, 726).

⁶⁵ Ritz-Carlton Invoice for Room No. 5205 (Exhibit 16 at 21-6998_0691-718).

⁶⁶ Ritz Carlton Invoice and Receipts for Cabanas (Exhibit 19 at 21-6998_0728).

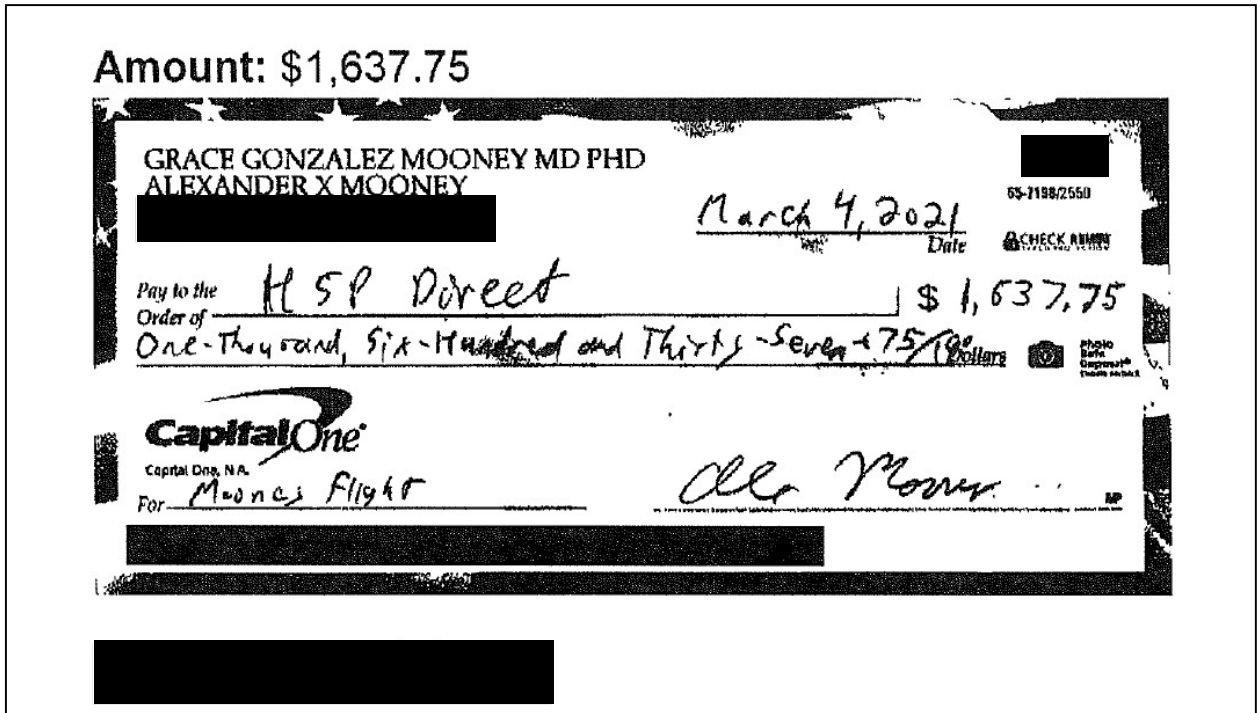
⁶⁷ Email from Anne Carpenter to Former Staffer 2, March 12, 2021 (Exhibit 20 at 21-6998_0733-35).

⁶⁸ Ritz-Carlton Master Account Spreadsheet (Exhibit 21 at 21-6998_0737).

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f. Rep. Mooney's \$1,637.75 Reimbursement to HSP Direct

63. HSP Direct provided the OCE with a copy of a reimbursement check from Rep. Mooney to HSP Direct for the trip.⁶⁹ In telephone conversations with OCE staff, counsel verified that this was the only check HSP Direct had received from Rep. Mooney regarding the Aruba expenses. The \$1,637.75 check included the note "Mooney flight."⁷⁰ Other than this partial airfare reimbursement, it appears that Rep. Mooney did not reimburse HSP Direct for the above-detailed expenses for the family vacation.



64. Documents related to the Aruba trip did not reveal how Rep. Mooney arrived at the \$1,637.75 value for the flights as it was significantly less than his family's \$3,322.98 pro rata share of the total cost of the chartered flight.
65. However, Former Staffer 1 told the OCE, "[h]ow he determined how much he paid, I think he just put a number out and said, 'These are flights,' or whatever, and 'We'll pay that.' He looked online or something. But I don't think they gave him like a detailed receipt."⁷¹

ii. Rep. Mooney's Use of the HSP House on Capitol Hill

66. In addition to the travel described above, the OCE learned of another potential source of gifts from HSP Direct to Rep. Mooney. Multiple staffers described a house near Capitol Hill

⁶⁹ Reimbursement Check to HSP Direct (Exhibit 22 at 21-6998_0741).

⁷⁰ *Id.*

⁷¹ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0083).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended commonly referred to as “the HSP House,” which Rep. Mooney, his family, and his staff used for lodging, workspace, and to host events, at no cost.⁷²

67. Through counsel, HSP Direct acknowledged that Rep. Mooney had stayed at the HSP House free of charge around twenty times from 2015 to November 2021.⁷³ A former staffer told the OCE that Rep. Mooney’s son has also stayed at the HSP House when he was in Washington, DC.⁷⁴ Additionally, another former staff member stated that she knew of at least one or two times that Rep. Mooney’s wife and children stayed at the HSP House when they were visiting Washington, DC.⁷⁵
68. In addition to using the house as a free source of lodging, Rep. Mooney and his staff also used the HSP House as a place to work and make campaign calls.⁷⁶ Staff used the HSP House for both campaign and official work.⁷⁷
69. Additionally, Rep. Mooney used the house as a venue to host events free of charge. Former Staffer 2 recalled an inauguration event held at the HSP House for which Rep. Mooney invited other Members, their families, and other individuals to the house to gather. Rep. Mooney and Former Staffer 2 arranged for Potbelly sandwiches to be delivered to the house by Rep. Mooney’s staff assistant and paid for the food with campaign funds. There was no indication that HSP Direct charged Rep. Mooney or his campaign for the use of the house, and in correspondence HSP Direct did not identify any instances in which Rep. Mooney paid to use the house.⁷⁸
70. HSP Direct refused to provide further requested materials to the OCE about the house or answer specific questions about Rep. Mooney’s use of the property.
71. HSP Direct explained, through counsel, that the HSP House is not an asset of the company, but instead owned by Jamie Hogan, Amy Paul, and Matthew Schenk—the three founding partners of HSP Direct⁷⁹—in their individual capacities.⁸⁰ Without cooperation, the OCE could not determine whether the owners bought the house with personal, corporate, or PAC funds.
72. Given the house’s Capitol Hill location and the guests who frequent it—namely HSP clients like Rep. Mooney—the house appears to be used for a business purpose. As a result of this

⁷² *Id.* at 21-6998_0084; Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0147-152).

⁷³ Letter from David Wilson, Counsel to HSP Direct, LLC, to Sean Quinn, Investigative Counsel, Office of Congressional Ethics, November 3, 2021.

⁷⁴ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0084).

⁷⁵ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0151-52).

⁷⁶ *Id.* at 21-6998_0147-48.

⁷⁷ *Id.* In addition to a violation of House gift rules, to the extent the HSP House was offered and used as office or event space for Rep. Mooney’s campaign committees, then such uses would also likely have an associated value and would implicate the FEC’s regulations regarding in-kind contributions. *See* 11 C.F.R. § 100.52(d)(1). Depending on such value, this may also implicate the FEC’s contribution limits.

⁷⁸ *See, e.g.,* Letter from David Wilson, Counsel to HSP Direct, LLC, to Sean Quinn, Investigative Counsel, Office of Congressional Ethics, November 3, 2021.

⁷⁹ *Our Team*, HSP Direct, <https://www.hspdirect.com/our-story/meetteam/> (last visited Dec. 12, 2021).

⁸⁰ Letter from David Wilson, Counsel to HSP Direct, LLC, to Sean Quinn, Investigative Counsel, Office of Congressional Ethics, November 3, 2021.

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business purpose, Rep. Mooney’s use of the house likely does not qualify for the personal hospitality exception to the gift rule.⁸¹ Moreover, the OCE did not identify any evidence that Rep. Mooney applied for a waiver to accept a gift valued at more than \$250 from Mr. Hogan or his partners based on personal friendship. The OCE did not identify any gift rule exceptions that would render the acceptance of free lodging and event space at the Capitol Hill house acceptable under the House gift rules.

73. The same is true for the gifted Caribbean vacation. Though Rep. Mooney did not cooperate with this review and try to explain his acceptance of such a gift, to the extent he claims the gift was permissible under a personal friendship or hospitality exception to the gift rule, those exceptions would not apply here. The OCE found no evidence of a gift waiver and no evidence that Mr. Hogan previously invited Rep. Mooney on similar paid vacations prior to the Aruba trip, despite their alleged 20 years of close friendship. Instead, it appears it was only after 2020, when Rep. Mooney began paying HSP Direct tens of thousands of dollars for campaign services, that he and his family were invited on such a trip.
74. Based on the foregoing, the Board finds that there is substantial reason to believe that Rep. Mooney accepted impermissible gifts.

III. MISUSE OF OFFICIAL STAFF TIME AND RESOURCES FOR PERSONAL SERVICES AND CAMPAIGN ACTIVITIES

A. Applicable Law, Rules, and Standards of Conduct

75. Federal Statutes

5 U.S.C. § 7351(a) states that “An employee may not—(1) solicit a contribution from another employee for a gift to an official superior; (2) make a donation as a gift or give a gift to an official superior; or (3) accept a gift from an employee receiving less pay than himself.”

31 U.S.C. § 1301(a) states, “[a]ppropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”

18 U.S.C. § 1343 states that “[w]hoever, 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.”

18 U.S.C. § 287 states that “[w]hoever makes or presents . . . claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.”

⁸¹ *Gifts Guidance, Gifts of Personal Hospitality*, Committee on Ethics, https://ethics.house.gov/house-ethics-manual/gifts#_Gifts_Based_on (last visited Dec. 10, 2021).

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76. House Rules

House Rule 25, clause 5 provides that, “[a] Member . . . may not knowingly accept a gift except as provided in this clause.” Clause 5 defines the term “gift” broadly to include any “gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value,” and also “gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.”

