

# **EXHIBIT 5**

# **Ethics Training for Members-Elect**

**Presented by the Staff of the  
Committee on Ethics  
U.S. House of Representatives**

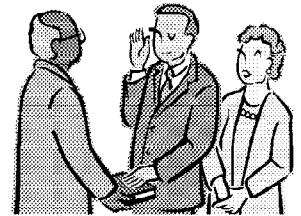
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# What is the Ethics Committee and What Does it Do?

- Constitutional Authority: Article I, Section 5 of the U.S. Constitution: “Each House may . . . Punish its Members for disorderly Behavior . . .”
- 10-Members of Congress on a bipartisan committee
- Non-partisan staff:
  - Advise and provide training and guidance on ethics laws, rules, and standards of conduct
    - Seeking advice insulates you from an investigation
    - We keep a record of all inquiries
  - Review Financial Disclosure filings (staff are available to perform prescreens)
  - Investigate possible violations by Members, officers, and employees
  - You can contact the Committee by phone, e-mail, mail, or by walking in person

## Important Benchmarks for New Members

- Members ARE subject to the federal bribery and illegal gratuity statutes BEFORE swearing in
- Members are subject to the House ethics rules and the STOCK ACT UPON swearing in
- Wind down outside business within 90 days
- Staff must attend ethics training within first 60 days
  - We encourage you to request an in-office training for you and your staff
- Annual Financial Disclosure Statement due May 15th



# OFFICIAL RESOURCES

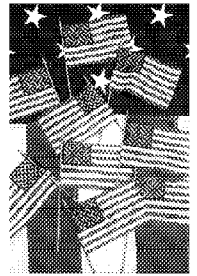


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## Official Resources

- Official resource is anything paid for with an appropriation (including your staff)
- No personal use of official resources (except *de minimus*)
- No use for campaign activity unless expressly permitted
  
- Official expenses or activities may only be paid from:
  - Appropriated funds (MRA);
  - Member's personal funds; or
  - Member's campaign funds (with certain limits)
- No private donations, funds, or in-kind goods or services are allowed in support of official House activities or expenses.

## Official Resources: Maintain A Bright Line



### Your Official Staff Cannot—

- Contribute to your campaign
- Do campaign work on official time or in official buildings
- Work for free (exceptions for interns, etc.)
- Use their personal funds for official purposes
- Give you gifts (including running personal errands)
- Be required or pressured to volunteer for anything, including your campaign
- Use official resources or position for their own personal benefit, or yours
- Take official actions that would create a conflict for you
- Represent others (unofficially) to the federal government

# Official Resources and Events

***An event can only ever be an official congressional event or an outside group's event***

- ***Cannot*** co-sponsor an official congressional event with any outside group, including a non-profit
- ***No*** private subsidy for official congressional events
  - ***But:*** assistance from domestic governmental entities, including public universities is permitted
- No use of official resources for an event sponsored by an outside group
  - ***But:*** your name may sometimes be used in connection with an outside group's event
- ***No*** solicitation of an outside group to hold an event for you



# GIFTS



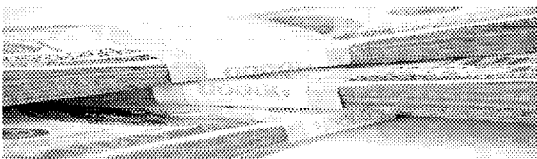
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# Bribes and Illegal Gratuities

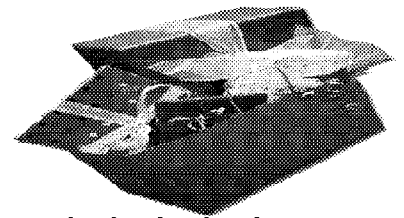
Benchmark: Applies prior to swearing in

You ***may not*** accept a gift that is offered in connection with an official action taken or asked to be taken

- May be deemed a bribe or improper gratuity under federal criminal law (18 U.S.C. § 201)
- Items of nominal value are allowed as thank you gifts (*e.g.*, flowers, baked goods, or decorative items)



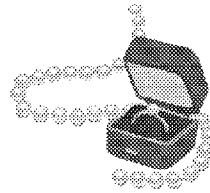
# Gifts



- A gift is almost anything of value, including a discount, tickets to a game, a cup of coffee, a gift card
- The gift rule is written in the negative—cannot accept a gift unless an exception permits acceptance
  - More than 20 exceptions—far fewer exceptions for gifts from federal registered lobbyists or foreign agents
- Before you accept a gift, ask yourself:
  1. Can I accept the gift?
  2. Do I need prior approval from the Ethics Committee?
  3. Do I need to disclose or report the gift (*e.g.*, the Ethics Committee, Clerk, or an FD Statement, etc.)?
- Prior Ethics approval may be required, such as for gifts of personal friendship of more than \$250

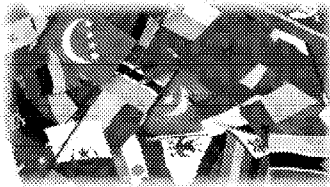
# Categories of Permissible Gifts

- Gifts from relatives
  - Includes fiancés and in-laws
- Gifts from personal friends
  - Must meet certain criteria
- Gifts from other Members and staff
  - Gifts from employees up the chain only on specials occasions
- Gifts related to outside activities
  - May not be offered or enhanced due to House employment
- Gifts from federal, state, or local government
  - Includes public universities



## Gifts from Foreign Governments

- Foreign Gifts and Decorations Act (FGDA) allows Members and staff to accept a gift of **\$390 or less** from a foreign government
- If the gift is worth more than \$390, you must turn the gift over to the Clerk within 60 days for disposal and file a disclosure form with the Ethics Committee
- With Committee permission, you may be able to retain the gift for official use



# Solicitations

- General prohibition ***against*** most solicitations (5 U.S.C. § 7353)



- Permissible charitable solicitations
  - Must be in your personal capacity
  - On your own time
  - Not using official resources
  - No solicitations of lobbyists or foreign agents
  - No implied official endorsement
  - No direct personal benefit to soliciting individual

# TRAVEL



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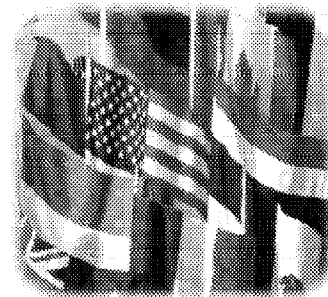
# Privately-Sponsored Travel

- Each traveler must obtain **prior, written approval** from the House Ethics Committee
- Request must be submitted 30 days prior to the trip
- Travel Rules and Forms available on the Committee's Web site
- Committee pre-approval not required for travel paid for using:
  - House funds (MRA or committee funds)
  - Federal, state, or local government funds (includes domestic public university funds)
  - Campaign funds
  - Foreign government funds (only as authorized by law)
  - Travel related to outside employment or activities



# Foreign Government Travel

- Special rules and disclosure requirements for travel funded by foreign governments
- Statutes permitting:
  - Mutual Educational and Cultural Exchange Act (MECEA)
  - Foreign Gifts and Decorations Act (FGDA)



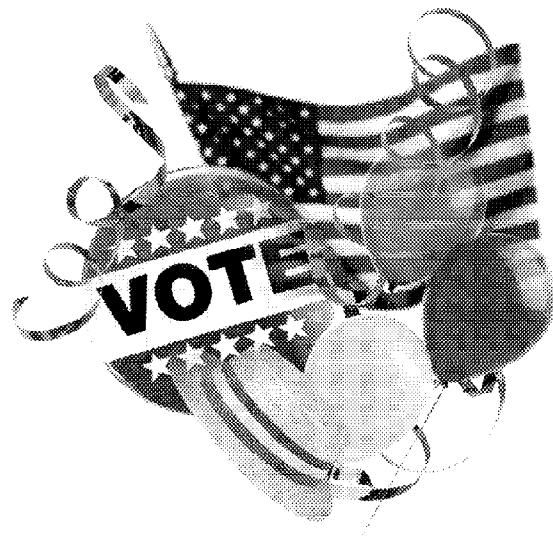
Contact Ethics before accepting any foreign government travel

# Private Planes

- Significant restrictions on the use of campaign or personal funds to pay for flights on privately-owned aircraft
- Call the Ethics Committee before flying
- Prior Ethics approval may be required to accept a gift of private plan travel
- Disclosure may be required



# CAMPAIGN ACTIVITY



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# Permissible Uses of Campaign Funds During Your Transition

- As a general rule, you may continue to use your campaign funds for *bona fide* expenses you incur in preparing to take office. (Always check with the FEC regarding proper use of campaign funds.)
- Such expenses may include those for
  - Transition staff
  - Transition supplies & equipment
  - Transition office space
  - Travel
  - Expenses incurred in moving to Washington, DC (both office and personal effects)



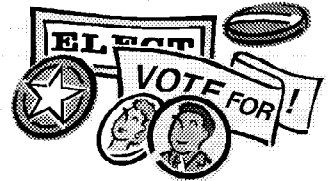
# Campaign Rules Overview

Maintain a bright line between House office and campaign activity

*Limited overlap exceptions:*

- 1. Staff that handle the Member's schedule may coordinate with campaign*
- 2. Press team may answer incidental campaign questions during official interview, but should not initiate discussion of campaign issues*

**Call if ever in doubt**

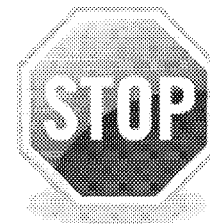


# Official Use of Campaign Funds

**General rule:** Campaign funds may be used for some official expenses—*however*





House Rules specifically **prohibit** Members from using campaign funds for the following official expenses:

- Mail or other communications
- Compensation for services
- Office space
- Furniture
- Equipment & IT services



# Improper Personal Use

Some clearly prohibited personal expenses:

- Normal living expenses (food, clothing, shelter) 
- Vacation expenses 
- Tickets to shows and sporting events (unless part of a bona fide campaign event) 
- Country club or health club dues 

Members may never borrow from their campaign account

# **OUTSIDE BUSINESS OR ACTIVITIES**



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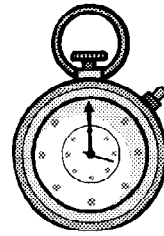


# Business Interests: Begin Wind-Down NOW

**Benchmark:** Within first 90 days

Start planning your transition now

- *May* need to
  - Change business name,
  - Change business structure, or
  - Sell or divest from a business
- Committee counsel available to discuss your particular situation and requirements



## Earned Income and Other Restrictions

- All Members are limited in the amount of outside income they may earn (2018: \$28,050)

Members may not—

- Permit a firm that provides fiduciary services to ***use your name***
- Receive —
  - compensation for serving as an ***officer or director*** of any entity
    - Includes both for-profit and non-profit organizations
  - payment for performing services involving a ***fiduciary relationship***
- Fiduciary Professions: ***Legal, real estate, consulting and advising (including lobbying), insurance, medicine, \* financial services, and similar positions where you hold a position of trust***

***\*Note: There are special rules for Members who are also medical doctors***

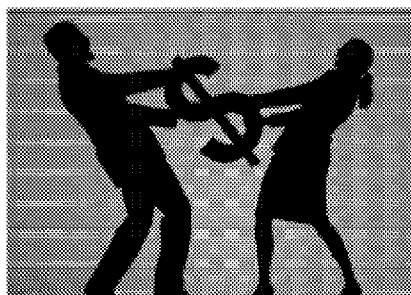
## **Other Outside Activities**

Honoraria: Members may not receive an honorarium (*i.e.*, payment for a speech, article, or appearance), but may have up to \$2,000 donated directly to a charity.

Teaching: Members may not teach for compensation unless they first get written permission from the Ethics Committee for each semester of teaching

Writing: Members must receive prior Committee approval for any book contract. Members may not receive an advance on copyright royalties.

# CONFLICTS OF INTEREST



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## General Principles

- Do not allow compensation to accrue to your personal benefit from improper use of House position.- House Rule 23, clause 3
- Do not accept benefits for you or your family under circumstances that appear to influence your governmental duties. - Code of Ethics for Government Service ¶5
- No "special favors" to anyone, based on personal, business, or political relationships. - Code of Ethics for Government Service ¶ 5
- Do not use official position or confidential information for personal gain. - Code of Ethics for Government Service ¶ 8
- Do not use official House resources for personal or campaign activities. - 31 U.S.C. § 1301

# Official Activity

## Voting in the House

- You **MUST** vote on each question put, **UNLESS** you have a direct personal or pecuniary interest in the matter. - *House Rule 3, clause 1.*



## Other House Actions

- You **MUST** use “added circumspection” on all other official actions (sponsoring a bill, advocating for or participating in House committee action, contacting an executive branch agency, etc...).
- Possible Solutions include *recusal or referral to another Member office, committee with jurisdiction, or Senate office.*  
BUT: **do NOT** advocate to that other office.
- REMINDER: **Your staff acts on your behalf and you may be held liable for their actions.**

## Earmarks & Financial Interest Certification

- You **MUST** certify that neither you nor your spouse has a personal financial interest in a requested earmark or limited tax or tariff benefit. The Committee of jurisdiction over the bill determines if earmark or tariff benefit.