77. House Ethics Manual and Guidance

The House Ethics Manual advises that, “House resources acquired with [official] funds – including the office telephones, computers fax machines and other equipment, office supplies, office space, and staff while on official time – are to be used for the conduct of official House business.”⁸²

The Manual further provides: “[t]he [Members’ Representational Allowance (“MRA”)] may only be used for official and representational expenses. The MRA may not be used to pay for any expenses related to activities or events that are primarily social in nature, personal expenses, campaign or political expenses, or House committee expenses. Members may be personally liable for misspent funds or expenditures exceeding the MRA.”⁸³

Concerning travel with a mixed purpose, the Manual states, “as to any such mixed purpose trip, the Member, officer, or employee must determine the primary purpose of the trip. The source associated with that primary purpose – for example, a political committee for campaign or political activity, the federal government for official business, or the traveler’s own funds for personal business – must pay for the airfare (or other long-distance transportation expense), and all other travel expenses incurred in accomplishing that purpose. Any additional meal, lodging, or other travel expenses that the Member or staff person incurs in serving a secondary purpose must be paid by the source associated with that secondary purpose.”⁸⁴

“The misuse of the funds and other resources that the House of Representatives entrusts to Members for the conduct of official House business is a very serious matter. . . . Moreover, while any House employee who makes improper use of House resources is subject to disciplinary action by the Standards Committee, each Member should be aware that he or she may be held responsible for any improper use of resources that occurs in a Member’s office. The Standards Committee has long taken the position that each Member is responsible for assuring that the Member’s employees are aware of and adhere to the rules, and for assuring that House resources are used for proper purposes.”⁸⁵

The House Ethics Manual further explains, “[i]t is permissible for House employees to do campaign work, but only outside of congressional space, without the use of any House resources,

⁸² House Ethics Manual (2008) at 197.

⁸³ *Id.* at 323 (citing to Comm. on House Admin., Members’ Congressional Handbook).

⁸⁴ *Id.* at 116 (internal emphasis omitted).

⁸⁵ *Id.* at 124 (internal citations omitted).

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and on their own time (as opposed to ‘official’ time for which they are compensated by the House). Accordingly, any House employee who does campaign work must ensure that the work – including any telephone conversations or other communications concerning campaign business – is performed strictly in compliance with these limitations.”⁸⁶

Regarding gifts from subordinates, the Committee advises: “You may accept a gift from another Member, officer, or employee of the House or Senate if the person giving you the gift is either your direct or indirect supervisor or your peer. 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. You should never be pressured to make or contribute to a gift.”⁸⁷

According to the Committee’s gift guidance, “[p]roviding personal services without compensation may also be a gift. Supervisors should not accept uncompensated personal services from subordinate staff for services the supervisor would usually pay for if there is no connection to legitimate, official activity.”⁸⁸ The Committee provides the following example: “[y]our employing Member asks you to pick up their children from school. Because this activity bears no connection to legitimate, official activity, you should not perform this service for your employing Member.”⁸⁹

In the Matter of Allegations Relating to Representative Thomas Garrett, the Committee staff explained, “[a]s a general matter, Members are responsible for the conduct that occurs in their offices. Members’ immediate family may, as a general matter, volunteer in their congressional offices. While volunteers are not subject to the Code of Official Conduct or within the jurisdiction of the Committee, Members nonetheless bear responsibility for any violations that result from their actions taken in their position as volunteers, including the mistreatment of the Members’ staff. This is uniquely true for a Member’s spouse, who staff are likely to assume speaks with the voice of the Member. In light of these issues, the Committee has long advised that Members and House offices obtain the agreement of anyone who volunteers in a House office that they will conduct themselves in a manner that reflects creditably on the House.”⁹⁰

In the same matter, the Committee staff explained that “Representative Garrett accepted gifts of personal services from his staff, including during staff’s personal time. While some of those services had only nominal value, others were potentially of significant monetary value. In their personal time, Representative Garrett’s staff had occasion to dog-sit, help the Garretts move apartments, babysit, and clean the Garretts house, often providing their labor for free.”⁹¹

⁸⁶ *Id.* at 126 (internal emphasis omitted).

⁸⁷ *Gifts Guidance, Gifts from other Members, Officers, or Employees*, Committee on Ethics, https://ethics.house.gov/house-ethics-manual/gifts#_Gifts_Based_on (last visited Dec. 10, 2021) (internal citations omitted).

⁸⁸ *Id.* (citing *In the Matter of Allegations Relating to Representative Thomas Garrett*, 115th Cong., 1st Sess. (Jan. 2, 2019) at 5, 32-34).

⁸⁹ *Id.*

⁹⁰ *In the Matter of Allegations Relating to Representative Thomas Garrett*, 115th Cong., 1st Sess. (Jan. 2, 2019) at 3.

⁹¹ *Id.* at 37.

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Committee staff also advised that, “it would be appropriate for Representative Garrett to reimburse the U.S. Treasury for time his employees spent performing unofficial tasks or services that were unofficial.”⁹² In that case, the Committee staff detailed extensive requests by a Member’s spouse to official staff to perform personal services and campaign-related work.⁹³

In the Matter of Allegations Relating to David Schweikert, the Investigative Subcommittee Report explained that a Member had violated 31 U.S.C. § 1301 and House rules by permitting staff to perform campaign tasks using official resources as small as stuffing campaign envelopes within the official office.⁹⁴ The Report explains, “[t]here is no de minimis exception to the prohibition on using official resources for campaign or political purposes.”⁹⁵

78. Members’ Congressional Handbook

“The MRA may only be used for official and representational expenses.”⁹⁶

“The MRA may not be used to pay for any expenses related to activities or events that are primarily social in nature (including but not limited to: sporting events, theme park activities, concerts, personal events, etc.)”⁹⁷

“The MRA may not pay for personal expenses. The MRA may not pay for campaign expenses.”⁹⁸

79. House Administration and Ethics Committee Joint Guidance

“The Members’ Congressional Handbook restricts the use of official resources for activities outside Members’ current districts. Members may not use official funds, including the use of staff resources, to conduct ‘town hall’ meetings or other official gatherings outside their districts, with the exception of holding a joint town hall meeting with a home state Senator or with a Member in an adjacent district. The rules also prevent use of official resources for travel other than ‘to support the conduct of the official and representational duties of a Member ... with respect to the district from which the Member ... is elected.’”⁹⁹

B. Rep. Mooney May Have Misused Official Resources for Personal Errands and Campaign Activities

80. Rep. Mooney’s expectation of personal service from his employees was not confined to the Aruba trip. The OCE gathered evidence indicating that Rep. Mooney created an office

⁹² *Id.* at 36.

⁹³ *Id.*

⁹⁴ *In the Matter of Allegations Relating to Representative David Schweikert*, 116th Cong., 2nd Sess. (June 30, 2020) at 71.

⁹⁵ *Id.* at 69.

⁹⁶ Committee on House Administration, *Members’ Congressional Handbook*, 115th Cong. (Feb. 27, 2018) at 2.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Joint House Administration-Ethics Guidance Regarding Redistricting*, e-mail from e-Dear Colleague, Sept. 10, 2021.

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culture in which staff presumed they had no choice but to perform personal errands for Rep. Mooney and his family.

81. As described below, seven former and current employees described frequent requests of staff to complete unofficial tasks that inured solely to the personal benefit of Rep. Mooney and his family. The tasks ranged from babysitting, to automotive repair work on personal vehicles, to assisting Rep. Mooney and his wife with their personal finances and businesses. Staff members were almost never compensated for this work and frequently were required to divert time from campaign or official congressional business to complete these tasks.
82. While some staff, on some occasions, may have willingly volunteered to complete certain tasks for Rep. Mooney and his family, employees more commonly reported feeling pressure to accede to the Mooney family's requests or risk angering Rep. Mooney and potentially losing their jobs. Further, it was frequently reported that staff bore the costs of these tasks both financially and in lost personal time.
83. Diversion of official staff time to personal errands constitutes misuse of the MRA. Even when staff complete personal errands on their own time, Rep. Mooney's acceptance of such uncompensated personal services from subordinate staff violates House gift rules.
 - i. The Expectation that Official Staff Perform Personal Services for the Mooney Family
84. Former Staffer 1 told the OCE that at some time every staff member was asked to perform personal errands for Rep. Mooney or his family, but that staff members in certain positions, such as schedulers or those who worked for both the campaign and the official office, were required to perform personal errands on a daily basis.¹⁰⁰ Former Staffer 1 stated, "I think the understanding is: If you work on the campaign, you also work for the Mooney family. You were at their beck and call for anything, even though you got official salary as well."¹⁰¹
85. Former Staffer 2, a scheduler, agreed with this assessment: "I became more and more like his personal assistant usually. I mean, that was what I kind of thought a scheduler was. It was anything the Member needed."¹⁰²
86. New employees were immediately made aware that Rep. Mooney and his family expected staff to perform personal errands. At the beginning of her time in Rep. Mooney's office, another staff member told Former Staffer 3 that she should expect to be given "personal stuff" to do by Rep. Mooney.¹⁰³
87. Former Staffer 4 explained that her willingness to perform personal tasks was a topic tested during her interview to work in Rep. Mooney's office: "The previous staff assistant asked me

¹⁰⁰ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0019-20).

¹⁰¹ *Id.* at 21-6998_0032.

¹⁰² Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0190).

¹⁰³ Transcript of Interview of Former Staffer 3 ("Former Staffer 3 Transcript"), Oct. 29, 2021 (Exhibit 3 at 21-6998_0288).

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a very oddly specific question about getting car keys . . . something about getting car keys to one of the Congressman’s daughters, and how would I handle that.”¹⁰⁴

88. Rep. Mooney’s wife, Dr. Grace Mooney, also frequently tasked Rep. Mooney’s staff with errands that were personal in nature. She required prompt responses from staff she contacted, even when the staff member was occupied with official congressional work.¹⁰⁵ Former Staffer 2 told the OCE that “when [Dr. Mooney] asked me to do something, it was just I needed to do it immediately.”¹⁰⁶
89. Because personal requests were so pervasive, a number of staff members expressed confusion over what constituted personal versus official or campaign work, and which tasks were voluntary, and which were required. Even a senior employee in a supervisory role expressed this sentiment:¹⁰⁷

Q: Did you ever have any concerns about whether or not this was a personal task or something appropriate to ask a congressional staffer to do?

A: . . . when I first started with the Congressman, I really didn’t understand the difference—I knew the difference between campaign and official, but I didn’t—I guess I just kind of got intertwined in their way of doing things. . . . But I’m in the mindset if he wants it done, who am I to question it? He’s my boss. So I always knew that I probably shouldn’t be doing it, but I just did it. I mean if I would have said—if I had said no, he probably wouldn’t have been very happy, and I don’t know what would have happened then. But I think that was the mindset of every staffer . . . it doesn’t feel right doing things like this, but, I mean, he’s not asking you to take money to someone. So . . . pick and choose your battles. This may take up some time, but it’s—was it worth maybe getting fired over or him being mad at you over that? Probably not.

ii. Conflict Between Personal Services and Official or Campaign Duties

90. The frequency and timing of the personal errands made it difficult for employees to complete their official or campaign duties. Former Staffer 1, referring to personal tasks assigned to him by Rep. Mooney, stated, “I knew it was something that it’s going to take—it’s going to take the place of me doing something I should be doing.”¹⁰⁸ Another witness told the OCE that they often worked longer hours because they were pulled away from campaign or official activities by Rep. Mooney and Rep. Mooney’s family’s personal requests.¹⁰⁹
91. Former Staffer 3 told the OCE that, among other personal errands, she found herself babysitting Rep. Mooney’s youngest daughter once or twice a week and had difficulty completing campaign work when she was present in West Virginia because of how often she

¹⁰⁴ Transcript of Interview of Former Staffer 4 (“Former Staffer 4 Transcript”), Sept. 24, 2021 (Exhibit 4 at 21-6998_0355-56).