# Personal Activity

## **Do Not Contract with Federal Government**

- EXCEPT: Certain farm programs excluded. - Code of Ethics for Government Service ¶ 7, 18 U.S.C. §§ 431 & 433; 41 U.S.C. § 6306(a) & (b).

## **No Lobbying or Representational Contacts**

- Do NOT represent an outside organization in a matter if the Federal government is a party or has an interest.
- Do NOT lobby or aid outside organizations in the lobbying of Congress or the Executive Branch.- 18 U.S.C. §§ 203 & 205; House Rule 25, clause 6.
- SPOUSE CANNOT lobby you or your staff if, spouse is a registered federal lobbyist. - House Rule 25, clause 7.

## **Do Not Use Material, Nonpublic Information**

- May constitute INSIDER TRADING.
- SEC definition of "public" not obvious or clear.

## **Do NOT Participate in an IPO**

**Benchmark:** Members are subject to the STOCK ACT UPON swearing in

## Post-Employment Restrictions

- Former Members may not communicate or appear before the House or Senate on behalf of third party seeking official action for a year
- Current Members and staff *may not* aid former Members and staff in violating the post-employment restrictions
- Members and senior staff must disclose negotiations with private entities
- Members and senior staff may be required to recuse from related official matters



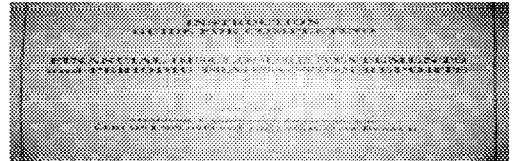
# FINANCIAL DISCLOSURE



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# Financial Disclosure Statements

- **Benchmark: Must file each May 15**
- Additional reporting requirements for Member FD versus candidate FD:
  - Transactions
  - Liabilities on personal residence
  - Gifts & travel received *after* sworn in to Congress
- You must have at least one employee in your personal office who files an FD. Must be either -
  - senior staff rate (\$126,148) for 60 days or more, or
  - A Principal Assistant: An employee you select to file a financial disclosure (if no employee paid at senior staff rate)
- Committee staff are able to prescreen your FD prior to filing
- You may use your MRA to compensate someone to prepare your FD

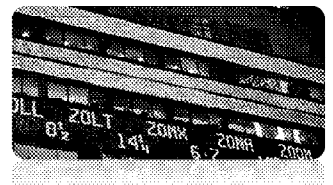


# Periodic Transaction Reports (PTRs)

**Benchmark: Applies to transactions executed on or after your swearing-in date**

- Requirement applies to Members and senior staff
- Reporting of securities transactions only (stocks, bonds, options, futures, other securities) and only transactions valued at more than \$1,000
- Transactions reported on the PTR must also be reported on the annual FD
- You must file a PTR *not more than 45 days* from the date of the transaction
- Graduated late fee structure for late PTRs—can result in thousands of dollars in late fees (!)

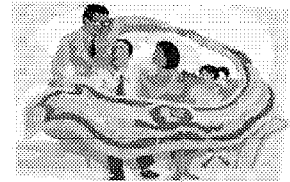
**NO EXTENSIONS ALLOWED!  
Do not file a report of "no activity"**



## **FD and PTR: Whose Assets Must be Reported?**

On both annual FD and PTR, report assets (and transactions in assets) owned wholly or in part by:

- You
- Your spouse, or
- Your dependent children
  - Under age 21, unmarried, & living with you (or in college) *or*
  - Claimed as dependent on your federal taxes



# **Call or Write Before Acting**

## **House Committee on Ethics**

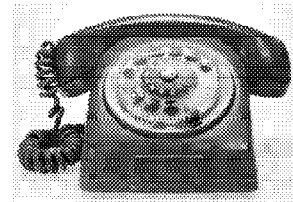
Office of Advice and Education

1015 Longworth House Office Building

Washington, DC 20515

(202) 225-7103 (office) (202) 225-7392 (fax)

[www.ethics.house.gov](http://www.ethics.house.gov)



- All communications are confidential
  - Law states that no one is placed at risk by seeking Committee advice about future conduct
  - Good faith reliance on written Committee opinions protects you from sanctions under House rules

# **EXHIBIT 6**

CONFIDENTIAL

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

# **Transcript of Interview of Witness 1**

Review No. 21-6367  
January 12, 2022

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INTERVIEW OF WITNESS 1  
Conducted Virtually  
Wednesday, January 12, 2022  
10:05 a.m.

Job No.: 423375  
Pages: 1 - 42  
Reported By: Carla L. Andrews, RPR



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Deposition of Witness 1, conducted virtually.

Pursuant to Notice, before Carla L. Andrews,  
Notary Public in and for the District of Columbia.

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A P P E A R A N C E S  
ON BEHALF OF THE OFFICE OF CONGRESSIONAL ETHICS  
(OCE) :

OMAR ASHMAWY, ESQUIRE

JEFFREY BROWN, ESQUIRE

OFFICE OF CONGRESSIONAL ETHICS (OCE) of

the U.S. HOUSE OF REPRESENTATIVES

425 3rd Street, S.W.

Suite 1110

Washington, D.C. 20024

202-225-9739

ALSO PRESENT:

STEPHANIE R. CORLEY, Technician

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C O N T E N T S

EXAMINATION OF WITNESS 1	PAGE
By Mr. Ashmawy, Mr. Brown	5

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P-R-O-C-E-E-D-I-N-G-S

BY MR. ASHMAWY:

Q. For the record, today is January 12, 2022. We are conducting an interview of Witness 1. Witness 1 is not represented by counsel today. This speaking is Omar Ashmawy of the Office of Congressional Ethics. I am also joined by Jeff Brown, also with the OCE.

The witness has been previously provided a copy of 18 U.S.C. 1001 and has signed the acknowledgment. Again, Witness 1, thank you very much for being here today and for your cooperation. I am happy to answer any questions you have during the interview obviously. So if you have any questions, you need me to restate a question or didn't understand something I may have said, please don't hesitate to ask for clarification.

And then the only thing I would highlight is for the sake of the court reporter, let's both do our best to not speak over each other so that she can properly record what we said.

1           A.     I am not sure how to mute that.  If you  
2     hear that beeping, that's just my email.  I am not  
3     sure how to turn that off without turning everything  
4     off.  So I apologize for any beeping you might hear.

5           Q.     Don't worry about it.  I apologize for  
6     any beeping that might come out of my computer as  
7     well.

8           A.     I'm pretty good at taxes, but technology,  
9     not so good.

10          Q.     It's par for the course these days.

11          A.     I appreciate that.

12          Q.     Why don't we just start talking about  
13     your accounting practice.  Can you just describe the  
14     work that you do?

15          A.     Yeah.  I have a practice in Jericho on  
16     Long Island.  I have been here for my own firm for  
17     about 30 years.  We handle mostly closely-held  
18     businesses in all different sectors.  And we really  
19     don't do any audits.  So we have gotten away from  
20     that over the years.  I am a CPA.  We have about  
21     three, four people working with me.  And at this  
22     time this year, naturally we get busy with taxes and

1 year-end compliance. But during the year, we  
2 service a lot of businesses on interim reporting,  
3 financing, things like that.

4 Q. Okay. And how long has Representative  
5 Suozzi been a client of yours?

6 A. Long time. Tom and I go back, I would  
7 say, over 30 years, if I can call him Tom. We had  
8 got to -- we are both originally from Glen Cove. My  
9 wife is from Glen Cove. We were introduced by my  
10 father-in-law probably back in the '90's -- '91,  
11 '92. He was running for mayor of Glen Cove at the  
12 time. I had just met my wife. I got married. And  
13 my father-in-law introduced me to him. At the time,  
14 you know, we got friendly. And I was working with  
15 him on his campaign. And then -- this thing is  
16 annoying. Hold on a second.

17 I was working with him on his campaign.  
18 And then in 1993, he asked me to run for city  
19 council with him on his slate. So he got elected.  
20 I was on the council with him for, I think, eight  
21 years. I was actually on the city council in Glen  
22 Glove for 14 years. It's a part-time position.

1 It's community service. You know, it is not like  
2 you hear city council like in New York City. You  
3 know, it is basically people complaining about dogs  
4 barking and things like that. But we developed a  
5 nice relationship. I was with him. He went on to  
6 county executive. We stayed friendly. I stayed in  
7 Glen Cove. I was still on the council. And we have  
8 been friends, you know, personally and  
9 professionally, you know, since the early '90's.

10 Q. Do you -- do you have any other clients  
11 that are members of Congress?

12 A. No, I don't.

13 Q. So, obviously, you assist Representative  
14 Suozzi with the filing of his financial disclosures.  
15 Do you have any other elected officials as clients  
16 that you do that kind of work for?

17 A. Not on the federal level. We do -- for  
18 New York locally like when I was on the city  
19 council, I had to file my own financial disclosure  
20 reports. You know, we do that type of work. But  
21 nothing along the lines of what the Federal  
22 Government has in the way of electronic filing and

1 the annual reporting and the detail. I don't think  
2 there's -- I don't know of anything in Long Island  
3 that's similar to that for elected officials.

4 Q. So are you -- so primarily -- I am making  
5 an assumption here. But are you primarily  
6 responsible for Representative Suozzi's financial  
7 reporting?

8 A. Yeah. Every year we did the annual  
9 reporting. It was due in May. And we usually got  
10 an extension until August. So we took care of the  
11 preparation, accumulating information, and filing  
12 his annual reporting.

13 Q. In addition to assisting with the  
14 financial reporting, what other kind of services do  
15 you provide Representative Suozzi?

16 A. Officially I'm a treasurer for his  
17 committee. So I take care of reviewing the  
18 financial disclosure or did it with New York State  
19 when he was a state and local candidate and then  
20 when he became federally, as more of an  
21 infrastructure of teams who work on accumulating  
22 information. But I am officially the treasurer. So



1 I serve in that capacity to look at the reports,  
2 handle any questions that come in from the FEC. You  
3 know, occasionally we get some requests for  
4 additional information in response to those and take  
5 care of that kind of compliance work. We don't do  
6 -- we are not part of the day-to-day activities.  
7 You know, we are kind of removed from that stuff.

8 Q. You also manage his financial  
9 investments.

10 A. No, I don't. For not only him, but all  
11 my clients. We stay removed from that. We don't do  
12 any financial -- we do financial advising if people  
13 ask questions. But we don't do any placements,  
14 things like that.

15 Q. So how familiar, then, are you with his  
16 -- you know, his investment accounts?

17 A. Just the papers that we get. You know,  
18 when we get the 1099's, you know, we are familiar  
19 with that. When we do the annual filing, you know,  
20 we get all the information and accumulate that and  
21 use a full prep team. But as far as day to day or  
22 all types of investments, we don't get involved --

1 not only Tom, but any of our clients. We don't do  
2 any advice like that.

3 Q. Are you familiar with who, then, does  
4 manage Representative Suozzi's investment accounts.

5 A. Yeah. I believe he has an investment  
6 advisor. That's the fellow we are working with on  
7 accumulating information. I don't remember the  
8 gentleman's name offhand. But he -- you know, there  
9 is an account manager at Merrill Lynch and the firms  
10 that take care of his investments there.

11 Q. All right. How does it work, then? So  
12 when the transaction is made, you know, by his  
13 broker, what role -- what role do you play, then?

14 A. Really none. We don't get involved with  
15 that at all.

16 Q. You don't direct transactions, nothing --  
17 nothing of that kind?

18 A. Not at all. And I said, just in my  
19 practice in general, we try to stay removed from  
20 that. It's -- basically, nothing good can come out  
21 of it. If a client makes money, great, you are a  
22 hero. If a client loses money, you lose a client.

1 So we stay clear of that.

2 Q. Do you have any knowledge, then, about  
3 whether or not Representative Suozzi directs his own  
4 transactions, his own trades at all?

5 A. No, I have no knowledge of it. I don't  
6 believe he does. But I can't say that  
7 affirmatively. I don't deal with him on that level.

8 Q. Okay. Then back to the reporting aspect  
9 of it. So when a trade is made, you know, how are  
10 you made aware of it so that you can -- you know, so  
11 that you can assist with the financial reporting?

12 A. Well, recently what we implemented was  
13 when we were doing the August report this year,  
14 Fran, who is a CPA, she works with me, was notified  
15 about the monthly filing. And so what we did was  
16 we -- you know, we apologized. We didn't realize  
17 it. So we implemented a system where twice a month  
18 we contact brokers. And we ask them for a  
19 transaction report so we are always within that  
20 30-day, you know, window to report the transaction.

21 So what they will do is they will give us  
22 a report of any buys or sales. And we will use that

1 to prepare the reports. And we will file them as  
2 soon as we get them. So we usually do it on the  
3 15th and the 30th and 31st. This way, once we get  
4 them, it gives us a few days to put it together. So  
5 we are always within 30 days of being notified for a  
6 transaction.

7 Q. I understand that. You kind of got ahead  
8 of me and anticipated one of my questions. But  
9 that's what you guys are doing now. Can you tell me  
10 what you guys were doing before?

11 A. We were doing the annual reporting. So  
12 when we had the annual financial disclosures, we  
13 would actually, you know, contact the House with  
14 questions and things like that. They were very  
15 helpful in guiding us. And we would take the  
16 year-end reports, which would show all the  
17 transactions, and enter that on his annual financial  
18 report. So he had the buyers, the sales, gains, all  
19 the activity that was reported on the annual report.

20 Q. Obviously, throughout this process and  
21 you working with our office, you have certainly  
22 become aware of the STOCK Act.

1           A.       Absolutely. I am shaking my head like I  
2 know. I know there was the filings that weren't  
3 done. But I can honestly say as soon as we realized  
4 -- when we were working this year when Fran was  
5 working on the report and we realized and they told  
6 us that those monthlies weren't filed or the 30-day  
7 reports, we immediately went back and started  
8 preparing them and putting them in. So they told us  
9 to go back and comply. And that's when we  
10 instituted the reporting that would make sure that  
11 it never happens again.

12           Q.       Prior to your interaction with our  
13 office, what was your knowledge of the STOCK Act?

14           A.       You know, I am embarrassed to say, very  
15 little. I really wasn't that familiar with it at  
16 all.

17           Q.       So let's, I guess, go back, then, to the  
18 way things were before -- you know, before we  
19 contacted you. What was Representative Suozzi's  
20 role in the financial disclosure process?  
21 Obviously, you assist in preparing it for him. But  
22 what role did he play or what did he do to -- you

1 know, to facilitate that?

2 A. He really just opened up the doors for  
3 us -- you know, the brokers. You know, whoever the  
4 representatives -- they get a call from Witness 1.  
5 They are not going to give me any information. So  
6 we would go back and ask Tom to call the brokers and  
7 let them know that it is okay to release information  
8 to us. And then they would send the information  
9 over to us.

10 Q. So you admit, you know, understandably,  
11 that there wasn't that much knowledge on your part  
12 of the STOCK Act. Was there ever a conversation  
13 between you and Representative Suozzi or anyone --  
14 you know, anyone affiliated or associated with him  
15 about the STOCK Act and any requirements he had, you  
16 know, under the -- under the Act?

17 A. Yeah. I don't recall any. And I am only  
18 saying that because I don't recall. But I doubt it  
19 because if we did have knowledge of it, we would  
20 have done it. You know, there was no reason for us  
21 not to do it. So I don't remember any conversations  
22 saying that, hey, you had to file these things and

1 us saying, no, we are not going to do it. Once we  
2 found out, we did it. So there would have been  
3 nothing to prevent us from doing it. There would be  
4 no reason for us not to do it.

5 Q. What was the first time that you learned  
6 of the STOCK Act, you know, and the requirements?

7 A. I believe it was Fran -- Fran, when she  
8 was working this year with the House on the report,  
9 they told her about it. And then we looked into it,  
10 and we saw what the requirements were. We looked  
11 them up, obviously agreed with their recommendation.  
12 So I guess it would have been this year's filing,  
13 which would have been back in '21 -- 2021.

14 Q. Let me -- if I can -- and I don't know if  
15 this is going to jog your memory at all or if this  
16 is part of what you are talking about. But if we  
17 can pull up tab five.

18 THE TECHNICIAN: Certainly. Stand by,  
19 Counsel.

20 MR. ASHMAWY: Take your time. And you  
21 can give control over to Witness 1 -- Witness 1 --  
22 so he can look through it.

1 BY MR. ASHMAWY:

2 Q. So I don't know, Witness 1, if you can  
3 scroll through that if that's easy for you to do.  
4 If not, I can do it for you. But I just wanted to  
5 see if this -- you know, if this is what you were  
6 talking about, if this jogs your memory about, you  
7 know, first hearing about the STOCK Act?

8 A. If you don't mind, I don't know if you  
9 can scroll down because this is going into the final  
10 disclosure. So that's -- we knew about that. That  
11 was the one due in May.

12 Q. I am sorry, Witness 1.

13 MR. ASHMAWY: Stephanie, if you could  
14 scroll down a little bit for him.

15 THE TECHNICIAN: Certainly.

16 MR. ASHMAWY: Actually, let's keep going  
17 down.

18 BY MR. ASHMAWY:

19 Q. So do you remember receiving this email?

20 A. I don't remember it specifically. But it  
21 definitely came to me. From what I am seeing, it  
22 looks like the reminder about the annual filing that



1 we have to do.

2 Q. It is. I wanted to see if -- you know,  
3 because it does mention, as you can see in the  
4 screen in front of you, center screen, it does talk  
5 about -- you know, it enumerates, one, the annual  
6 financial statements and then, two, the periodic  
7 transaction reports. This was in April of 2001. I  
8 didn't know if this was something you noted at the  
9 time.

10 A. No, I definitely didn't, Omar. I saw  
11 this as a reminder for the annual filing. I mean, I  
12 don't think I even went down and read the bottom  
13 part of it.

14 Q. Fair enough. Stephanie, you can remove  
15 that. So you were saying that the obligations under  
16 the STOCK Act was first brought to your attention  
17 when you -- by the committee?

18 A. Yes.

19 Q. Do you recall about when that might have  
20 been?

21 A. Well, I think it was probably, I guess,  
22 the beginning of August when we were getting ready

1 for the August 15 filing. Fran was a CPA who works  
2 with me. She was working with me on the report this  
3 year. And she came in and told me. She said, "Hey,  
4 Witness 1, we should be filing these PTR's. You  
5 know, the House told us we should be doing these."  
6 I said, "Okay, let's do them." And I think the  
7 House recommended that we go back and report all the  
8 transactions. Now, what we did do is we had them  
9 all on the annual report. So we went back and took  
10 the annual reports and put them on the PTR's, you  
11 know, to be in compliance with that. But all the  
12 transactions we had are on there. So it wasn't a  
13 big job for us to go back and do it, other than the  
14 fact that it was a lot of transactions. And that's  
15 when we started working on it. And we have been in  
16 compliance since then.

17 Q. So I guess just honestly just very  
18 plainly, so these transactions didn't get reported  
19 because you were just unaware of the requirements of  
20 the STOCK Act?

21 A. Yeah, I think that's fair. If we would  
22 have known we had to file them monthly, we would

1 have done it. There would have been no reason for  
2 us not to do it. It was just a -- I think, an  
3 oversight. And I thought we were in compliance at  
4 the end of the year when we reported everything. So  
5 I didn't realize that there was that 30-day  
6 requirement that we had on that.

7 Q. So it wasn't because you thought that  
8 those kinds of transactions didn't have to be  
9 reported. You weren't aware that you had to report  
10 them?

11 A. Absolutely. It was -- I remember the --  
12 you know, looking back on it with all the  
13 transactions, I was talking with Fran. I said, "We  
14 show everything on there." And she was saying that,  
15 no, they want it reported monthly. And, you know,  
16 the 30-day rule came up. So that's what really  
17 triggered our filing of those reports.

18 Q. You also mentioned that you had a fair  
19 amount of interaction with the Committee on Ethics,  
20 correct?

21 A. Yeah, uh-huh.

22 Q. Did you guys use their -- I know that

1 they have sort of a preclearance where you can send  
2 an advanced copy of the financial disclosure to  
3 them, and they can tell you if there's any problems  
4 with it before you formally file it. Did you guys  
5 use that process at all at any time?

6 A. Yes. Yeah, they were very, very helpful,  
7 because, you know, like I said, I am pretty good at  
8 taxes. Sometimes the interpretation I was not good  
9 at. So they were very helpful as far as like how to  
10 report a transaction or where to report or what  
11 schedule it goes on. And we worked with various  
12 individuals at the House. They were very helpful.  
13 And, in fact, one time I was kidding around with  
14 them. I said, look, I don't know if it's ethical.  
15 I will buy you a cup of coffee when I come to  
16 Washington. And she gave me a tremendous insight  
17 into this. She said, "No, no, I can't." I said,  
18 "Look, I am only kidding." But just emphasizing the  
19 fact they were very helpful to us.

20 Q. Did they ever flag for you that you had  
21 to file PTR's for the transactions you reported on  
22 your -- on Representative Suozzi's annual

1 disclosures?

2 A. Not to me directly. When I was getting  
3 prepared and I requested all the information, I  
4 pulled out all the files, got all the stuff. And  
5 there was email to a girl who worked for me -- a  
6 woman -- at the time going into it. But I don't  
7 think she -- she never passed it on to me. And I  
8 don't think she really understood what they were  
9 saying about the PTR's and mutual funds and those  
10 type of reporting. So it never came to me.

11 And when I saw it -- I was kidding around  
12 with Sean. I said, Sean, it was a religious  
13 experience. I had no idea this was in the file. I  
14 said -- you know, as I was pulling everything out  
15 for you on the request, you know, I saw it, I am  
16 disclosing it. But it didn't come over to me. And,  
17 again, I can only speak in all sincerity if I knew  
18 about it, we would have done it. There is no reason  
19 for us not to have done it. That's the only thing I  
20 can say on this thing.

21 Q. Let me -- I think I know the email you  
22 are talking about. Let me just, for the record, let

1 me just make sure that we are talking about the same  
2 one. If we could put up tab seven.

3 THE TECHNICIAN: Certainly. Stand by,  
4 Counsel.

5 BY MR. ASHMAWY:

6 Q. And, Witness 1, you can just let me know  
7 if this is the email that -- you know, that you are  
8 referencing.

9 A. Absolutely.

10 Q. I don't know if you can see that or if we  
11 need to scroll in a little bit. Does that --

12 A. No, that's exactly what I am talking  
13 about, Omar.

14 Q. All right. Very good. You can take it  
15 down. So you said you found it in the file when we  
16 contacted you?

17 A. Yeah. Well, we pulled out all the files.  
18 You know, Sean wanted the information going back to  
19 the beginning. So we made copies of everything. I  
20 went through the files. And I saw that in there and  
21 shook my head. You know, I said it is what it is.  
22 But that's where we saw it when we were going

1 through the file.

2 Q. Do you know why it was never brought to  
3 your attention or why you never saw the email?

4 A. I can't say. You know, my best guess is  
5 I don't think the person working on it realized what  
6 they were seeing because if you look at the email,  
7 there was all questions going back about mutual  
8 funds and what have you reported and some real  
9 estate. So I don't think she made the connection as  
10 to what the reporting was. And she never sent it  
11 over to me. So I don't think she thought it was  
12 that relevant. She thought she was doing everything  
13 right. And she was a great person. She was -- she  
14 left me. She went for a larger firm in the city,  
15 which I felt bad for her because she was young. She  
16 was excited to go into the city, and then the  
17 pandemic hit. And she has been working at home  
18 since then. So she kind of lost that whole New York  
19 City experience. But she was a little bit green,  
20 but she was good. She was an accountant and  
21 graduate, but I don't think she recognized the  
22 importance of it.

1           Q.     Understood.  Let's go back a little bit  
2     and talk about some of the interaction with the  
3     committee.  I understand that, you know, they were  
4     very helpful in the financial disclosures.  It's  
5     correct to say that they never brought up the PTR's  
6     to you, correct?

7           A.     I don't recall it.  I really don't,  
8     because I think if they did, I would have, you know,  
9     acted on it.  So I don't recall any of the  
10    transactions.  If they did, I missed it.  But it was  
11    certainly not intentional.  But I don't recall  
12    anything.  A lot of it was more on the detail of the  
13    annual reports that we were filing.

14          Q.     When you used the pre-clearance process  
15    for the annual reports, how did that go?  I mean, I  
16    don't want to put words in your mouth.  How did the  
17    pre-clearance process work for you?

18          A.     I would draft up the report, look it over  
19    here, tie it into the 1099's, and then send it over  
20    for their review -- the House's review.  They would  
21    usually come back with comments saying that this  
22    should go on here, this is being shown on the wrong



1 schedule. We would clear it up and get a final copy  
2 to them. And then they would give me their  
3 blessings that it was good to go.

4 Q. And did you -- did you ever receive any  
5 kind of guidance from the committee or from anyone  
6 else regarding the STOCK Act?

7 A. I don't recall any, Omar. I really  
8 don't. You know, when you say guidance, I don't  
9 think we -- I just don't recall it. I don't think  
10 we did.

11 Q. So since -- and I guess it's fair -- so  
12 did you ever have an opportunity to attend any  
13 training that the House may have offered on the  
14 financial disclosures or the STOCK Act?