¹⁰⁵ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0192-93).

¹⁰⁶ *Id.*

¹⁰⁷ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0029-30).

¹⁰⁸ *Id.* at 21-6998_0029.

¹⁰⁹ Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0281-82).

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was asked to do something for the Mooney family.¹¹⁰ As a shared employee, she said she was better able to complete official congressional work because she generally did that work in the Washington, DC office away from the Mooney family.¹¹¹

92. Staffers also described another compounding concern: in addition to conflating personal and professional requests, Rep. Mooney blurred or ignored the line between campaign and official responsibilities. This made employees who had both campaign and official duties particularly ineffective. Former Staffer 1, who was a supervisory staff member in the official office and did not hold a campaign position, told the OCE that shared employees were so distracted from their official work by campaign and personal tasks, that he asked Michael Hough, Rep. Mooney's chief of staff, to stop assigning him shared staff. He stated, "they're here, but they're not here. . . . I cannot count on them to open the office because the Congressman wanted them somewhere else."¹¹²
93. For example, Former Staffer 3, told the OCE that it was often unclear whether she was supposed to be doing official or campaign work on a given day.¹¹³ She described having a "fluid schedule" and worked "wherever I was most needed."¹¹⁴ Most often, Former Staffer 3 worked out of Rep. Mooney's house, where much of the campaign activity was based.¹¹⁵ However, she believed she worked out of Rep. Mooney's house, at least in part, because that's where the children were, and it was easier to be assigned and complete personal tasks when working from Rep. Mooney's residence.¹¹⁶

iii. Uncompensated Work and Personal Errands Performed at a Financial Loss to the Employee

94. As explained more specifically below, in almost every case, the non-official and personal work performed by staff was uncompensated. Former Staffer 3 told the OCE that she wished she could claim mileage or seek some sort of compensation for personal tasks she completed for the Mooneys, but she "kind of went into a [sic] little naïve though. So I didn't know to ask. I just thought it was like an expected duty of mine."¹¹⁷
95. In addition to not receiving compensation for personal work, Rep. Mooney's staff frequently were required to absorb costs associated with Rep. Mooney's personal errands or personal expenditures. Current Staffer 2 stated in his interview, "I know a couple of times I've ended up eating costs just because he bought some things and I put on—on my card and he said 'Well, just write those off,' and I never felt comfortable writing them off because they seemed more personal in nature than they were sort of legitimate."¹¹⁸

¹¹⁰ Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0264).

¹¹¹ *Id.* at 21-6998_0282-83.

¹¹² Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0031).

¹¹³ Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0255).

¹¹⁴ *Id.* at 21-6998_0252.

¹¹⁵ *Id.* at 21-6998_0257.

¹¹⁶ *Id.* at 21-6998_0272-73.

¹¹⁷ *Id.* at 21-6998_0279.

¹¹⁸ Current Staffer 2 Transcript (Exhibit 7 at 21-6998_570-71).

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96. It was more common for staffers to absorb the costs of personal errands in the form of uncompensated mileage expenses and lost personal time. As detailed below, many of the personal errands performed by staff centered around driving. Staff frequently drove Rep. Mooney or his children to unofficial, personal events such as social gatherings, school, or sports events and were not compensated for the long distances they drove or the gas they used.¹¹⁹
97. The OCE notes that in addition to implicating the rules related to misuse of official staff time and resources, the uncompensated services to official employees were gifts to Rep. Mooney and his family. These gifts of personal services have a value, and such gifts from subordinates are in direct conflict with House rules and guidance.¹²⁰ In similar cases, the Committee has explained that it would be appropriate for the Member to reimburse the U.S. Treasury for time his employees spent performing tasks or services that were unofficial.¹²¹

iv. Specific Tasks Requested by Rep. Mooney and His Family

a. Babysitting

98. Testimonial evidence collected by the OCE shows that Rep. Mooney and his wife requested that staff babysit their children frequently, more than once a week according to one former staffer.¹²²
99. In some instances, Rep. Mooney would have staff watch his young daughter for short periods of time in his congressional office while he went to the floor of the House for votes or other similar official work of short duration.¹²³ However, babysitting requests occurred outside of this more limited context.
100. Several staff members, primarily young women, were asked to watch Rep. Mooney's daughter while he was present in the office, sometimes for hours at a time.¹²⁴ Former Staffer 2 recalled two times on Capitol grounds where she watched Rep. Mooney's young daughter for approximately three hours in each instance. Former Staffer 2 and the daughter played with toys in a room across from the House floor and then she continued watching the daughter when Rep. Mooney was finished with his duties on the floor. On the second occasion, Former Staffer 2 played with Rep. Mooney's daughter on the Capitol steps and walked her to the Library of Congress with Former Staffer 3. During this second instance, the two staffers took turns watching the daughter so that the other could do official work. Former

¹¹⁹ See, e.g., Transcript of Interview of Former Staffer 5 ("Former Staffer 5 Transcript"), Nov. 5, 2021 (Exhibit 5 at 21-6998_0399).

¹²⁰ See *Gifts Guidance, Gifts from other Members, Officers, or Employees*, Committee on Ethics, https://ethics.house.gov/house-ethics-manual/gifts#_Gifts_Based_on (last visited Dec. 10, 2021).

¹²¹ *In the Matter of Allegations Relating to Representative Thomas Garrett*, 115th Cong., 1st Sess. (Jan. 2, 2019) at 36.

¹²² Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0264).

¹²³ Former Staffer 4 Transcript (Exhibit 4 at 21-6998_350).

¹²⁴ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0195-97).

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Staffer 2 said that it was much more common for Former Staffer 3 to babysit the daughter because she was a shared campaign and official employee.¹²⁵

101. Former Staffer 3 was asked to babysit often, especially when she was working from Rep. Mooney's home in West Virginia.¹²⁶ She told the OCE that she would watch the Mooney's five-year-old daughter when "[Dr. Mooney] was busy . . . or [Rep. Mooney] was busy, just too much going on."¹²⁷ On these occasions, she would watch the daughter for "a couple hours or so."¹²⁸ She was asked to babysit during the work day and sometimes on weekends.¹²⁹ Former Staffer 3 was never compensated for babysitting.¹³⁰
102. Both Former Staffer 2 and 3 reported that babysitting prevented them from performing official work.¹³¹
103. Of all the staff members that reported babysitting, only Former Staffer 5 was compensated in addition to her regular campaign and official salaries.¹³² She told the OCE that Rep. Mooney would pay for babysitting "or [Dr. Mooney] would give me, like, 20 bucks or whatever if I, you know, sat with the kids for an hour or two."¹³³

b. Driving To and From Personal Activities

104. In addition to babysitting, staff reported chauffeuring the children and Rep. Mooney to social events, recreational activities, and community college classes.
105. Rep. Mooney's children are home schooled and also take courses at a community college located approximately 20 to 30 minutes from Rep. Mooney's home in West Virginia.¹³⁴ According to Former Staffer 1, a number of employees frequently were tasked with driving the children to and from classes during working hours.¹³⁵ It was most commonly the shared campaign and official employees who were asked to drive the children to class, including Former Staffer 3, another employee named Rainer Kissel, and another former official scheduler and campaign employee, Hannah Mansell.¹³⁶ Former Staffer 1 reported driving the children to classes at the community college himself, but on a less frequent basis.¹³⁷

¹²⁵ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0198).

¹²⁶ Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0264).

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.* at 21-6998_0279.

¹³¹ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0197); Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0282).

¹³² Former Staffer 5 Transcript (Exhibit 5 at 21-6998_0386-87).

¹³³ *Id.*

¹³⁴ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0023); Google (Google Maps directions to drive from Rep. Mooney's residential address to the community college), retrieved December 11, 2021.

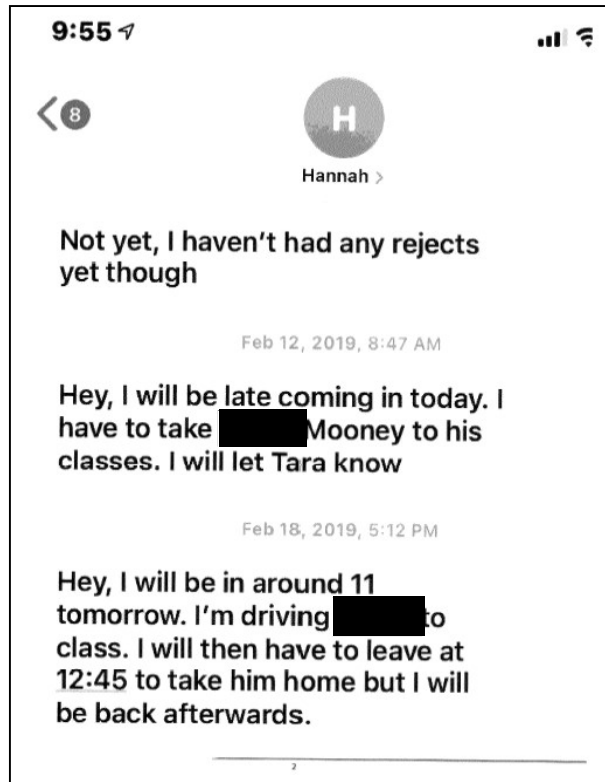
¹³⁵ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0023-24).

¹³⁶ Hannah Mansell and Rainer Kissel were not among the witnesses the OCE contacted for interviews. The evidence suggests Ms. Mansell and Mr. Kissel were subject to the same pressures as the other current and former staffers that participated in the OCE's review.

¹³⁷ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0023-24).

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106. Former Staffer 1 produced screenshots of text messages that show how these driving tasks interfered with official work. He stated that it was “extremely common” for one of the above-mentioned staff to be unavailable because of an unofficial task such as driving the children.



107. A June 18, 2020 email from Dr. Mooney and Rep. Mooney to Former Staffer 3 provides an example of Rep. Mooney’s frequent requests that staff act as personal drivers for his children.¹³⁸ In this case, Dr. Mooney emailed Rep. Mooney to tell him that their son wanted to attend a social event called “Dad, Dudes, and Hoops.”¹³⁹ Shortly after, Rep. Mooney forwarded the email and event details to Former Staffer 3, informing her “[l]ikely having you drop [my son] off at this on your way home this evening. Take note of address.”¹⁴⁰ When asked about this email, Former Staffer 3 estimated that Rep. Mooney made this sort of request of her “a couple of times a week or so.”¹⁴¹
108. In addition to frequently driving the children to and from activities, Former Staffer 3 was at times responsible for providing lunch for the children while they were in her care.¹⁴²
109. Current Staffer 2 also told the OCE that he had been asked by Rep. Mooney to drop his son off at community college.¹⁴³
110. Former Staffer 5 worked for Rep. Mooney for most of the period between 2002 and 2017, in both official and campaign roles, and told the OCE that she drove the children to the library and to co-op classes with other home-schooled children.¹⁴⁴

¹³⁸ Email from Rep. Mooney to Former Staffer 3, June 18, 2020 (Exhibit 23 at 21-6998_0743).

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111. In addition to acting as a chauffeur for Rep. Mooney's children, other members of Rep. Mooney's official and campaign staff told the OCE that they were asked to drive long distances for Rep. Mooney's personal and social appointments.
112. Former Staffer 2 told the OCE that she drove Rep. Mooney to Richmond to meet his son at a basketball game one day after votes had concluded in the House, and then drove him back home to Charles Town, West Virginia after the game.¹⁴⁵ Rep. Mooney told her she could claim mileage for the trip "because it's like you were taking me home."¹⁴⁶ However, Former Staffer 2 was uncomfortable doing so and she told Rep. Mooney "I am just going to take the cash." When asked what she meant by "take the cash," Former Staffer 2 clarified that she meant he paid for "just the gas."¹⁴⁷ She was not compensated for time spent on the multi-hour drive.
113. On another occasion, Former Staffers 2 and 3 drove together from the Washington DC area to pick up Rep. Mooney from Great Wolf Lodge in Williamsburg, Virginia and drove him back to Washington, DC for votes on the floor of the House.¹⁴⁸ Great Wolf Lodge is a resort with a large water and entertainment park on grounds.¹⁴⁹
114. Current Staffer 2 made a 60- or 70-mile round trip detour for Rep. Mooney in June of 2021 after a campaign event ended late on a Saturday night. Rep. Mooney asked if the staffer could drop him off at a friend's house for a social gathering around a UFC event.¹⁵⁰ Current Staffer 2 agreed, but was not compensated, and did not claim any mileage for the trip because he understood that the detour was personal in nature and could not properly be attributed to the official or campaign offices' work.¹⁵¹

c. Planning Activities and Educational Events for the Mooney Children

115. Staff also recounted numerous instances of assisting the children or Dr. Mooney with school projects, educational activities, and social events. These tasks involved reaching out to local officials at museums, libraries, or other government entities to obtain points of contact for the children so that they could interview or obtain information about whatever school project they were working on at the time.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0269).

¹⁴² Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0060-61).

¹⁴³ Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0527).

¹⁴⁴ Former Staffer 5 Transcript (Exhibit 5 at 21-6998_0393).

¹⁴⁵ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0201).

¹⁴⁶ *Id.* at 21-6998_0203.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.* at 21-6998_0201.

¹⁴⁹ Great Wolf Lodge, <https://www.greatwolf.com/williamsburg> (last visited December 11, 2021).

¹⁵⁰ Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0533).

¹⁵¹ *Id.* at 21-6998_0534.

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116. For example, on February 11, 2020, Rep. Mooney forwarded an email from Dr. Mooney to Former Staffer 1, requesting “contact for research at the Beckley Coal Mine Museum.”¹⁵² Former Staffer 1 recalled that Rep. Mooney’s daughter was working on a school project and wanted to interview someone mining in southern West Virginia. Former Staffer 1 reached out to the museum and obtained contact information for Dr. Mooney to help facilitate an interview with a miner.¹⁵³
117. Former Staffer 1 said Dr. Mooney had made similar requests on two or three other occasions. On one of those occasions, Dr. Mooney wanted a list of libraries in the area to assist her daughter with a project related to literacy programs.¹⁵⁴ Former Staffer 1 passed the task onto Current Staffer 2, who exchanged a couple emails with the daughter and gathered a number of contacts for her to follow up with.¹⁵⁵
118. Another incident involved a visit to the Smithsonian’s National Museum of African American History and Culture in Washington, DC. Dr. Mooney contacted Former Staffer 2 to assist the Mooney’s son with a school project on Carter G. Woodson.¹⁵⁶ Specifically, Dr. Mooney wanted Former Staffer 2 to arrange a guided tour of the museum. Former Staffer 2 contacted the museum through official channels and even indicated that Rep. Mooney would be present on the tour so that museum staff would give greater attention to the request.¹⁵⁷ The tour was arranged and occurred on December 27, 2020.¹⁵⁸
119. Former Staffer 2 was not aware of whether Rep. Mooney appeared for the tour until months later when, while gathering documents for Rep. Mooney’s response to the OCE’s RFI in the OCE’s first review (OCE Rev. No. 21-6617), she discovered a \$116.05 receipt for a meal at the museum café that was charged to Rep. Mooney’s campaign committee.¹⁵⁹ In conversations with official staff during the prior OCE Review, Rep. Mooney defended the campaign expenditure, claiming that the meal was part of an official tour of the museum.¹⁶⁰

¹⁵² Email from Dr. Mooney to Former Staffer 1, Feb. 12, 2020 (Exhibit 24 at 21-6998_0745).

¹⁵³ *Id.*

¹⁵⁴ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0023); Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0530).

¹⁵⁵ Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0530-31).

¹⁵⁶ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0182).

¹⁵⁷ *Id.*

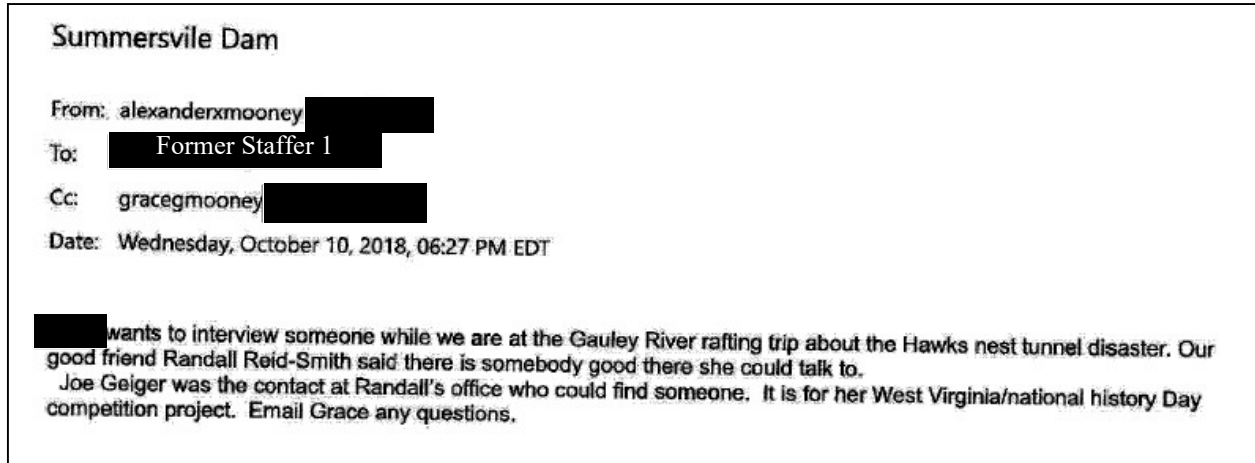
¹⁵⁸ *Id.*; List of Items Reimbursed by Rep. Mooney to His Campaign During OCE Rev. No. 21-6617 (Exhibit 25 at 21-6998_0747).

¹⁵⁹ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0183-85); Exhibit 25 at 21-6998_0747.

¹⁶⁰ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0184).

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120. The OCE reviewed an email from Former Staffer 1 that details another request from Rep. Mooney and his wife, asking that staff locate someone for their daughter to interview concerning the “Hawks nest tunnel disaster.”¹⁶¹ The email is excerpted below:



121. In yet another instance of using official staff to arrange personal, educational activities for the Mooney children, Dr. Mooney contacted Former Staffer 2 around the spring of 2021 to arrange her daughter’s application to attend the FBI’s Teen Academy.¹⁶² After an extended effort to find a point of contact for the program—requiring another official staff member to devote time to the task as well—Former Staffer 2 began corresponding with an FBI community outreach specialist.¹⁶³ Through numerous email exchanges over a multi-week period, Former Staffer 2 attempted to determine which of the various locations and times the Academy was offering would be most convenient for Rep. Mooney’s daughter.¹⁶⁴ The FBI was not originally hosting a Teen Academy event in Martinsburg, WV, near Rep. Mooney’s residence. After being contacted by Former Staffer 2, the FBI’s Martinsburg office appears to have decided to host such an event.¹⁶⁵ Former Staffer 2 left Rep. Mooney’s office before she learned if the Mooney’s daughter attended the Academy.¹⁶⁶
122. Rep. Mooney also asked his staff to help plan or prepare recreational events for his children. In one example provided by Former Staffer 1, Rep. Mooney emailed him while on a trip to the Greenbrier, a resort and casino in West Virginia, stating “I am told the Casino is open this Saturday and show the MMA (UFC) fight. I want to watch that with my son. Can you see if 17 year olds are allowed into that area?”¹⁶⁷ Former Staffer 1 told the OCE that as part of planning official district tours for Rep. Mooney, staff generally had to arrange events or

¹⁶¹ Email from Rep. Mooney to Former Staffer 1, Oct. 10, 2018 (Exhibit 26 at 21-6998_0752).

¹⁶² Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0179).

¹⁶³ *Id.* at 21-6998_0179-80.

¹⁶⁴ Email from Former Staffer 2 to Whitney Barnhart, May 11, 2021 (Exhibit 27 at 21-6998_0754-61).

¹⁶⁵ *Id.*

¹⁶⁶ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0181).

¹⁶⁷ Email from Rep. Mooney to Former Staffer 1, Aug. 12, 2020 (Exhibit 28 at 21-6998_0763).

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d. Purchasing Groceries, Medicine, and other Personal Items

123. Former Staffers 3 and 5 both reported grocery shopping for Rep. Mooney and Dr. Mooney. When asked how often she went grocery shopping for Rep. Mooney, Former Staffer 5 stated, “[i]t was pretty common. Maybe—I mean, if you consider just picking up a gallon of milk, picking up groceries, which I guess you would, it can be once a week.”¹⁶⁹ Former Staffer 3 had a similar experience, noting that if she was out driving, Rep. Mooney would ask her to pick up small items at the grocery store.¹⁷⁰ At other times, she was asked to leave her work at the Mooney's residence to go buy groceries for the family.¹⁷¹ Former Staffer 1 also told the OCE that he had a conversation with yet another former staffer, Hannah Mansell, where Ms. Mansell relayed that she also grocery shopped for the Mooneys.¹⁷²
124. In addition to groceries, witnesses told the OCE that some employees picked up medicine or other personal items like lipstick for Dr. Mooney and Rep. Mooney.¹⁷³ Rep. Mooney asked Former Staffer 1 to buy him a nasal spray on one occasion, and knew of at least one other occasion where Rep. Mooney asked another staffer to get him medicine.¹⁷⁴ The concern over Rep. Mooney asking staff to buy him medicine or other personal products was apparently well known enough that Michael Hough, Rep. Mooney's chief of staff, asked Rep. Mooney to stop making such requests of staff, but the practice continued.¹⁷⁵

e. Tasks Related to the Mooney Family Dog

125. When the Mooneys were unable to watch their dog Skipper, they asked Former Staffer 3 to drive Skipper from their home in Charles Town, West Virginia to Dr. Mooney's parents' home in Bethesda, Maryland.¹⁷⁶ Former Staffer 3 could not recall how many times this occurred but told the OCE that it happened on several occasions.¹⁷⁷
126. On one occasion, when Rep. Mooney and his family were out of town, Dr. Mooney asked Former Staffer 3 to take the dog out for walks and water all the household plants while they were gone.¹⁷⁸ At this time, Former Staffer 3 was commuting daily from her home in northern Virginia to Charles Town, West Virginia to conduct campaign work at the Mooney's residence.¹⁷⁹

¹⁶⁸ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0040).