15 A. No, I don't think I had the opportunity.  
16 You know, if I did, I missed it. But I don't  
17 remember -- because I am pretty good at continuing  
18 education. And I attend seminars on not only  
19 financial reporting, but taxes and ethics. So I am  
20 very good in making sure I go to any seminars that I  
21 think that are going to be helpful. So I don't  
22 recall or don't recall ever getting notification for

1 that. But I would have taken it if I did. And I  
2 have taken FEC reporting seminars, you know, the  
3 committee reports and candidate committees. I have  
4 taken those over the years. I have taken state and  
5 local seminars. I have actually lectured on some of  
6 the state and local stuff. So I'm, you know, pretty  
7 comfortable in discussing that area. I don't recall  
8 or remember seeing that or else I would have  
9 probably taken it.

10 Q. Okay. So since -- now, since you are not  
11 aware of the STOCK Act and the obligations to file  
12 the PTR's, have you had any interactions with the  
13 committee about -- well, what interactions did you  
14 have with the committee when you learned that you  
15 had to file PTR's?

16 A. I don't think I have had any  
17 interactions. You know, once they told us to do it,  
18 we did it. I don't think we have gotten any  
19 feedback or questions on them, you know, since we  
20 have been doing it.

21 Q. Do you know if they have reviewed the  
22 ones -- the PTR's that you have since filed?

1           A.     I don't know if they have. We haven't  
2 gotten any, you know, inquiries or requests for  
3 additional information on it.

4           Q.     Have they talked to you at all about  
5 fines or fine schedules? Anything about -- anything  
6 about the need to pay a fine?

7           A.     No. They said they could be imposed.  
8 And it sounds like it was, you know, discretionary  
9 based on, I guess, the facts that were out there.  
10 So they did go into the fact that -- I mean, I told  
11 my wife there could be jail time for this. She got  
12 very nervous. But, you know, it seemed like they  
13 were all just like, you know, the hammer. But they  
14 didn't really go into any specifics on this.

15          Q.     So did they talk about a fee waiver? I  
16 mean, I am trying to get the sense of, you know, to  
17 the degree to which anyone has spoken to you about,  
18 you know, any obligation that Representative Suozzi  
19 may have to pay a fine or if they said yes, you have  
20 to pay a fine, but we are going to waive it. Did  
21 they get any detail with you at all?

22          A.     No, I never had those discussions. I

1 just got the -- I guess the regs that say, you know,  
2 here is what you could be exposed to, hence, the  
3 jail time. So I got a little nervous. But we never  
4 got into any negotiations or discussions or things  
5 like that. My main focus was compliance, get them  
6 in, get everything down.

7 Q. So no one had talked to you about the  
8 possibility of a fine?

9 A. No, not with me directly, no.

10 Q. Okay.

11 A. I shouldn't say -- I have got that  
12 correspondence, but I never had like negotiations or  
13 discussions or assessments or things like that so  
14 specifically on that. But it was -- I know I was  
15 sent over, when they sent the Act over, what the  
16 fines could be for noncompliance.

17 Q. But other than that, you have not had any  
18 conversations with the committee about that?

19 A. No, not that I recall. I don't believe  
20 so.

21 MR. ASHMAWY: Jeff, do you have a  
22 question?

1 MR. BROWN: Yes.

2 BY MR. BROWN:

3 Q. Just to step back one second. Who -- who  
4 at the committee were you interacting with and how  
5 were you interacting with them? Were these phone  
6 conversations or were these emails?

7 A. Emails. I think you guys -- I gave you  
8 everything I had on that. Mostly it really  
9 developed this year from Fran Markus. I was saying,  
10 Jeff, she is a CPA who works for me. She was  
11 working from the committee. She is very good. She  
12 is very experienced. You know, she recognized what  
13 we had to do. And she actually worked with me on  
14 getting the client's work done. So I don't remember  
15 who she spoke with at the committee. But we spoke  
16 about it right away once she got the email from them  
17 -- from the House and Ethics Committee.

18 Q. Yeah, I think we have seen that email  
19 string from August of this year, right. Okay. But  
20 outside of that, there was no -- you know, you  
21 hadn't picked up the phone and had a conversation  
22 with somebody over there about these sort of things?

1           A.     No, I don't recall any of that. I don't  
2 think we really had phone calls other than maybe  
3 just to reach out and say, hey, we are going to file  
4 this year. No email. I would send it to the person  
5 I met with the year before and send it to them  
6 sometimes over there or sometimes it was a different  
7 person. But that was the extent of the  
8 conversations we had.

9           MR. BROWN: Okay. Thank you, Witness 1.  
10 I just wanted to clarify that.

11           THE WITNESS: Thank you.

12           BY MR. ASHMAWY:

13           Q.     So, obviously, just for the sake of  
14 clarity and completeness, are you aware of, you  
15 know, whether or not there has been any conversation  
16 about a waiver for the fine or any fine? Actually,  
17 scratch that. Let me ask you this. Do you know if  
18 Representative Suozzi has paid a fine?

19           A.     Not that I know of, no.

20           Q.     Okay. I don't really have much more for  
21 you, Witness 1, other than I would say, you know, in  
22 the effort to -- you know, for the House to improve

1 its process, I mean, do you have any thoughts on,  
2 you know, what could have been done to sort of avoid  
3 this circumstance?

4 A. And I don't mean this as a criticism on  
5 the House. I just know like let's say I have a  
6 client who doesn't file a tax return, you know, or  
7 forgets to make a payment. You know, the IRS is  
8 pretty good at getting us some notice or getting the  
9 client the notice pretty quickly. And then they  
10 usually forward it over to us. All the Senate does  
11 is prepare it, and we have a power of attorney on  
12 file. So it's usually pretty good because then we  
13 know that, okay, look, we have got to jump on this.  
14 We have got to do something, file something, contact  
15 the client, you know, get some information. So I  
16 think if, you know, there was like a -- like -- and,  
17 again, I don't mean it as a criticism. But like I  
18 say if there was certified letter or something that  
19 came out, that would come to us. And we would know  
20 we would have to act on it. I think that would have  
21 helped. That being said, you know, I recognize the  
22 responsibility is on -- you know, it's the same way

1 the IRS says, look, no matter what happens, you are  
2 responsible for your actions. We understand that.

3 And, you know, the fact that that wasn't  
4 done doesn't make it any better. But I just think  
5 if I was going to make a recommendation, I like  
6 certified letters. I think it would probably be a  
7 good thing to people because I think even with  
8 emails, I would be the first to admit. I can miss  
9 an email. I can delete an email. I could -- you  
10 know, we are doing a conversion here at the office  
11 now. And I had a problem the other day where all my  
12 emails were lost. So, you know, technology is good.  
13 But I don't know. Maybe I am not at the age where I  
14 grew up that -- so I kind of like things, you know,  
15 in writing and being able to respond to that. So  
16 strictly as a recommendation, I would make that --  
17 not trying to take away from the fact that, all  
18 right, yeah, maybe we should have known it. But the  
19 one thing I can say, Omar, I mean in all sincerity,  
20 once we found out, there was immediate compliance.  
21 There was no -- it wasn't like, you know, saying,  
22 oh, we don't have to do this or we are trying to



1 make excuses. It was like, hey, we are supposed to  
2 do it. We did it. We got it in right away. And we  
3 put the procedures in place now to make sure this  
4 never happens again. And if I ever get another  
5 federal client, it's not going to happen again.

6 But the procedures and what we did, I  
7 think internally went a long way to trying to cure  
8 the problem. And that's half the battle a lot of  
9 times when things aren't done. I recognize this is  
10 federal and, you know, there's a whole bunch of  
11 other reasons for these rules. But just me as a  
12 practitioner, you know, compliance is the key. And  
13 if you do make a mistake, correct it right away and  
14 move forward. That's -- that's kind of my  
15 philosophy here.

16 Q. Those procedures, you have described them  
17 earlier. But just in case I missed something, can  
18 you just go over them one more time with us?

19 A. Because of that 30-day rule in reporting,  
20 I didn't want to wait until the end of the month to  
21 get a report because if there was a transaction,  
22 let's say on the first of the month and I reported

1 the 10th of the following month, I would have been  
2 outside the 30-day rule of reporting. So what I did  
3 is we set up a system in-house where every 15 days,  
4 we contact the investment advisors and ask them to  
5 send us over a transaction report. So then by maybe  
6 the 20th day, we will report all the activity on  
7 that report, which is to bring us in compliance with  
8 the 30-day rule because it is from 1st of the month  
9 to the 15th. So we have to be in compliance. And  
10 then we do the same thing at the end of the month.  
11 We will get the report from the 15th to the 30th.  
12 So if it takes us a few days to file it, we get it  
13 in. We are always going to be within that 30-day  
14 rule by doing it twice a month.

15 Q. Do you know -- well, does Representative  
16 Suozzi review any of those documents before you  
17 submit them or do you submit them on his behalf?

18 A. No, we submit them directly. If I have a  
19 question, I call him. But I haven't had a question  
20 on anything. They are very straightforward. Just  
21 here's the transaction, report it, and send it in.

22 Q. Okay.

1 MR. ASHMAWY: Okay. Jeff, do you have  
2 any other questions?

3 BY MR. BROWN:

4 Q. Yeah, I had a couple quick things I  
5 wanted to follow-up on, Witness 1. I don't think it  
6 will take too long. But I did want to sort of  
7 backtrack all the way to the beginning and just ask.  
8 I think the congressman was elected in 2016, started  
9 his congressional service in 2017. So I am  
10 wondering -- he gets elected. How does it work when  
11 you guys have that first conversation about needing  
12 to file disclosures? What -- what are the  
13 conversations that you and the congressman have?  
14 And, you know, how does he sort of direct you to  
15 effectively take care of these responsibilities?

16 A. Yeah. Jeff, I can't -- I will be the  
17 first to admit, I forget what I had for breakfast.  
18 But going back, I don't remember any specific  
19 conversations, you know, saying -- I think once we  
20 found out about the annual filing, there was some  
21 communications, I think, we had with the House  
22 because I think he had a file. If I remember, even

1     though he wasn't in office, I think he had a file  
2     like the first report when he got elected. So I  
3     just remember saying we have got to do this. We  
4     filed it and sent everything in where we worked with  
5     the House. But I don't think there was any -- I  
6     just don't remember any specific like this  
7     conversation, things like that. I just -- you know,  
8     once we knew we had to file it, first of all, we  
9     filed.

10           Q.     And I know Omar -- I think Omar had  
11     asked. There wasn't any trainings you sat in on  
12     like the FEC trainings or anything like that?

13           A.     No. The only trainings I have done for  
14     FEC are I will get notifications from the FEC on  
15     candidate reporting and -- but it is really, I  
16     think, more towards election compliance. I don't  
17     think they ever went into any things like this.

18           Q.     Did you ever get from Representative  
19     Suozzi or from the committee or otherwise, you know,  
20     there's an annual sort of instruction guide that  
21     comes out that walks you through best practices for  
22     filing these financial disclosures? Did you ever

1 see anything like that?

2 A. I remember instructions, you know, like  
3 they will tell us where to put things on the report.  
4 So we use that as guidance. I can't say I have  
5 never read it cover to cover. But if we had a  
6 question on how to report something, we would look  
7 back on that. But I think that comes with the form.  
8 I think they give you instructions.

9 Q. Okay. And then once the either  
10 financials or the PTR's now are submitted, do you  
11 submit those to Representative Suozzi to review  
12 before you file them or you just file them on his  
13 behalf?

14 A. The monthlies we just file on his behalf.  
15 At the end of the year, I would submit to him, you  
16 know, the reports saying here, Tom, here's all the  
17 transactions for the year. And there will be very  
18 little discussions. It kind of is what it is,  
19 whatever is on the form.

20 Q. Okay. There was one other thing I wanted  
21 to touch base on with you real quick.

22 MR. BROWN: Could we pull up tab eight?

1 THE TECHNICIAN: Certainly. Stand by,  
2 Counsel.

3 MR. BROWN: Thank you.

4 BY MR. BROWN:

5 Q. All right. Can we just scroll down  
6 towards the end of that? Yeah, right there is good.  
7 And, Witness 1, I will give you a chance to read it  
8 or refresh your recollection here a little bit.

9 This is, I think, the transmittal letter you sent to  
10 Sean with some of the documents you had produced.

11 And I want to direct you to that last paragraph on  
12 this page where you say, "Let me be clear.

13 Congressman Suozzi and I were under the mistaken  
14 impression that because the Congressman's brokerage  
15 accounts were solely managed at the discretion of  
16 brokers, we were only required to file an annual  
17 disclosure and not periodic transaction reports."

18 To me, that statement is a little  
19 different than what I heard you say earlier, which  
20 is, you know, simply unaware of things. So I was  
21 hoping you could help me kind of address what to me  
22 looks like a bit of a discrepancy.