¹⁶⁹ Former Staffer 5 Transcript (Exhibit 5 at 21-6998_0388).

¹⁷⁰ Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0259-60).

¹⁷¹ *Id.* at 21-6998_0273.

¹⁷² Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0058)

¹⁷³ *Id.*

¹⁷⁴ *Id.* at 21-6998_0069.

¹⁷⁵ *Id.*

¹⁷⁶ Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0265).

¹⁷⁷ *Id.*

¹⁷⁸ *Id.* at 21-6998_0274.

¹⁷⁹ *Id.* at 21-6998_0274-75.

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127. Former Staffer 5 also walked Skipper, brought him with her to various places and events, and sometimes stayed overnight at the Mooney's house to watch him. Former Staffer 5, however, was adamant that she loved Skipper, indicating that some of these tasks may have been voluntary.¹⁸⁰

f. Dry Cleaning and Laundry

128. Multiple former staffers were expected to gather Rep. Mooney's dirty clothes from various places in the official office and have them taken to the dry cleaners in the Longworth House Office Building. Rep. Mooney placed his worn shirts and suits on Former Staffer 2's office chair, which, she said, meant he wanted the clothes to go to the laundry.¹⁸¹ At some point the practice changed, and instead Rep. Mooney would toss his dirty clothes on the couch in his office or the floor of his closet and expected staff to collect the clothes and take them to the dry cleaner.¹⁸² Rep. Mooney specifically stated to Former Staffer 2, "if I leave clothes on the floor of my closet . . . they need to be taken to the laundry."¹⁸³ Former Staffer 4 also recalled being responsible for taking Rep. Mooney's laundry to the cleaners.

129. On at least one occasion, Rep. Mooney asked Former Staffer 2 to take a shirt and a towel home with her to wash overnight in her personal washing machine.¹⁸⁴ She stated, "I'm not going to say no to such an easy task, but I'm like, don't want to do this, but you know. It's such a little thing. I didn't mind. So"¹⁸⁵

g. Personal Business and Finance Related Requests

130. Staff also assisted Rep. Mooney and Dr. Mooney with various personal business and finance related tasks. For example, because Rep. Mooney was not from West Virginia and had not lived in the state prior to his 2014 bid for his congressional seat, Dr. Mooney was not licensed to practice medicine in the state.¹⁸⁶ In 2019, Dr. Mooney determined that she wanted to transfer her inactive Maryland medical license to West Virginia. By email, Rep. Mooney asked Former Staffer 1 to contact the West Virginia Department of Health and gather information that would assist her in that process.¹⁸⁷ Former Staffer 1 conducted some internet research, called the Department to verify the information he had found, and eventually wrote an email back to Rep. Mooney with his findings.¹⁸⁸ The email exchange occurred during the

¹⁸⁰ Former Staffer 5 Transcript (Exhibit 5 at 21-6998_0391-92).

¹⁸¹ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0208-10).

¹⁸² *Id.* at 21-6998_0209.

¹⁸³ *Id.*

¹⁸⁴ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0168).

¹⁸⁵ *Id.*

¹⁸⁶ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0027); Email from Rep. Mooney to Former Staffer 1, Aug. 13, 2019 (Exhibit 29 at 21-6998_0765).

¹⁸⁷ Email from Rep. Mooney to Former Staffer 1, Aug. 13, 2019 (Exhibit 29 at 21-6998_0765).

¹⁸⁸ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0027-28); Email from Rep. Mooney to Former Staffer 1, Aug. 13, 2019 (Exhibit 29 at 21-6998_0765).

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workday and into the evening on Monday, August 12, 2019, and Former Staffer 1 estimated he spent an hour or more on the request.¹⁸⁹

131. In February of 2020, Former Staffer 1 was contacted again to assist Dr. Mooney with her medical practice, this time to help her navigate the West Virginia Secretary of State's process for obtaining a business license.¹⁹⁰ Dr. Mooney was attempting to establish a medical consulting business in West Virginia and needed help with the Secretary of State's online business application portal.¹⁹¹ In an email dated February 10, 2020 at 4:16 PM, Former Staffer 1 relayed the information he had learned, creating a guide to using the Secretary of State's web portal, complete with screenshots of the website for reference.¹⁹² Rep. Mooney responded, "Thanks. Do I need to go through this now to get information I need or are you getting that too?"¹⁹³ Because the application required information that only Dr. Mooney had, Former Staffer 1 informed Rep. Mooney that he could not complete any more of the process for them.¹⁹⁴
132. Rep Mooney also used his official staff to establish a college savings account for his daughter. Former Staffer 2 arranged a call with a representative from the Congressional Federal Credit Union and Rep. Mooney.¹⁹⁵ She recalled in an interview with the OCE that "[t]he Congressman wanted me to take notes, and that's when [the credit union representative] told us how to go on to [the] West Virginia 529 website, and that's when he said you have to set it up, so I set it up."¹⁹⁶

h. Automotive Repairs on Personal Vehicles

133. The OCE found that Rep. Mooney recruited members of his staff to assist him and his family in maintaining their multiple personal vehicles.
134. In January of 2020, shortly after Rep. Mooney purchased a Toyota Prius, he enlisted the help of Former Staffer 1 to assist him in titling the vehicle.¹⁹⁷ Contemporaneous emails show that this staff member spent the afternoon of January 15, 2020 communicating with West Virginia DMV officials, including the Governor's office constituent services director.¹⁹⁸ Rep. Mooney needed help resolving a problem he encountered when we first tried to go to the DMV and

¹⁸⁹ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0028); Email from Rep. Mooney to Former Staffer 1, Aug. 13, 2019 (Exhibit 29 at 21-6998_0765).

¹⁹⁰ Email from Rep. Mooney to Former Staffer 1, Feb. 10, 2020 (Exhibit 30 at 21-6998_0767); Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0050).

¹⁹¹ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0050-51).

¹⁹² Email from Rep. Mooney to Former Staffer 1, Feb. 10, 2020 (Exhibit 30 at 21-6998_0767).

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0188-89).

¹⁹⁶ *Id.* at 21-6998_0189.

¹⁹⁷ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0024-25); Exhibit 31 at 21-6998_0769.

¹⁹⁸ Email from Rep. Mooney to Former Staffer 1 (Exhibit 31 at 21-6998_0769).

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transfer the title of his Prius.¹⁹⁹ According to Former Staffer 1, the issue was elevated all the way to the Commissioner of the West Virginia DMV.²⁰⁰

135. One employee, Rainer Kissel, a former mechanic, held both campaign and official positions and performed the lion's share of work with respect to the Mooneys' cars.²⁰¹ One current employee described Mr. Kissel as a "do-all kind of guy."²⁰² In particular, Mr. Kissel was asked to drive Rep. Mooney and his family around the district for both personal and official events and maintain their personal vehicles, by either performing auto repair work himself or taking their cars to a repair shop.²⁰³
136. As Former Staffer 3 put it, "Rainer was very savvy with cars. So he was, like, helpful with whatever issues the family's cars were having. I know the boss would get his oil changed in downtown Charles Town. But with, like, anything else I believe Rainer was the main point of contact."²⁰⁴
137. Other members of Rep. Mooney's staff described Mr. Kissel as eager to please Rep. Mooney, but noted that he sometimes expressed concern over the number of personal tasks he performed for the Mooneys.²⁰⁵ Additionally, Former Staff 1, who oversaw Mr. Kissel's work, stated that Mr. Kissel was not well suited for office work, and was frequently unable to handle administrative tasks or projects involving a computer.²⁰⁶ As a result, multiple staff including Former Staffer 1 and Rep. Mooney's chief of staff recommended that Mr. Kissel's position be terminated.²⁰⁷ However, Rep. Mooney disagreed, and instead Mr. Kissel was transitioned to a part-time official position, continued with his campaign role, and asked to work from home.²⁰⁸ Former Staffer 1 believed that Mr. Kissel was only maintained as an employee at that time because "he would do driving assignment for [Rep. Mooney] a lot. He would drive [Rep. Mooney] back and forth to D.C. on top of a—well, a lot of other things—worked on cars, get [them] . . . inspected. He would—so he would spend a lot of time just doing things like that for [the Mooneys]."²⁰⁹

¹⁹⁹ *Id.*

²⁰⁰ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0025).

²⁰¹ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0063-65).

²⁰² Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0503).

²⁰³ *Id.* at 21-6998_0503, 529-30.

²⁰⁴ Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0281).

²⁰⁵ Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0503, 537); Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0281).

²⁰⁶ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0063-64).

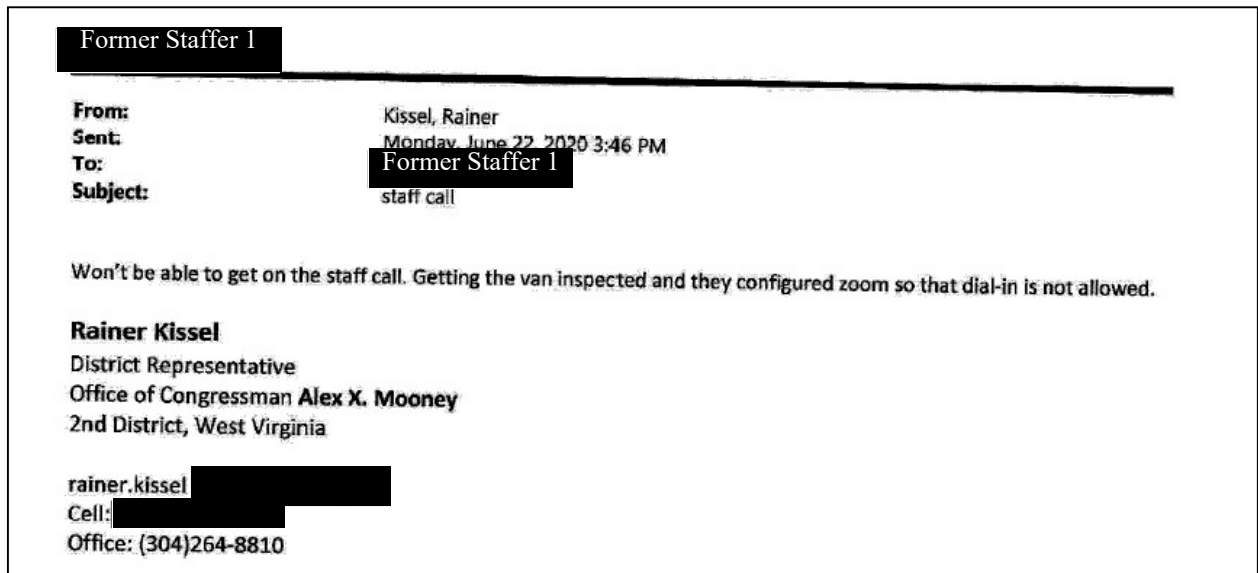
²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