1           A.     Yeah, I don't think it was intended to be  
2     a discrepancy, Jeff. I think what we were saying  
3     was that because the accounts were, you know, under  
4     the investment advisors, we were filing the annual  
5     reports. I think -- I can understand the question  
6     you asked me. But I don't think it really -- I  
7     don't know that it reads correctly. You know, when  
8     we wrote it, we were trying to do it as a  
9     transmittal. But I don't think that the cause and  
10    effect was that because it was investment advisors,  
11    we didn't have to file PTR's. I don't think that's  
12    correct.

13          Q.     It is more along the lines of what you  
14    were saying to Omar earlier, which is just simply if  
15    we knew about it, we would have done them. We  
16    didn't know about them, so we didn't do them?

17          A.     Yeah. And I can understand it looks like  
18    that. But that's not really what I -- I probably  
19    didn't word it correctly. But that's really -- the  
20    PTR's were done with the annual reports. So it's a  
21    good point, but I apologize for that. But that's  
22    not what I intended.

1 MR. BROWN: Okay. I don't think I had  
2 anything else. So, Omar, I will turn it back over  
3 to you.

4 MR. ASHMAWY: No, I think we are -- I  
5 think we are all set. Witness 1, I really  
6 appreciate your time. It was nice to meet you.

7 THE WITNESS: Pleasure meeting you.

8 MR. ASHMAWY: And I think -- well, we can  
9 go off the record now.

10 (At 10:43 a.m., the interview was  
11 concluded.)

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1 CERTIFICATE OF SHORTHAND REPORTER - E-NOTARY PUBLIC

2

3 I, Carla L. Andrews, the officer before  
4 whom the foregoing proceedings were taken, do hereby  
5 certify that the foregoing transcript is a true and  
6 correct record of the proceedings; that said  
7 proceedings were taken by me stenographically and  
8 thereafter reduced to typewriting under my  
9 supervision; that review was not requested; and that  
10 I am neither counsel for, related to, nor employed  
11 by any of the parties to this case and have no  
12 interest, financial or otherwise, in its outcome.

13

14 IN WITNESS WHEREOF, I have hereunto set  
15 my hand and affixed my notarial seal this 24th day  
16 of January, 2022.

17

18



19 E-NOTARY PUBLIC IN AND FOR

20 THE DISTRICT OF COLUMBIA

21

22 My Commission Expires: February 14, 2024

# **EXHIBIT 7**

CONFIDENTIAL

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

## **Transcript of Interview of Rep. Suozzi**

Review No. 21-6367  
January 13, 2022

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21-6367 :  
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CONGRESSMAN THOMAS SUOZZI  
Conducted Virtually  
Thursday, January 13, 2022  
10:05 a.m.

Job No.: 423384  
Pages: 1 - 30  
Reported By: Carla L. Andrews, RPR

1           Deposition of Congressman Thomas Suozzi,  
2 conducted virtually.

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6           Pursuant to Notice, before Carla L. Andrews,  
7 Notary Public in and for the District of Columbia.

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A P P E A R A N C E S  
ON BEHALF OF THE OFFICE OF CONGRESSIONAL ETHICS  
(OCE) :

OMAR ASHMAWY, ESQUIRE  
JEFFREY BROWN, ESQUIRE  
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the U.S. HOUSE OF REPRESENTATIVES  
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Suite 1110  
Washington, D.C. 20024  
202-225-9739

ALSO PRESENT:

STEPHANIE R. CORLEY, Technician  
DIANE SHUST

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C O N T E N T S

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P-R-O-C-E-E-D-I-N-G-S

BY MR. ASHMAWY:

Q. So, Congressman, for the record, today is January 13, 2022. We are conducting an interview of Representative Tom Suozzi. Representative Suozzi is not represented by counsel today. Speaking is Omar Ashmawy of the Office of Congressional Ethics. I am also joined by Jeffrey Brown, also of the OCE. The witness has previously been provided a copy of 18 U.S.C. 1001 and has signed the acknowledgment.

Congressman, thank you very much for your cooperation. Throughout this, if you have any questions, please don't hesitate to interrupt me. If you need me to restate something or something doesn't come across and you don't understand a question, don't hesitate to ask me to clarify it, please. To get started, can we just talk about at a very high level your investments? Can you just generally describe -- describe them?

A. I have one big account with Merrill Lynch with about one and a half -- 1.6 million in it --



1 one and a half million dollars in it. I have  
2 another account for like 900 to a million dollars in  
3 like a 401K-type thing, you know, investment  
4 deferred income retirement account, which is about  
5 \$900,000 to a million dollars in it with a company  
6 called National Securities. Then I have got some  
7 small real estate investments for a \$100,000 here, a  
8 \$100,000 there. I have got some, you know, life  
9 insurance. And I have -- I don't have the list in  
10 front of me. I apologize. But, you know, whatever  
11 it is, everything is disclosed in my financial --

12 Q. No, no. Like I said, I was asking at a  
13 very high level. I mean, I think that description  
14 is sufficient. Are all of those investments managed  
15 by a broker or do you manage any of them  
16 individually?

17 A. Everything is managed by a broker.

18 Q. Have you ever since you have been a  
19 member of Congress directed a specific trade or made  
20 a trade individually without the broker?

21 A. No.

22 Q. So because everything is managed by a

1 broker, how are you notified of the transactions  
2 that are made?

3 A. I am really -- I don't -- I get like a --  
4 I have a thing online for the Merrill Lynch account  
5 that I check periodically, you know, on my phone. I  
6 don't really get notified of the National Securities  
7 account trades.

8 Q. Okay. Who is Witness 1?

9 A. My accountant, friend of mine.

10 Q. What role does he play in managing your  
11 accounts?

12 A. Nothing. He doesn't manage the accounts.  
13 All he does is -- he is my accountant. And he does  
14 my financial disclosure forms for me. And he is now  
15 the -- he is now the treasurer of my campaign for  
16 governor. And he may have previously been a  
17 treasurer of my congressional accounts, but not --  
18 not recently, not for the past few years.

19 Q. What role does he play in preparing your  
20 financial disclosures?

21 A. He does everything.

22 Q. And by everything, you mean?

1           A.     He is authorized to get all of my  
2 statements and stuff from the -- from the brokers.  
3 And he tracks everything and reports everything.

4           Q.     In that process, what role do you play?

5           A.     I review it at the end for the annual  
6 disclosures. The new ones, I don't really go over  
7 those. You know, those happen automatically now. I  
8 forget what they are called now - the PRT or the  
9 periodic ones that we are now doing to comply. I  
10 don't see those. But the annual ones, he usually  
11 sends it to me, and I go over it with him.

12          Q.     And the new ones that we are talking  
13 about -- we are talking about the periodic  
14 transaction reports that are pursuant to the STOCK  
15 Act, right?

16          A.     Yep, yep.

17          Q.     What role does --

18          A.     Those go out -- they go out almost  
19 automatically now. And there is very little trading  
20 done on purpose.

21          Q.     And who prepares those?

22          A.     Witness 1.

1 Q. And do you review -- for sake of clarity,  
2 do you review those before they go out?

3 A. No.

4 Q. When was the first time you learned about  
5 the STOCK Act?

6 A. I must have heard about it at some point,  
7 you know, during our different training classes and  
8 things like that. But the only time I really took  
9 note of it was when this -- this issue came up  
10 related to the periodic -- what is it called now?  
11 Periodic transaction reports.

12 Q. Or just PTR's for short?

13 A. PTR's. That's the only one I really  
14 focused on it.

15 Q. And when -- when you say that when this  
16 issue came up, you mean when our office contacted  
17 you?

18 A. Yes.

19 Q. So do you -- so you -- when were you  
20 first elected as a member of Congress?

21 A. 2016. November of 2016.

22 Q. And I realize it has been a few years.

1 But do you remember taking a new members ethics  
2 training at the time?

3 A. I am sure I did, but I don't remember,  
4 no.

5 Q. Have you had to take any annual ethics  
6 training since -- since you have been elected?

7 A. I am sure I have, yes.

8 Q. Do you recall the STOCK Act or the topic  
9 of PTR's coming up in any of those trainings?

10 A. I don't recall it specifically, no. I am  
11 not saying it didn't come up. I am sure it did.  
12 But I don't recall it coming up.

13 Q. And you've -- it's fair to say you have  
14 made all of your training requirements. You haven't  
15 skipped them?

16 A. I hope so. I am reasonably sure I did.  
17 I would have gotten another complaint.

18 MS. SHUST: This is Diane Shust. I work  
19 for the congressman. I am sorry. I am by phone. I  
20 couldn't get on by Zoom. But yes, he has met all of  
21 his ethics requirements.

22 MR. ASHMAWY: Thank you.

1 BY MR. ASHMAWY:

2 Q. And have you ever been contacted by the  
3 Committee on Ethics regarding the STOCK Act  
4 specifically?

5 A. Just this proceeding we are going through  
6 now. That's all that I am aware of, yes. Can I say  
7 one thing?

8 Q. Sorry?

9 A. Can I say one thing?

10 Q. Of course.

11 A. Big picture thing. I mean, the bottom  
12 line is, is that I was under the impression -- and I  
13 concede now that it may be mistaken impression. But  
14 I was under the impression that because I had  
15 brokered directed accounts that they traded at their  
16 discretion, that my requirement was to fill out an  
17 annual disclosure. And I did fill out an annual  
18 disclosure every year. We discussed it with the  
19 Ethics Office. Every year Witness 1, who is my  
20 accountant, would pre-submit this to the ethics  
21 people and review it with them and discuss it with  
22 them to make sure we did it properly. I remember

1 him, you know, telling me on separate occasions. I  
2 don't remember specifically when. But I remember on  
3 specific occasions they made changes to it to  
4 clarify things. And so every year, we were going --  
5 we made a point of doing this what we thought was  
6 properly. And we did this for I don't know how many  
7 years before this issue came up four years or five  
8 years and always discussing it with the ethics  
9 people. And it never came up that, oh, you know,  
10 you are doing these trades. You have to do PTR's as  
11 well. So, you know, everything was -- what would be  
12 the purpose of us not doing the PTR's? It would be  
13 like we were trying to hide something. We are not  
14 trying to hide anything. We discussed everything in  
15 our annual financial disclosures. And so we just,  
16 you know, made a mistake. And nobody advised us,  
17 you know, when discussing this. Every year -- every  
18 year we discussed this with the ethics folks. And  
19 they never said, oh, by the way, you are supposed to  
20 be doing PTR's. We would have done it. So as soon  
21 as we heard that we were not doing something  
22 properly, we immediately complied and have since

1       been complying with the rules.

2               Q.       So you obviously are anticipating a  
3       number of my questions, so maybe we can just unpack  
4       that a little bit. You and your accountant took  
5       advantage of the preclearance process for financial  
6       disclosures, correct?

7               A.       Yes, every year. Maybe even when I was  
8       running, too.

9               Q.       And at any time, did the Committee on  
10       Ethics tell you that you needed to file PTR's?

11              A.       No, not to me. And according to Witness  
12       1, not to Witness 1. There was something with like  
13       some junior person he has working with him. And I  
14       looked at that email a couple of months ago. And it  
15       was like it was very confusing because it seems like  
16       they were both talking past each other. They didn't  
17       even understand what the other person was saying.  
18       The young accountant who worked for Witness 1  
19       thought it was like, you know, something about real  
20       estate. And they were like, yes, you are right. I  
21       mean, I read it. It's completely -- it was very  
22       misdirected conversation.



1 MR. ASHMAWY: Just since we are talking  
2 about that email just for the sake of the record,  
3 Stephanie, can you pull up Tab 7 just so we make  
4 sure we are talking about the same email?

5 THE TECHNICIAN: Certainly. Stand by,  
6 Counsel. Exhibit -- excuse me -- Tab 7 is on  
7 screen, Counsel.

8 BY MR. ASHMAWY:

9 Q. Congressman, does this look like the  
10 email you are referencing? And if we need to scroll  
11 down, we can.

12 A. Go back to the top for a second. Can you  
13 go down a little bit?

14 Q. I think it might be most helpful to start  
15 at the bottom where I believe the reference --

16 A. Because you see this thing here? That's  
17 correct, not on A or B. Go down a little bit  
18 further. "They are not rental properties.  
19 Therefore, they aren't necessary to be reported."  
20 That's correct. They just completely spoke across  
21 -- they -- anyway. Yes, that's the email.

22 MR. ASHMAWY: Stephanie, can you scroll

1 down just a little further? Keep going. Keep  
2 going.

3 BY MR. ASHMAWY:

4 Q. So this is, I think, the part that you  
5 were referencing, Congressman. Did you ever see  
6 this email?

7 A. I saw it like as part of this process  
8 when Witness 1 was looking through all of his files.  
9 This is what he found. But that's the only time I  
10 saw it was recently.

11 MR. ASHMAWY: Okay. Very good. While we  
12 are doing this process, Stephanie, can you please  
13 just put up tab -- Tab 2?

14 THE TECHNICIAN: Certainly.

15 BY MR. ASHMAWY:

16 Q. And while you are doing that,  
17 Congressman, you receive the ED colleague emails?

18 A. I am sure I do. You know, I really don't  
19 look at them all quite frankly.

20 Q. That's fair.

21 A. I get a lot of stuff.

22 Q. So do -- I mean, would you recall a

1 particular ED colleague email?

2 A. This one?

3 Q. Any of them, frankly. This is just an  
4 example.

5 A. No. I mean, I really don't. I don't  
6 really -- I don't really -- you know, no.

7 Q. So you don't really review them  
8 regularly?

9 A. No.

10 Q. Do you happen to have anyone on your  
11 staff or anywhere you forward these to do review?

12 A. No, not as a regular practice, no.

13 MR. ASHMAWY: Stephanie, you can remove  
14 that.

15 BY MR. ASHMAWY:

16 Q. And just to clarify, I understand that  
17 you reported all your trades annually. I understand  
18 that no one on the committee ever mentioned the  
19 PTR's to you directly. I just want to understand.  
20 Did you think the STOCK Act did not apply to you or  
21 that you did not have to disclose?

22 A. Well, I certainly know that I had to

1 comply with the rules of the House. And my  
2 impression was that my requirement was to do this  
3 annual disclosure. And we thought we were fully  
4 compliant by doing that.

5 Q. Do you know where that impression came  
6 from?

7 A. I guess it's common sense. To me, it's  
8 common sense. You know, because I was not involved  
9 in the trading of my accounts, that it was done by  
10 my stockbrokers. And that I was not really -- I am  
11 not involved in that as to what they are trading.  
12 And I disclosed it on an annual basis. And I  
13 thought that that was sufficient.

14 Q. Do you recall if anyone ever told you  
15 that the -- that you didn't have to disclose a  
16 brokered-managed account?

17 A. I don't recall that, no.

18 Q. And we kind of covered this. But just  
19 again for the sake of clarify. When was the first  
20 time you learned that you hadn't filed periodic  
21 transaction reports, you know, in accordance with  
22 the STOCK Act?

1           A.     Some news story that was written.  Some  
2 outside group filed a complaint or something.  And  
3 it was written in a news story.

4           Q.     And then what did you do when that was  
5 brought to your attention?

6           A.     I said, "We have got to fix this."  I  
7 told Witness 1.  I might have told Diane -- I don't  
8 know -- or my chief of staff.

9           MS. SHUST:  I was with you.  May I jump  
10 in here or at the end?  Just know that I would like  
11 to say something to help clarify this.

12          MR. ASHMAWY:  Go ahead.  Sure.  Let's --  
13 Diane, if we could save that to the end.

14          MS. SHUST:  Of course.  Of course.

15          BY MR. ASHMAWY:

16          Q.     Just so that we can keep this moving  
17 expeditiously.  I understand that there is -- you  
18 know, that you have a process now in place to file  
19 PTR's timely.  Do you know specifically what that  
20 process is?

21          A.     Witness 1 got authorization to get every  
22 trade from the brokers when they happened.  And he

1 works with them. I don't know how the process  
2 worked. But he worked with them to disclose them to  
3 the proper reporting entity as soon as it happens.

4 Q. And if we could just loop back now to  
5 your interactions with the Committee on Ethics. Did  
6 you specifically have interactions with them on this  
7 issue or was that all managed by your accountant?

8 A. All by my accountant.

9 Q. Okay. Do you know if you have paid a  
10 fine for the late periodic transaction reports?

11 A. I am certain I haven't.

12 Q. Okay. Do you know if there has been any  
13 discussion, either between you and the committee or  
14 your accountant and the committee, about paying a  
15 fine?

16 A. No, there has not been. Not by me,  
17 certainly. I would assume there hasn't been with  
18 Witness 1. I am not paying -- well, I hope I won't  
19 be paying any fines. I don't intend to pay any  
20 fines. I will fight this.

21 Q. Do you know if the Committee on Ethics  
22 has reviewed any of the PTR's you filed since you

1 learned that you needed to file them?

2 A. No idea.

3 Q. Before I get into sort of a final topic  
4 here, I want to see if Jeff has any questions for  
5 you, sir.

6 MR. BROWN: No, I don't. Thank you,  
7 Omar.

8 BY MR. ASHMAWY:

9 Q. Okay. Congressman, in the interest of  
10 improving the process, I would be curious to know  
11 if, you know -- your thoughts on ways in which this  
12 could be improved so that members file PTR's when  
13 they are supposed to?

14 A. Well, I think that, you know, there is  
15 only 435 members of Congress. And so I think that  
16 every single member of Congress should have someone  
17 from the Ethics Office that is responsible for that  
18 member. So like everybody has got their staff  
19 member. And that staff member should be, you know,  
20 responsible for saying, hey, you know, you didn't  
21 take your class, you didn't file you reports, you  
22 didn't do this, you didn't do that. But instead of

1 it kind of like being out there in the ether -- it  
2 is only 435 members -- everybody should have a set  
3 person that's responsible for tracking that member  
4 of Congress and letting them know that they have got  
5 to do X, Y, Z and maybe even having a one-on-one  
6 meeting with them or, you know, some sort of, you  
7 know, review process to go through it. I mean, I  
8 really just had no idea that I was required to do  
9 this. And I am sure -- you know, I am reasonably  
10 sure that it would have come up in like the ethics  
11 trainings and things like that. But, quite frankly,  
12 we have a lot going on in Congress. I have a lot of  
13 other stuff going on. And it's just not -- ethics  
14 is a big priority for me. But the -- some of the  
15 formalities are not necessarily something I make a  
16 priority of.

17 MR. ASHMAWY: Thank you, sir. Diane, I  
18 know you wanted to speak about something. But just,  
19 for the record, because you joined late, I just want  
20 to clarify that Diane Shust --

21 MS. SHUST: Yes.

22 MR. ASHMAWY: -- the congressman's chief



1 of staff joined this interview after it began. And  
2 her name is spelled D-I-A-N-E; S-H-U-S-T. Diane,  
3 did you want to say something?

4 MS. SHUST: Yes, I would. And I would  
5 just like to give you a minute of my background. I  
6 was chief of staff to Congressman Jim McDermott when  
7 the STOCK Act was passed. I personally filed his  
8 monthly PTR's and his financial disclosures for  
9 every year that he served in the Congress. I take  
10 ethics very seriously. And I was appointed by the  
11 chief judge of our court of appeals here in D.C. to  
12 a Hearing Committee on the Board of Professional  
13 Responsibility in which I served for six years. So  
14 I follow -- and Tom will tell you this -- all of the  
15 rules.

16 When he came into Congress, I said, "No,  
17 there is a requirement that you have to file a  
18 financial disclosure form." And he said, "Oh, don't  
19 worry. We have -- you know, my accountant is taking  
20 care of that." So I was very relieved that I would  
21 not be involved in that process because obviously  
22 the ramifications are very serious if you file

1       incorrectly.

2                       When Tom came in, in the election of  
3       2016, there were serious problems with the Committee  
4       on Ethics. It was in the news a lot. A number of  
5       the senior counsels had left. One of the, you know,  
6       revered counsel had committed suicide. People --  
7       the morale was very, very low. And they were in the  
8       process of hiring new people. I frankly never  
9       worried about Tom's PTR or financial disclosure form  
10      because I knew that they would have been on the  
11      case. They would have caught it. They would have  
12      said something. When I would go in with the  
13      financial disclosure form for Jim McDermott for  
14      pre-conferencing, my pre-filing, they would say to  
15      me, oh, you forgot to add this or, oh, you need to  
16      redo this. So I knew Tom was doing that through his  
17      accountant. I thought everything was great.

18                     I was frankly shocked when I was with Tom  
19      when we heard about the MPR story about this because  
20      as I said to him, I could understand the Ethics  
21      Committee letting you go through one year doing this  
22      incorrectly, because everything was filed on your

1 financial disclosure form. It was transparent.  
2 There was no attempt to hide anything. But I cannot  
3 understand how they kept this -- let this go on year  
4 after year after year. So I think there is a  
5 serious problem with the Committee on Ethics in that  
6 this was allowed to go on as long as it would.  
7 Obviously, when Tom thought there was a problem, he  
8 corrected it immediately. So he has been in  
9 Congress. He was sworn in, you know, in 2017. He  
10 has been there since then.

11 Now he is filing, you know, the PTR's.  
12 But the fact that it was allowed to go on so long, I  
13 believe, shows error on the part of the committee.

14 MR. ASHMAWY: Thank you, Diana.

15 MS. SHUST: You are welcome.

16 MR. ASHMAWY: Jeff, do you have any  
17 questions before we conclude?

18 MR. BROWN: Yeah.

19 BY MR. BROWN:

20 Q. Congressman, if I can just follow-up on  
21 one issue. So you were elected in 2016, started --  
22 sworn in, in 2017. I imagine somewhere around this

1 time, you had a conversation with Witness 1 about  
2 him taking over the role of filing annual  
3 disclosures and fulfilling your obligations -- your  
4 disclosure obligations. Can you take us back to  
5 that time and just give us a little bit of insight  
6 into how Witness 1 came to file your disclosures and  
7 what direction and guidance he was given?

8 A. Witness 1 has been my treasurer for my  
9 campaigns when I was mayor of Glen Cove. He was on  
10 the city council with me. He was my treasurer for  
11 when I was county executive. And then when I ran  
12 for -- well, I ran for governor of New York in 2006  
13 against Eliot Spitzer. It didn't turn out very well  
14 for me. It didn't turn out very well for Eliot  
15 Spitzer, either. And so in 2016 when I ran for  
16 Congress, it was really a last-minute thing to do.  
17 Steve Israel announced in January of 2016 he wasn't  
18 running. And so we scrambled, you know, to put  
19 together a campaign. And, Witness 1, will you do  
20 this for me? And he was my treasurer for my  
21 campaign. And we were like, "Oh, you have to do a  
22 financial disclosure form." During the campaign you

1 had to do it, not just when you got elected. And I  
2 said, "I need you to take care of this for me." He  
3 does my personal, you know, tax filings. He does  
4 all of my accounting work. And so he took on this  
5 role as well. And he was the treasurer for my  
6 campaign and did my financial disclosures. And he  
7 stopped doing my treasurer work for my campaign two  
8 or three years ago. But now he is back again doing  
9 it for my gubernatorial campaign. But he always --  
10 he handles all this stuff for me. That's just his  
11 role in my life.

12 Q. And there is not any sort of training  
13 that Witness 1 gets put through for financial  
14 disclosures or anything like that. It's sort of --

15 A. I'm unaware of that.

16 Q. -- here's the instruction guide, please  
17 make sure that this is all --

18 A. Yeah. I don't know if he did any  
19 training. But yes, he -- it was all his doing.  
20 And, again, he would talk to the -- I was like, "You  
21 can talk to the people ahead of time? That's  
22 great." So, you know, he would talk to them ahead

1 of time. And they would give him advice, and he  
2 would make changes. So he -- I really thought that  
3 this was all totally under control.

4 Q. Okay. Understood. Thank you,  
5 Congressman.

6 A. You know, I am going to say, also, I have  
7 been in public life for -- since 1993 is when I  
8 first got elected mayor of Glen Cove. So that's,  
9 you know, 28, 29 years, going on 29 years. You  
10 know, I had battles with Eliot Spitzer. He went  
11 down. I had battles with a guy Ed Mangano who beat  
12 me. He got convicted of bribery and corruption. I  
13 had battles with Shelly Silver and Joe Bruno, the  
14 majority leader and the speaker of the Assembly in  
15 New York State. They got arrested. I battled with  
16 the guy named Dean Skelos, who got arrested and  
17 convicted. I got -- I mean, I have had more fights  
18 with people throughout my public life who have done  
19 things that were unethical or inappropriate. I have  
20 always prided myself on the fact that I have been  
21 very, very careful about following the rules and  
22 making sure I did things properly. And I have, you

1 know, been in office for 20 -- off and on, I should  
2 say, for 20, whatever it is, eight years, nine  
3 years. And I have never had a whiff of impropriety.

4 And so this is really upsetting to me  
5 this whole process because of the fact that, you  
6 know, everybody thinks politicians are no good.  
7 Everybody thinks they are all bums. And, you know,  
8 now I am in the newspaper Suozzi with ethical  
9 complaints. You know, the last thing I want to do  
10 is have an ethical complaint or an ethical  
11 violation. So it is very important to me. I have  
12 been very forthcoming in this process. I have been  
13 very -- I have worked very quickly because my goal  
14 is to try and resolve this as quickly as possible.  
15 And, you know, I really -- you know, anything that  
16 we have done here that's inappropriate was by a  
17 mistake and not by any conscious effort to not  
18 disclose something. I mean, why would we -- I mean,  
19 that's why we disclosed everything annually. And we  
20 did everything properly annually. We just didn't  
21 realize that we were subject to these PRT's --  
22 PTR's. So I hope that we can resolve this quickly

1 and move forward. And we will do everything we can  
2 to comply with the rules.