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138. A screenshot text message exchange produced by Former Staffer 1 exemplifies the type of work Mr. Kissel completed for Rep. Mooney. As part of his duties, Former Staffer 1 would check in with various district employees to manage their workflow.²¹⁰ On one occasion, when he asked Mr. Kissel what he was working on, Mr. Kissel responded with a picture of an exposed engine block and wrote, “[t]his week’s project.”²¹¹ Former Staffer 1 believed the picture was of the Mooney’s van which had recently been in an accident.²¹²
139. Former Staffer 1 also told the OCE that he believed the vast majority of Mr. Kissel’s personal work for the Mooneys was uncompensated. He stated, “I don’t think he was paid through the campaign for any of that. Now, I think there was a time—I think he—I’m pretty sure Rainer told me that the Congressman paid him for a few things. But like—not very often or it was barely enough to pay for the parts and stuff like that.”²¹³
140. On another occasion, an email from Mr. Kissel to Former Staffer 1 shows that Mr. Kissel also took the Mooney family van to be inspected, and this prevented him from joining a staff call.²¹⁴



141. In sum, the OCE found that Rep. Mooney routinely and intentionally diverted substantial official staff time to personal tasks that had no connection to official duties.

²¹⁰ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0066).

²¹¹ Text from Rainer Kissel to Former Staffer 1, May 29, 2020 (Exhibit 32 at 21-6998_0771).

²¹² Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0067).

²¹³ *Id.* at 21-6998_0068.

²¹⁴ Email from Rainer Kissel to Former Staffer 1, June 22, 2020 (Exhibit 33 at 21-6998_0773).

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v. Use of Official Staff Time and Resources for Campaign Activities

142. The OCE found that official staffers were also asked to participate in tasks in support of Rep. Mooney's campaign committees, and even planned campaign fundraisers, during official hours using official resources.

a. *2021 Birthday Fundraiser*

143. On Saturday, June 5, 2021, Rep. Mooney threw a 50th birthday party for himself at the Clarion Hotel in Harpers Ferry, West Virginia.²¹⁵ The party doubled as a campaign fundraiser and guests were asked to pledge from \$50 up to \$2,500 to attend.²¹⁶

144. Former Staffer 2, who was employed by Rep. Mooney's official congressional office and held no campaign position,²¹⁷ stated that she was "voluntold" to help plan the event.²¹⁸ Former Staffer 2 helped make the invitation, called venues, communicated with hotel staff to select a drink and food menu, filled out credit card authorization forms, and assisted in renting the event space and a projector so that childhood pictures of Rep. Mooney could be shown at the event.²¹⁹ Former Staffer 2 also worked with Rep. Mooney's fundraising and event consultant on birthday party planning tasks.²²⁰ She also was asked to help assemble the list of donors to call and invite to the event.²²¹ While she was asked to call donors, she told the OCE that she never got the chance to do that and expressed relief "because [she] didn't feel comfortable doing that after all these OCE things."²²² Former Staffer 2 estimated that she spent up to ten hours coordinating the birthday celebrations during the months leading up to the event.²²³ She confirmed that some of that work occurred during official work hours.²²⁴

b. *Fundraising Calls*

145. During witness interviews, Former Staffer 1 told the OCE about another incident involving a legislative assistant named Curtis Bliamptis,²²⁵ whose work focused on financial services issues.²²⁶ He recalled that Katie Cannon, Rep. Mooney's fundraising consultant, sent scheduling information for "check-ins" with various lobbyists.²²⁷ Rep. Mooney requested that Mr. Bliamptis sit in on those calls, which he did for some time, sometimes during his lunch hour.²²⁸ However, when the OCE began a previous investigation into Rep. Mooney's

²¹⁵ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0212-14).

²¹⁶ *Id.* at 21-6998_0214.

²¹⁷ *Id.* at 21-6998_0119.

²¹⁸ *Id.* at 21-6998_0216.

²¹⁹ *Id.* at 21-6998_0212-14.

²²⁰ *Id.*

²²¹ *Id.* at 21-6998_0213-14.

²²² *Id.* at 21-6998_0214.

²²³ *Id.* at 21-6998_0218.

²²⁴ *Id.*

²²⁵ Curtis Bliamptis was not among the witnesses the OCE contacted for interviews or information. The evidence suggests Mr. Bliamptis was subject to the same pressures as the other current and former staffers that participated in the OCE's review.

²²⁶ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0078).

²²⁷ *Id.*

²²⁸ *Id.* at 21-6998_0079.

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conduct, and staff began paying more attention to the nature of certain requests that Rep. Mooney made, Mr. Bliamptis raised concerns that the phone calls were largely about fundraising and stated that he did not think he should be on those calls.²²⁹

c. Campaign Event Planning

146. Former Staffer 1 recounted at least two other instances of campaign use of official staff time. In one example he explained that Rep. Mooney was working with the National Pro-Life Alliance to distribute primary election contribution checks from the organization to various members.²³⁰ While the contributions were given at an event that occurred in the evening after working hours, Former Staffer 1 and at least two other official staffers, including Former Staffer 2, were required to devote official time to planning the event: “we had to do it during work hours, invite people, and put time and effort to get the other members to come.”²³¹
147. In another example, Former Staffer 1 produced an email from August 13, 2020 detailing campaign events and phone banking plans for the week ahead.²³² While the events detailed in the email occurred in the evening, the planning email was sent at 1:55 PM on Thursday, August 13.²³³ When asked, Former Staffer 1 admitted that he would have done planning work and sent this email on official time.²³⁴

vi. Misuse of Official Resources for Campaign Travel

148. In addition to the uses of official staff resources and time described above, the OCE found at least one instance in which Rep. Mooney used official funds for a mixed personal and campaign trip. Additionally, witness testimony and documents uncovered repeated efforts by Rep. Mooney to circumvent House rules and procedures with regards to permissible uses for appropriated funds.

a. Rep. Mooney’s Efforts to Evade House Spending Regulations for Political Events

149. Current Staffer 3 is an office and financial administrator who advises eight Members of Congress on their spending practices.²³⁵ He has worked in the House for approximately 26 years for both Members and Committees and is charged with knowing the rules and regulations of the Committee on House Administration and House Finance. In his current role, he interacts with Members and staff to ensure compliance with those rules and frequently communicates updates and reminders about spending issues to his offices where needed.²³⁶

²²⁹ *Id.*

²³⁰ *Id.* at 21-6998_0071-71.

²³¹ *Id.* at 21-6998_0072.

²³² Email from Former Staffer 1 to Rep. Mooney Staffers (Exhibit 34 at 21-6998_0775).

²³³ *Id.*

²³⁴ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0075).

²³⁵ Transcript of Interview of Current Staffer 3 (“Transcript of Current Staffer 3”), Oct. 28, 2021 (Exhibit 8 at 21-6998_0589-90).

²³⁶ *Id.*

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150. In comparison to the other Member offices he manages, and specifically with respect to MRA spending, Current Staffer 3 told the OCE that Rep. Mooney “wants the most” in terms of what is paid for with the MRA versus campaign or personal funds and is “egregious in that he pushed the boundary all the time.”²³⁷ When asked about certain specific instances where Rep. Mooney appeared to forget or ignore the line between official and political activity, Current Staffer 3 stated, “[w]ell, it’s definitely something that he’s repeatedly forgetting. Whether he’s choosing to forget or not, I don’t know. I don’t have this problem in my other offices.”²³⁸
151. Further, the OCE found that, on at least one occasion, Rep. Mooney purposefully attempted to circumvent Current Staffer 3 and safeguards against MRA abuse.
152. In a February 5, 2021 email to Current Staffer 3, Former Staffer 2 wrote, “[p]er the Congressman, I booked this flight on the official card for the [House Freedom Caucus] retreat in Florida. I have attached a plane ticket receipt.”²³⁹ Current Staffer 3 responded explaining that caucus retreats are not payable from the MRA.²⁴⁰ He then directed Former Staffer 2 and Rep. Mooney to either cover the cost of the plane ticket with campaign funds or a personal check.²⁴¹ Current Staffer 3 then told Former Staffer 2 that she could always feel free to call him in advance of similar purchases.²⁴²
153. Former Staffer 2’s response was as follows:²⁴³

From: [REDACTED] Former Staffer 2
Sent: Friday, February 5, 2021 8:34 AM
To: [REDACTED] Current Staffer 3
Subject: RE: Receipt

You’re wonderful and thank you 😊. The Congressman told me to use official funds and to not check with you prior so that’s my reason for not asking you this time

154. Current Staffer 3 responded shortly after “I’ll discuss when I come by today. This bothers me.”²⁴⁴ The plane ticket was eventually paid with other funds, but Current Staffer 3 explained that this was not the first time Rep. Mooney had attempted to sidestep him and the rules for permissible use of the MRA.²⁴⁵

²³⁷ *Id.* at 21-6998_0639.

²³⁸ *Id.* at 21-6998_0634-35.

²³⁹ Email from Former Staffer 2 to Current Staffer 3, Feb. 5, 2021 (Exhibit 39 at 21-6998_0799).

²⁴⁰ *Id.*

²⁴¹ *Id.*

²⁴² *Id.* at 21-6998_0798.

²⁴³ *Id.*

²⁴⁴ *Id.* at 21-6998_0797.

²⁴⁵ Current Staffer 3 Transcript (Exhibit 8 at 21-6998_0606-07).