3 MR. ASHMAWY: Well, I would like to  
4 personally thank you, Congressman. You have been  
5 very cooperative. And we really do appreciate that.  
6 So I don't have any other questions for you. Unless  
7 you have any questions for me, we can conclude this  
8 and go off the record.

9 THE WITNESS: Okay. Thank you so much.

10 MR. ASHMAWY: All right. Let's go off  
11 the record.

12 (At 10:36 a.m., the interview was  
13 concluded.)

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1 CERTIFICATE OF SHORTHAND REPORTER - E-NOTARY PUBLIC

2

3 I, Carla L. Andrews, the officer before  
4 whom the foregoing proceedings were taken, do hereby  
5 certify that the foregoing transcript is a true and  
6 correct record of the proceedings; that said  
7 proceedings were taken by me stenographically and  
8 thereafter reduced to typewriting under my  
9 supervision; that review was not requested; and that  
10 I am neither counsel for, related to, nor employed  
11 by any of the parties to this case and have no  
12 interest, financial or otherwise, in its outcome.

13

14 IN WITNESS WHEREOF, I have hereunto set  
15 my hand and affixed my notarial seal this 25th day  
16 of January, 2022.

17

18



19 E-NOTARY PUBLIC IN AND FOR

20 THE DISTRICT OF COLUMBIA

21

22 My Commission Expires: February 14, 2024

# **EXHIBIT 8**

**To:** Z115 Suozzi, Tom [REDACTED]  
**From:** e-Dear Colleague  
**Sent:** Mon 1/13/2020 10:36:38 PM  
**Subject:** Administrative: Annual Pay Memo

## Annual Pay Memo

Sending Office: Committee on Ethics  
Sent By: Matt.Jansen@mail.house.gov

### MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

**FROM:** Committee on Ethics

Theodore E. Deutch, Chairman

Kenny E. Marchant, Ranking Member

**SUBJECT:** The 2020 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees

All Members of the House are subject to certain public disclosure requirements and employment restrictions both during and after their service in the House. Specifically:

1. Financial disclosure filing requirements, including both annual financial disclosure (FD) statements and Periodic Transaction Reports (PTRs);
2. Restrictions on outside employment;
3. Notification requirements for disclosure of negotiations for private employment and related recusals; and
4. Post-employment restrictions.

House employees may also be subject to these requirements and restrictions, depending on their salary level. This memorandum provides details on the current triggering salary figures for Calendar Year (CY) 2020 for each of the categories noted above, and summarizes them in a table on page 5. It is each individual employee's responsibility to know whether their salary level subjects them to these standards of conduct and, if so, to comply with them. Please note that this memorandum is not a comprehensive list of every rule or standard of conduct that applies to House staff, but an overview of key standards that are triggered by salary level. Any Member, officer, or employee who has questions about these requirements and restrictions; or about the various rules is encouraged to contact the Committee's Office of Advice and Education at extension 5-7103.

### **FINANCIAL DISCLOSURE**

House officers and employees whose "rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for at least 60 days at

any time during a calendar year are subject to financial disclosure filing requirements, provided that the officer or employee "performs the duties of his [or her] position or office for a period in excess of sixty days in that calendar year."<sup>[1]</sup> The GS-15, step 1, basic pay rate for CY 2020 is \$109,366.<sup>[2]</sup> The applicable 120% calculation for that rate is therefore **\$131,239**, or a monthly salary of more than \$10,936. This rate is referred to as the "senior staff rate."

As a result, House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate (\$131,239) for at least **60 days**<sup>[3]</sup> during **2020** must file an FD statement on or before May 15, 2021.<sup>[4]</sup> (Temporary increases in an employee's basic rate of pay – such as to pay out a bonus – count toward this threshold, but "lump sum" payments do not.<sup>[5]</sup>) In addition, any new employee paid at or above the senior staff rate must file a "new employee" FD statement within 30 days of assuming employment with the House.<sup>[6]</sup> A new employee may request an extension of the new employee FD filing deadline of up to 90 days, but the request must be received by the Committee or on before the original filing deadline.<sup>[7]</sup> Finally, any staff who are paid at or above the senior staff rate on January 3, 2020 (or their first day of employment, if later in the year) must file reports (PTRs) on an ongoing basis throughout the year regarding certain financial transactions.<sup>[8]</sup> PTRs are not annual filings, but must be filed within 30 days of a purchase, sale, or exchange of more than \$1,000 in stocks, bonds, and other securities.<sup>[9]</sup>

Please note that the requirement to file an FD statement covering calendar year 2019 applies to officers and employees whose basic rate of pay for at least 60 days in **2019** was **\$127,914** or more (a monthly salary at or above \$10,659). Annual FD statements covering CY 2019 are due on Friday, May 15, 2020, for those individuals who continue to be Members, officers, or employees of the House on that date.<sup>[10]</sup> A filer may request an extension of the annual FD filing deadline of up to 90 days, but the request must be received by the Committee or on before the original filing deadline.<sup>[11]</sup>

In addition, House Members, officers, and employees paid at or above the senior staff rate for 60 days or more in a calendar year who terminate their House employment during that calendar year are required to file an FD statement within 30 days of their termination.<sup>[12]</sup> A filer may request an extension of the termination FD filing deadline of up to 90 days, but the request must be received by the Committee or on before the original filing deadline.<sup>[13]</sup>

### **THE OUTSIDE EARNED INCOME LIMIT AND OUTSIDE EMPLOYMENT RESTRICTIONS**<sup>[14]</sup>

House officers and employees whose rate of basic pay is equal to or greater than the senior staff rate for **more than 90 days** are subject to limits on the amount of outside earned income<sup>[15]</sup> attributable to each calendar year.<sup>[16]</sup> As noted above, the senior staff rate for CY 2020 is **\$131,239**, or a monthly salary of more than \$10,936. The limit on outside earned income attributable to a calendar year is 15% of the rate of basic pay for Executive Schedule Level II in effect on January 1 of that year. As of January 1, 2020, the rate of basic pay for Executive Level II was \$192,300.<sup>[17]</sup> Accordingly, the outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2020 is **\$ 28,845**.<sup>[18]</sup>

Members, officers, and House employees paid at or above the senior staff rate for more than 90 days are also subject to a number of specific limitations on the substantive types of outside employment for which they may receive compensation and must receive prior approval to receive certain types of compensation.<sup>[19]</sup> These include prohibitions on receiving any compensation for practicing a profession that involves a fiduciary relationship, receiving any compensation for affiliating with a firm that provides professional services involving a fiduciary relationship, or permitting such a firm to use one's name.<sup>[20]</sup> Receipt of compensation for service as an officer or member of a board of directors is also prohibited.<sup>[21]</sup> Prior written approval from the Committee on Ethics is required to accept compensation for teaching and to receive copyright royalties.<sup>[22]</sup> Detailed information regarding these limitations may be found on pages 213 to 238 of the *2008 House Ethics Manual*, which is available on the Committee's website (<https://ethics.house.gov>).

## DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSALS

House Members, officers, and certain House employees must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment or compensation with a **private** entity.<sup>[23]</sup> House employees subject to this disclosure requirement are those employees who are paid greater than 75% of the basic rate of pay for Members (employees earning more than **\$130,500 or 10,875 monthly**).<sup>[24]</sup> This amount is referred to as the post-employment rate.

In addition, House Members, officers, and employees paid more than the post-employment rate must recuse themselves from “any matter in which there is a conflict of interest or an appearance of a conflict” with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal.<sup>[25]</sup>

Information on the disclosure and recusal requirements related to seeking private employment applicable to Members, officers, and employees paid at or above the post-employment rate is available in two Committee advisory memoranda, one for Members and officers and one for staff. Copies of both memoranda, which are dated January 2, 2019, are available on the Committee’s website (<https://ethics.house.gov>) under “Reports/General Advisories,” and forms for making the notifications regarding job negotiations or recusal are available under “Forms/Post-Employment.”

### POST-EMPLOYMENT RESTRICTIONS

House Members and officers, and employees paid at or above the post-employment rate, are subject to post-employment restrictions.<sup>[26]</sup> In general, a former employee of a Member, committee, or leadership office is subject to the restrictions if, for at least **60 days** during the twelve month period preceding termination of House employment, the employee was paid at a rate equal to or greater than 75% of the basic rate of pay for Members at the time of termination. As noted above, the post-employment rate is \$130,500, or a monthly salary of \$10,875 or more.

Additionally, the triggering salary for employees of other House offices (such as the Chaplain, Chief Administrative Officer, Clerk, General Counsel, Historian, Inspector General, Law Revision Counsel, Legislative Counsel, Office of Congressional Ethics, Parliamentarian, and Sergeant of Arms) is Executive Schedule Level IV.<sup>[27]</sup> For 2020, that salary is **\$170,800**, or a monthly salary more than \$14,233.

Information on the post-employment restrictions applicable to Members, officers, and employees paid at or above the post-employment rate is available in the two Committee advisory memoranda referenced in the previous section.<sup>[28]</sup>

\*\*\*\*\*

### CALENDAR YEAR 2020

Item	2020 Amount
<b>Outside earned income &amp; outside employment threshold</b>	<b>\$131,239</b>
- Outside employment fiduciary restrictions if paid at rate for more than 90 days during 2020	(\$10,936/mo)
<b>Outside earned income limit</b>	<b>\$28,845</b>
<b>Financial Disclosure/PTR threshold</b>	<b>\$131,239</b>

- Annual FD required in May 2021 if paid at rate for 60 days or more in CY 2020  - PTRs required during CY 2020 if:  - Paid at rate on first day of calendar year or first day of House employment (if later); <b>or</b>  - Paid at rate for any two pay periods during CY 2020 (e.g., if get bonus or pay raise during calendar year), subject to PTR requirement for remainder of year	(\$10,936/mo)
<b>Written disclosure of job negotiations and recusals required if paid <i>more than</i> the post-employment rate</b>	<b>\$130,500</b> (\$10,875/mo)
<b>Post-Employment threshold for employees of Member, committee, or leadership offices</b>	<b>\$130,500</b> (\$10,875/mo)
<b>Post-Employment threshold for employees of "other legislative offices" (see p. 5)</b>	<b>\$170,800</b> (14,233/mo)

[1] Ethics in Government Act (EIGA) §§ 109(13) and 101(d), 5 U.S.C. app. §§ 109(13) and 101(d) (hereinafter all citations to the EIGA will be to the appropriate federal code citation). In addition, all House Members are subject to financial disclosure filing requirements. 5 U.S.C. app. §§ 101(d) and (f).

[2] Exec. Order No.13,901, 84 Fed. Reg. 72,215 (Dec. 30, 2019).

[3] The House payroll department operates on a 30-day payroll cycle, meaning that each monthly pay period, regardless of its actual length, is counted as 30 days. Thus, a change to an employee's base rate of pay in any two months during the calendar year (even non-consecutive months) may trigger the requirement to file an FD. This is true even if the pay change affects only part of a month.

[4] 5 U.S.C. app. §§ 101(d) and (f). With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that financial disclosure obligations do not apply to those whose combined House salary and annuity are at or above the threshold rate for the specified time period (*but see note 26, below*).

[5] See Comm. on Ethics *2008 Ethics Manual* at 283-84, available at [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf); Comm. on Ethics, *Instruction Guide, Financial Disclosure Statements and Periodic Transaction Reports*, at p. 2 (Calendar Year 2018), available at <https://ethics.house.gov/forms/information-and-forms>.

[6] See 5 U.S.C. app. § 101(a). The only exception to this filing requirement is for new employees who assume employment with the House within 30 days of leaving a position with the federal government in which they filed a publicly-available FD statement. Individuals who are exempt from filing under these circumstances must notify the Clerk of the House of that fact in writing by letter or through the e-filing system for filing FD statements.

[7] A request for an extension must be made using either a form available on the Committee's website or through the electronic financial disclosure filing system.

[8] 5 U.S.C. app. § 103(f).

[9] For detail on the PTR requirement, see the Committee's August 17, 2012 advisory memorandum "Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended," which is available on the Committee website (<https://ethics.house.gov>), under the links for

Reports/General Advisories. Note that the STOCK Act may require the filing of PTRs as often as once per month for Members and any staff who are paid at the senior staff rate on the first day of the 2020 pay cycle (January 3, 2020). Staff who are paid at or above the senior staff rate for more than 60 days later in 2020 – even if on a temporary basis – will also be subject to the PTR requirement for the remainder of the calendar year and will be required to file an annual FD in 2021.

[10] FD statements are due May 15 annually. In the event that May 15 or another filing deadline under the EIGA falls on a weekend or a holiday, the filing deadline shall be on the next business day.