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b. Rep. Mooney's August 2021 Trip to Blennerhassett Island and West Virginia's 1st Congressional District

155. The OCE also found that in at least one recent case, Rep. Mooney successfully used MRA funds for mixed personal and political travel.
156. On Monday, August 2 to Thursday, August 5, 2021, Rep. Mooney, along with his wife and one of his daughters, took a trip that involved stops throughout West Virginia. The trip included a personal family tour of Blennerhassett Island Historical State Park, a meeting in Parkesburg, West Virginia with a political donor, and interviews with Parkersburg news outlets, among other stops.²⁴⁶ Blennerhassett Island and Parkersburg, West Virginia are in the 1st Congressional District, represented by Rep. David McKinley.
157. It was widely known at this time that West Virginia would lose a House seat in the next Congress due to a population decline identified in the 2020 Census.²⁴⁷ It was also a near certainty that because Rep. Mooney's 2nd district was between the 1st and 3rd Districts, he would face one of his Republican colleagues in a primary election in 2022. In interviews, one of Rep. Mooney's staffers recognized this reality and opined that Rep. Mooney's motivation for making these forays into another Member's districts was likely associated with redistricting.²⁴⁸
158. While some of the stops on the trip had an obvious official purpose tied to Rep. Mooney's district, the entire portion of the trip that occurred on Thursday, August 5, 2021 appears to be personal and political. On Thursday morning, Rep. Mooney took his wife and daughter to Blennerhassett Island, a popular historic and tourist destination in the 1st Congressional District.²⁴⁹ In the afternoon, he met with Matthew Herridge, head of the Burger King National Franchisee Association and Parkersburg businessman.²⁵⁰ After that meeting, Burger King Franchisee PAC made its first campaign contribution to Rep. Mooney's principal campaign committee.²⁵¹
159. Additionally, Rep. Mooney conducted two profile-raising interviews with news outlets that primarily serve Rep. McKinley's district.²⁵² Current Staffer 1 also told the OCE that Rep. Mooney conducted a local TV news interview outside of a Burger King in Parkersburg.²⁵³ He

²⁴⁶ Transcript of Interview of Current Staffer 1 ("Current Staffer 1 Transcript"), October 27, 2021 (Exhibit 6 at 21-6998_0453-44); Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0487-88, 494).

²⁴⁷ See, e.g., *West Virginia Loses US House Seat Amid Population Decline*, US New and World Report, April 26, 2021, <https://www.usnews.com/news/best-states/west-virginia/articles/2021-04-26/west-virginia-loses-us-house-seat-amid-population-decline> (last visited Dec. 12, 2021).

²⁴⁸ Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0495).

²⁴⁹ Email from Current Staffer 3 to Michael Hough, July 30, 2021 (Exhibit 35 at 21-6998_0777-78); Evan Bevins, *Mooney: Lack of Bipartisanship in U.S. House*, The Parkersburg News and Sentinel (Aug. 6, 2021), <https://www.newsandsentinel.com/news/local-news/2021/08/mooney-lack-of-bipartisanship-in-u-s-house/> (last visited Dec. 11, 2021).

²⁵⁰ Bevins, *supra* note 249.

²⁵¹ Burger King Franchisee PAC, FEC 2021 October Quarterly Report of Receipts and Disbursements, filed Nov. 16, 2021 at 10.

²⁵² Current Staffer 2 noted that the Parkersburg News and Sentinel may also have some circulation in Rep. Mooney's district. Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0494-95).

²⁵³ Current Staffer 1 (Exhibit 6 at 21-6998_0453).

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later conducted an interview with a Parkersburg newspaper, the Parkersburg News and Sentinel, where he discussed national political issues and his upcoming primary race against his Republican colleagues.²⁵⁴

160. Some of these stops appear to have been paid for with personal funds at Current Staffer 3's direction. For example, regarding the Blennerhassett Island stop with his wife and daughter, a July 30, 2021 email from a junior congressional staffer shows Rep. Mooney originally inquired about paying for this activity, including tickets to the various historical attractions and boxed lunches for him and his family, with official funds.²⁵⁵ Because the trip was recreational, outside his district, and involved his family, Current Staffer 3 advised that these were personal expenses.²⁵⁶
161. Since Rep. Mooney refused to produce documents related to this statewide tour, and because it occurred close in time to the instant review, Current Staffer 3 was not in possession of financial records related to the trip when he provided documents to the OCE. However, during his interview Current Staffer 3 explained that the remainder of the trip was paid for with MRA funds, including lodging and a pizza meal at one of the hotels.²⁵⁷
162. Current Staffer 3 approved the MRA expenditures because he was told the purpose of the trip was official congressional business. However, at least the stops on Thursday appear to have been primarily personal—the Blennerhassett Island tour—or political—meetings with campaign donors and interviews with news outlets primarily serving a city in a neighboring district where Rep. Mooney would have to campaign in his next election.²⁵⁸ When that context was explained to Current Staffer 3, he stated his advice would likely have been different, and he would have directed Rep. Mooney and his staff to pay for the Wednesday evening lodging and Thursday portions of the trip with personal or campaign funds because that leg of the trip was not officially connected.²⁵⁹
163. At least one full day of this trip took place outside of Rep. Mooney's congressional district with no clear connection to his District representational duties. Because Rep. Mooney refused to participate in the OCE's review, it remains unclear what official purpose he may have furthered while touring historical sites and meeting with political donors and newspapers outside his district.
164. Based on the foregoing, the Board finds that there is substantial reason to believe that Rep. Mooney authorized impermissible MRA expenditures and used official resources for campaign work and personal errands.

²⁵⁴ Bevins, *supra* note 249.

²⁵⁵ Email from Current Staffer 3 to Michael Hough, July 30, 2021 (Exhibit 35 at 21-6998_0777-78).

²⁵⁶ *Id.*

²⁵⁷ Current Staffer 3 Transcript (Exhibit 8 at 21-6998_0618-19).

²⁵⁸ *Id.*

²⁵⁹ *Id.* at 21-6998_0628-29.

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IV. PERSONAL USE OF CAMPAIGN FUNDS

A. Applicable Law, Rules, and Standards of Conduct

165. Federal Statutes

Pursuant to 52 U.S.C. § 30114(b)(1), a “contribution or donation [to a Member of Congress] shall not be converted by any person to personal use.”

52 U.S.C. § 30104 states that “[e]ach treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection.”

166. Federal Elections Commission Regulations

Pursuant to 11 C.F.R. § 113.1(g), which defines personal use of campaign funds: “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.”

Pursuant to 11 C.F.R. § 113.1(g)(1), “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.

...

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

Pursuant to 11 C.F.R. § 113.1(g)(5), “(5) Political or officially connected expenses. The use of campaign funds for an expense that would be a political expense under the rules of the United States House of Representatives or an officially connected expense under the rules of the United States Senate is not personal use to the extent that the expense is an expenditure under subpart D of part 100 or an ordinary and necessary expense incurred in connection with the duties of a holder of Federal office. Any use of funds that would be personal use under paragraph (g)(1) of this section will not be considered an expenditure under subpart D of part 100 or an ordinary and necessary expense incurred in connection with the duties of a holder of Federal office.”

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167. House Rules

House Rule 23, clause 6 states: “A Member, Delegate, or Resident Commissioner— (a) shall keep the campaign funds of such individual separate from the personal funds of such individual; (b) may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures; and (c) except as provided in clause 1(b) of rule XXIV, may not expend funds from a campaign account of such individual that are not attributable to bona fide campaign or political purposes.”

168. House Ethics Manual

*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.”²⁶⁰*

B. Rep. Mooney May Have Converted Campaign Funds to Personal Use

169. In the OCE’s first investigation of Rep. Mooney earlier this year, Rev. No. 21-6617, the OCE primarily reviewed campaign spending related to in-district travel and food expenditures. During this review, the OCE uncovered some additional concerns of a similar nature that were not addressed in OCE Rev. No. 21-6617.

i. Entertainment During 2018 Trip to Charleston

170. As detailed in an earlier OCE report and referral, Rep. Mooney frequently mixed both personal and official travel, particularly with respect to “district tours” or “site visits” occurring in his district or in West Virginia.²⁶¹ During this review, the OCE received information related to an August 11 to 16, 2018 visit to Charleston, West Virginia, paid for with campaign and official funds, that likely involved purely personal and entertainment-related stops. The first item on Rep. Mooney’s agenda for this district tour, and the only event listed for Saturday, August 11 was a 7:30 PM showing of a theatrical version of the Little Mermaid at the Clay Center.²⁶²

²⁶⁰ House Ethics Manual (2008) at 173 (emphasis in original). With respect to verification, the Manual also explains: “With the huge number of outlays that Members’ campaigns typically make, often on a nearly continuous basis, the propriety of particular outlays may not be subject to review for months or years after the fact, when recollections as to the circumstances or specific purposes of an outlay may well have faded. Absent a requirement for verification, the prohibition against converting campaign funds to personal use would be nullified in substantial part. Furthermore, the verification requirement should serve to cause Members and their campaign staffs to exercise caution in spending campaign funds, and to ensure that no outlay is for an impermissible personal purpose. 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 (or, with regard to Members who are candidates for a state or local office, the requirements imposed by applicable state or local law).” *Id.* at 164-65.

²⁶¹ OCE Referral of Allegations Relating to Rep. Mooney, Rev. No. 21-6617, July 16, 2021.

²⁶² Itinerary for August 11-16, 2018 Travel to Charleston (Exhibit 36 at 21-6998_0780).

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171. Former Staffer 1 was involved in planning this district tour and identified the Little Mermaid performance as a purely personal endeavor, involving only Rep. Mooney and his family.²⁶³ Emails reviewed by the OCE establish that Rep. Mooney’s official scheduler helped plan the event and purchased tickets with campaign funds in mid-July for the family to attend the show.²⁶⁴ FEC expenditure reports confirm that the campaign purchased tickets for \$142.50 on July 17, 2018.²⁶⁵ To the extent this was a personal family outing, it implicates the personal use prohibition against using campaign funds for admission to a theater performance.

ii. Personal Grocery Store Purchases

172. The OCE identified two problematic campaign expenditures for grocery items that appear to be for personal consumption. In one case, not only were funds converted to personal use, but a staffer was required to bear the cost of the personal use because Rep. Mooney did not recognize that the expenditure was not permissible.

173. Current Staffer 2 recounted an incident that occurred at the Wardensville Garden Market in Wardensville, WV.²⁶⁶ During one visit, Current Staffer 2 purchased several food items from the market, some of which were groceries for Rep. Mooney personally.²⁶⁷ Current Staffer 2 stated that several of the items for Rep. Mooney “clearly were for—I thought for family use.”²⁶⁸ When Rep. Mooney directed Current Staffer 2 to put the items on a campaign reimbursement expense report, Current Staffer 2 was uncomfortable doing so and instead paid for the items himself.²⁶⁹ Former Staffer 1 corroborated the story during his interview with the OCE.²⁷⁰ While Rep. Mooney intended to have the campaign pay for the groceries without regard for the FEC limitation on the use of campaign funds for household food items, the groceries became a gift to Rep. Mooney from Current Staffer 2.

174. The OCE also reviewed a receipt for purchases made using a gift card to the Martin’s grocery store chain purchased with campaign committee funds.²⁷¹ In the OCE’s prior review involving Rep. Mooney, the OCE noted that Rep. Mooney had purchased \$17,250 in gift cards at Martin’s.²⁷² During that review, Rep. Mooney explained that the gift cards were for food and beverage purchases for campaign events of campaign volunteers.²⁷³ The OCE’s

²⁶³ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0089).

²⁶⁴ Email from Former Staffer 1 to Kate Morgan, Aug. 9, 2018 (Exhibit 37 at 21-6998_0789).

²⁶⁵ Alex Mooney for Congress, FEC 2021 October Quarterly Report of Receipts and Disbursements, filed April 4, 2021 at 203. The OCE was unable to identify lodging expenses for the Mooney family’s hotel the evening of Saturday, August 11, but to the extent campaign or official funds were used, those too likely would constitute personal use as no official or campaign events took place on that day.

²⁶⁶ Current Staffer 2 Transcript (Exhibit 7 at 21-6998_0570-72).

²⁶⁷ *Id.*

²⁶⁸ *Id.* at 21-6998_0572.

²⁶⁹ *Id.*

²⁷⁰ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0080).

²⁷¹ Receipts for Purchases at Martin’s (Exhibit 38 at 21-6998_0792-95).

²⁷² OCE Report and Referral, Rev. No. 21-6617, July 16, 2021 at 25.

²⁷³ *Id.*

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended findings raised concerns about the effect of purchasing gift cards to conceal the ultimate recipient of the campaign funds.²⁷⁴

175. In this review, the OCE examined an August 29, 2020 receipt from Martin’s grocery store, totaling \$312.07.²⁷⁵ The receipt identifies purchases for items such as Land O’ Lakes butter, an 18-count pack of eggs, buttermilk, bags of Mexican-blend shredded cheese, Goya white cooking wine, Goya coconut milk, chicken and vegetable broth, one jar of Heinz turkey gravy, single packages of produce such as grape tomatoes, broccoli, celery, and one bag of yellow potatoes.²⁷⁶
176. Handwriting at the top of the receipt states, “[Rep. Mooney] gift card receipt file,” and former Staffer 3 identified this as Rep. Mooney’s writing.²⁷⁷ Both Former Staffer 1 and 3 stated that these were not typical campaign grocery purchases, and they believed the purchases to be for personal consumption.²⁷⁸
177. Based on the foregoing, there is substantial reason to believe that Rep. Mooney converted campaign funds from his campaign committees to personal use or Rep. Mooney’s campaign committees expended funds that were not attributable to bona fide campaign or political purposes.

V. ALLEGATIONS CONCERNING TAMPERING WITH OR WITHHOLDING EVIDENCE FROM THE OCE IN REVIEW NO. 21-6617

A. Applicable Law, Rules, and Standards of Conduct

178. Federal Law

18 U.S.C. § 1001, provides that whoever, “in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years”

18 U.S.C. § 1505 states, [w]hoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or

²⁷⁴ *Id.*

²⁷⁵ Receipts for Purchases at Martin’s (Exhibit 38 at 21-6998_0792-95).

²⁷⁶ *Id.*

²⁷⁷ Former Staffer 3 Transcript (Exhibit 3 at 21-6998_0297).

²⁷⁸ *Id.* at 21-6998_0298; Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0102-104).

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any committee of either House or any joint committee of the Congress . . . [s]hall be fined under this title, imprisoned not more than 5 years”

179. House Rules

House Rule 23, clause 1 states that “[a] Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”

House Rule 23, clause 2 states that “[a] Member, Delegate, Resident Commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.”

180. Committee Precedent

In the Matter of Allegations Relating to Representative Laura Richardson, the Committee found that Rep. Richardson “violated . . . House Rule XXIII clauses 1 [and] 2, and clause 2 of the Code of Ethics for Government Service . . . by obstructing the investigation of the Committee and the Investigative Subcommittee through the alteration or destruction of evidence, the deliberate failure to produce documents responsive to requests for information and a subpoena, and attempting to influence the testimony of witnesses.”²⁷⁹

B. Claims Related to Document Tampering

181. During this review, the OCE heard problematic testimony from two witnesses involved in document collection and production in the OCE’s first review earlier this year. Those witnesses expressed concern that Rep. Mooney’s responses to certain OCE requests in the first review were not complete, and that some documents may have been withheld or altered to conceal personal use and other violations of House rules and federal law.²⁸⁰ Additionally, other evidence in this matter indicates that Rep. Mooney may have given false testimony to the OCE during its first review.

182. One specific instance of potential document tampering was raised in two interviews. Former Staffers 1 and 2 recounted versions of the same story involving edits to Rep. Mooney’s Google calendar that contained both his personal and work schedule.²⁸¹ While this calendar was not produced to the OCE in the first review, Rep. Mooney’s staff relied on the calendar to assist them in the process of matching invoices and receipts to particular events, which then allowed them to create descriptions of the purpose of those expenditures.²⁸² The OCE

²⁷⁹ *In the Matter of Allegations Relating to Representative Laura Richardson*, 112th Cong., 2^d Sess. (Aug. 1, 2012) at 2-3.

²⁸⁰ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0010-14); Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0123-25).

²⁸¹ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0010-14); Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0123-25).

²⁸² Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0010).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended then used those purpose descriptions to determine whether certain campaign expenditures were permissible or constituted personal use of campaign funds.

183. The primary instance of calendar editing that each witness recalled related to a holiday event that appeared on Rep. Mooney's calendar. Both witnesses noticed the calendar change as documents were being gathered to produce to the OCE and as Rep. Mooney's schedule and expenditures were being scrutinized.²⁸³ Former Staffer 2 could not recall exactly when she noticed the edit had been made, but agreed it would have been after the OCE's first investigation began on March 9, 2021.²⁸⁴ Additionally, she recalled the edit was made while she and Former Staffer 1 were working one night compiling documents.²⁸⁵ Because Rep. Mooney made the relevant document production on April 2, 2021, the edit would have occurred before that date.
184. Former Staffer 1 recalled the calendar entry "was a family gathering for an event and . . . he changed it to say something with supporters. So I think it was a family gathering, and he put 'supporters.'"²⁸⁶ Similarly, Former Staffer 2 told the OCE "[i]t was something involving Christmas, and then we noticed the title changed. And I think it changed to something like Christmas party with constituents."²⁸⁷
185. However, both witnesses expressed concern about the accuracy of their recollections of this event, noting repeatedly that events at the time were running together, and they could be misremembering things.²⁸⁸
186. Former Staffer 2 received alerts when entries on the Google calendar were changed.²⁸⁹ In an effort to corroborate Former Staffer 1 and 2's imprecise recollections of the calendar edit, the OCE asked Former Staffer 2 to produce all alerts she received of edits to Rep. Mooney's calendar. Former Staffer 2 produced 138 notifications of calendar edits, all of which occurred on or after April 1, 2021, except for four alerts that were from much earlier in 2019 and 2020, outside the relevant time period. Former Staffer 2 was unable to find the holiday-related edit, and, given the dates of 134 of 138 of the notifications, it appears likely she was not receiving calendar notifications before April 1, 2021.²⁹⁰
187. Without Rep. Mooney's cooperation, the OCE was unable to determine an alternative explanation for Former Staffers 1 and 2's concerns that the calendar may have been modified to make Rep. Mooney's personal event appear to be a campaign or official gathering.

²⁸³ *Id.* at 21-6998_0011; Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0125).

²⁸⁴ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0125).

²⁸⁵ *Id.*

²⁸⁶ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0011).

²⁸⁷ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0124).

²⁸⁸ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0011-14), Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0125).

²⁸⁹ Former Staffer 2 Transcript (Exhibit 2 at 21-6998_0129).

²⁹⁰ *Id.*

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C. Testimony and Evidence Related to Martin's Grocery Purchases

188. Additionally, in its first review, the OCE examined whether a series of purchases made with Martin's grocery store gift cards were bona fide campaign expenditures.²⁹¹ Rep. Mooney's campaign reported at least \$17,250 in gift card expenditures to the FEC but provided no details about the ultimate recipient of those funds and maintained almost no underlying documentation for those expenditures.²⁹² Rep. Mooney testified that the gift cards were used only for campaign-related purchases.²⁹³ Evidence reviewed in the instant case indicates that this testimony was false.
189. As explained in Part V.B.ii., in this review the OCE identified a receipt for a \$312.07 purchase made on a gift card by Rep. Mooney at Martin's grocery store.²⁹⁴ The receipt included items that strongly suggest the purchases were for personal consumption, including ingredients like butter, broth, produce, and eggs.²⁹⁵
190. Additionally, Former Staffer 1 recalled another receipt, possibly related to the calendar edit addressed above, that included items that also appeared to be for personal consumption.²⁹⁶ According to Former Staffer 1, he found a Martin's grocery store receipt with worrying food purchases that were made just before Thanksgiving or Christmas with a campaign credit card.²⁹⁷ It was a large expenditure of approximately \$700 dollars for items that appeared to be for a holiday meal, including soups or cranberry sauce, and ingredients for larger dishes.²⁹⁸ The receipt was flagged as potentially problematic while collecting evidence to produce to the OCE during the prior review, but at some point after it was first discovered, the receipt disappeared and was never located again.²⁹⁹
191. In considering the totality of the evidence discussed above, in conjunction with Rep. Mooney's refusal to cooperate and answer questions about these concerns, it is likely that Rep. Mooney impeded the OCE's first investigation by providing false testimony and withholding evidence or making edits to his calendar.
192. Based on the foregoing, there is substantial reason to believe that Rep. Mooney withheld, concealed, or falsified information during the OCE's investigation.

²⁹¹ OCE Referral of Allegations Relating to Rep. Mooney, Rev. No. 21-6617, July 16, 2021 at 25.

²⁹² *Id.*

²⁹³ *Id.* (citing Transcript of Interview of Rep. Mooney, May 14, 2021 (Exhibit 1 at 21-6617_0084-86) ("Q: Okay. And how did you use those gift cards? A: Food. Buying food. Q: Food for -- for who? A: Campaign -- campaign events . . . You know, I would purchase it or somebody or one of the campaign folks, would purchase it for the campaign with the gift card.")

²⁹⁴ Receipts for Purchases at Martin's (Exhibit 38 at 21-6998_0792-95).

²⁹⁵ *Id.*

²⁹⁶ Former Staffer 1 Transcript (Exhibit 1 at 21-6998_0012).

²⁹⁷ *Id.*

²⁹⁸ *Id.* at 21-6998_0014.

²⁹⁹ *Id.* at 21-6998_0013.

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VI. CONCLUSION

193. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Mooney accepted impermissible gifts.
194. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Mooney used official resources for campaign work and personal errands.
195. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Mooney authorized impermissible MRA expenditures.
196. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Mooney converted campaign funds from his campaign committees to personal use, or Rep. Mooney's campaign committees expended funds that were not attributable to bona fide campaign or political purposes.
197. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Mooney withheld, concealed, or falsified information during the OCE's investigation.
198. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Mooney accepted a free or below-market-value trip to Aruba, as well as free lodging and event space from a company that provides services to his campaign committee.
199. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Mooney used official resources, including staff time, for campaign work and personal errands.
200. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Mooney authorized expenditures from his MRA that were not for permissible official expenses.
201. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Mooney's campaign committees reported campaign disbursements that were not legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes
202. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Mooney withheld, concealed, or otherwise falsified information during an OCE investigation.

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

203. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE review:
 - a. Rep. Mooney; and
 - b. HSP Direct.

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204. The Board recommends that the Committee on Ethics issue subpoenas to Rep. Mooney and HSP Direct.