[11] See *supra* note 7.

[12] See 5 U.S.C. app. § 101(e). The only exception is for filers who, within 30 days of their termination from the House, accept a position with the federal government that requires the filing of a publicly-available FD statement. Departing employees who are exempt from filing under these circumstances must notify the Clerk of the House of that fact in writing, by sending a letter, completing a form available for that purpose, or filing a notice through the electronic financial disclosure filing system.

[13] See *supra* note 7.

[14] For detailed information concerning limitations and prohibitions for *uncompensated outside positions*, see the Committee's December 11, 2019 advisory memorandum "Outside Position Regulations," which is available on the Committee's website (<https://ethics.house.gov>), under the links for Reports/General Advisories.

[15] The term "outside earned income" means any "wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered" by a House Member, officer, or employee. House Rule 25, cl. 4(d)(1). It does not include, among other things, the individual's salary from the House, nor does it include income for services rendered before the individual was employed by the House. *Id.* at cls. 4(d)(1)(A), (B).

[16] 5 U.S.C. app. § 501(a)(1); House Rule 25, cls. 1(a)(1) and 4(a)(1).

[17] Exec. Order No., 13,901, 84 Fed. Reg. 72,218 (December 30, 2019).

[18] This amount is proportionally reduced when an individual becomes a Member, officer, or senior employee during the calendar year. For example, an individual who is hired into a senior staff position on July 1 has an outside earned limit that is one-half of the full amount, or \$14,422. See 5 U.S.C. app. § 501(a)(2); House Rule 25, cl. 1(b).

[19] See 5 U.S.C. app. § 502(a); House Rule 25, cls. 1-4.

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] See House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter STOCK Act) § 17.

[24] See *id.*; see also Section 7 of the Further Consolidated Appropriations Act, 2020, Pub. L. No. 116-94 Dec. 20, 2019), prohibiting a scheduled cost-of-living pay raise for Members. As a result, Member pay will remain at \$174,000 for 2020.

[25] House Rule 27, cl. 4; STOCK Act § 17.

[26] 18 U.S.C. § 207. With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that the post-employment restrictions apply to those whose combined House salary and annuity were at or above the threshold rate for the specified time period (*but see* note 4, above).

[27] "[O]ther legislative offices" also includes employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Publishing Office, Library of Congress, Congressional Budget Office, and Capitol Police. See 18 U.S.C. § 207(e)(9)(G).

[28] Most of the post-employment restrictions apply to employees paid at or above \$130,500. As discussed in the general advisory memorandum for former staff, however, one provision applies to all former House staff – regardless of rate of pay – and restricts use of confidential information obtained during personal and substantial participation in ongoing trade or treaty agreements.

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# **EXHIBIT 9**

**To:** Z115 Suozzi, Tom [REDACTED]  
**From:** e-Dear Colleague  
**Sent:** Mon 2/8/2021 9:54:10 PM  
**Subject:** Administrative: The 2021 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions

## The 2021 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions

Sending Office: Committee on Ethics  
Sent By: EthicsCommittee@mail.house.gov

[Please click here to read the Pink Sheet on the Committee's website](#)

February 8, 2021

### MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

**FROM:** Committee on Ethics

Theodore E. Deutch, Chairman

Jackie Walorski, Ranking Member

**SUBJECT:** The 2021 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees

All Members of the House are subject to certain public disclosure requirements and employment restrictions both during and after their service in the House. Specifically:

1. Financial disclosure filing requirements, including both annual financial disclosure (FD) statements and Periodic Transaction Reports (PTRs);
2. Restrictions on outside employment;
3. Notification requirements for disclosure of negotiations for private employment and related recusals; and
4. Post-employment restrictions.

House employees may also be subject to these requirements and restrictions, depending

on their salary level. This memorandum provides details on the current triggering salary figures for Calendar Year (CY) 2021 for each of the categories noted above and summarizes them in a table on page 6. It is each individual employee's responsibility to know whether their salary level subjects them to these standards of conduct and, if so, to comply with them. Please note that this memorandum is not a comprehensive list of every rule or standard of conduct that applies to House staff, but an overview of key standards that are triggered by salary level. Any Member, officer, or employee who has questions about these requirements and restrictions or about the various rules is encouraged to contact the Committee's Office of Advice and Education at extension 5-7103.

### **FINANCIAL DISCLOSURE**

House officers and employees whose "rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for at least 60 days at any time during a calendar year are subject to financial disclosure filing requirements, provided that the officer or employee "performs the duties of his [or her] position or office for a period in excess of sixty days in that calendar year."<sup>[1]</sup> The GS-15, step 1, basic pay rate for CY 2021 is \$110,460.<sup>[2]</sup> The applicable 120% calculation for that rate is therefore **\$132,552**, or a monthly salary of equal to or more than \$11,046. This rate is referred to as the "senior staff rate."

As a result, House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate (\$132,552) for at least **60 days**<sup>[3]</sup> during **2021** must file an FD statement on or before May 16, 2022.<sup>[4]</sup> (Temporary increases in an employee's basic rate of pay – such as to pay out a bonus – count toward this threshold, but "lump sum" payments do not.<sup>[5]</sup>) In addition, any new employee paid at or above the senior staff rate must file a "new employee" FD statement within 30 days of assuming employment with the House.<sup>[6]</sup> A new employee may request an extension of the new employee FD filing deadline of up to 90 days, but the request must be received by the Committee or on before the original filing deadline.<sup>[7]</sup> Finally, any staff who are paid at or above the senior staff rate on January 3, 2021 (or their first day of employment, if later in the year) must file reports (PTRs) on an ongoing basis throughout the year regarding certain financial transactions.<sup>[8]</sup> PTRs are not annual filings, but must be filed within 30 days of a purchase, sale, or exchange of more than \$1,000 in stocks, bonds, and other securities.<sup>[9]</sup>

Please note that the requirement to file an FD statement covering calendar year 2020 applies to officers and employees whose basic rate of pay for at least 60 days in **2020** was **\$131,239** or more (a monthly salary at or above \$10,936). Annual FD statements covering CY 2020 are due on Monday, May 17, 2021, for those individuals who continue to be Members, officers, or employees of the House on that date.<sup>[10]</sup> A filer may request an extension of the annual FD filing deadline of up to 90 days, but the request must be received by the Committee on or before the original filing deadline.<sup>[11]</sup>

In addition, House Members, officers, and employees paid at or above the senior staff rate for 60 days or more in a calendar year who terminate their House employment during that calendar year are required to file an FD statement within 30 days of their termination.<sup>[12]</sup> A filer may request an extension of the termination FD filing deadline of up to 90 days, but the request must be received by the Committee or on before the original filing deadline.<sup>[13]</sup>

### **THE OUTSIDE EARNED INCOME LIMIT**

## **AND OUTSIDE EMPLOYMENT RESTRICTIONS**<sup>[14]</sup>

House officers and employees whose rate of basic pay is equal to or greater than the senior staff rate for **more than 90 days** are subject to limits on the amount of outside earned income<sup>[15]</sup> attributable to each calendar year.<sup>[16]</sup> As noted above, the senior staff rate for CY 2021 is **\$132,552**, or a monthly salary equal to or greater than \$11,046. The limit on outside earned income attributable to a calendar year is 15% of the rate of basic pay for Executive Schedule Level II in effect on January 1 of that year. As of January 1, 2021, the rate of basic pay for Executive Level II was \$197,300.<sup>[17]</sup> Accordingly, the outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2021 is **\$29,595**.<sup>[18]</sup>

Members, officers, and House employees paid at or above the senior staff rate for more than 90 days are also subject to a number of specific limitations on the substantive types of outside employment for which they may receive compensation and must receive prior approval to receive certain types of compensation.<sup>[19]</sup> These include prohibitions on receiving any compensation for practicing a profession that involves a fiduciary relationship, receiving any compensation for affiliating with a firm that provides professional services involving a fiduciary relationship, or permitting such a firm to use one's name.<sup>[20]</sup> Receipt of compensation for service as an officer or member of a board of directors is also prohibited.<sup>[21]</sup> Prior written approval from the Committee on Ethics is required to accept compensation for teaching and to receive copyright royalties.<sup>[22]</sup> Detailed information regarding these limitations may be found on pages 213 to 238 of the *2008 House Ethics Manual*, which is available on the Committee's website (<https://ethics.house.gov/house-ethics-manual>).

## **DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSALS**

House Members, officers, and certain House employees must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment or compensation with a *private* entity.<sup>[23]</sup> House employees subject to this disclosure requirement are those employees who are paid greater than 75% of the basic rate of pay for Members (employees earning more than **\$130,500 or 10,875 monthly**).<sup>[24]</sup> This amount is referred to as the post-employment rate.

In addition, House Members, officers, and employees paid more than the post-employment rate must recuse themselves from "any matter in which there is a conflict of interest or an appearance of a conflict" with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal.<sup>[25]</sup>

Information on the disclosure and recusal requirements related to seeking private employment applicable to Members, officers, and employees paid at or above the post-employment rate is available in two Committee advisory memoranda, one for Members and officers and one for staff. Copies of both memoranda, which are dated December 18, 2020, are available on the Committee's website (<https://ethics.house.gov>) under "Reports/General Advisories," and forms for making the notifications regarding job negotiations or recusal are available under "Forms/Post-Employment."

## **POST-EMPLOYMENT RESTRICTIONS**

House Members and officers, and employees paid at or above the post-employment rate, are subject to post-employment restrictions.<sup>[26]</sup> In general, a former employee of a Member, committee, or leadership office is subject to the restrictions if, for at least **60 days** during the twelve month period preceding termination of House employment, the employee was paid at a rate equal to or greater than 75% of the basic rate of pay for Members at the time of termination. As noted above, the post-employment rate is \$130,500, or a monthly salary of \$10,875 or more.

Additionally, the triggering salary for employees of other House offices (such as the Chaplain, Chief Administrative Officer, Clerk, General Counsel, Historian, Inspector General, Law Revision Counsel, Legislative Counsel, Office of Congressional Ethics, Parliamentarian, and Sergeant at Arms) is Executive Schedule Level IV.<sup>[27]</sup> For 2021, that salary is **\$172,500**, or a monthly salary more than \$14,375.

Information on the post-employment restrictions applicable to Members, officers, and employees paid at or above the post-employment rate is available in the two Committee advisory memoranda referenced in the previous section.<sup>[28]</sup>

#### CALENDAR YEAR 2021

Item	2021 Amount
<p><b>Outside earned income &amp; outside employment threshold</b></p> <ul style="list-style-type: none"> <li>- Outside employment fiduciary restrictions if paid at rate for more than 90 days during 2021</li> </ul>	<p><b>\$132,552</b></p> <p>(\$11,046/mo)</p>
<p><b>Outside earned income limit</b></p>	<p><b>\$29,595</b></p>
<p><b>Financial Disclosure/PTR threshold</b></p> <ul style="list-style-type: none"> <li>- Annual FD required in May 2022 if paid at rate for 60 days or more in CY 2021</li> <li>- PTRs required during CY 2021 if:               <ul style="list-style-type: none"> <li>- Paid at rate on first day of calendar year or first day of House employment (if later); <i>or</i></li> <li>- Paid at rate for any two pay periods during CY 2021 (e.g., if get bonus or pay raise during calendar year), subject to PTR requirement for remainder of year</li> </ul> </li> </ul>	<p><b>\$132,552</b></p> <p>(\$11,046/mo)</p>

<b>Written disclosure of job negotiations and recusals required if paid <i>more than</i> the post-employment rate</b>	<b>\$130,500</b> (\$10,875/mo)
<b>Post-Employment threshold for employees of Member, committee, or leadership offices</b>	<b>\$130,500</b> (\$10,875/mo)
<b>Post-Employment threshold for employees of “other legislative offices” (see p. 5)</b>	<b>\$172,500</b> (\$14,375/mo)

<sup>[1]</sup> Ethics in Government Act (EIGA) §§ 109(13) and 101(d), 5 U.S.C. app. §§ 109(13) and 101(d) (hereinafter all citations to the EIGA will be to the appropriate federal code citation). In addition, all House Members are subject to financial disclosure filing requirements. 5 U.S.C. app. §§ 101(d) and (f).

<sup>[2]</sup> Exec. Order No. 13970, 86 Fed. Reg. 421 (Dec. 31, 2020).

<sup>[3]</sup> The House payroll department operates on a 30-day payroll cycle, meaning that each monthly pay period, regardless of its actual length, is counted as 30 days. Thus, a change to an employee’s base rate of pay in any two months during the calendar year (even non-consecutive months) may trigger the requirement to file an FD. This is true even if the pay change affects only part of a month.

<sup>[4]</sup> 5 U.S.C. app. §§ 101(d) and (f). With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that financial disclosure obligations do not apply to those whose combined House salary and annuity are at or above the threshold rate for the specified time period (*but see* note 26, below). FD statements are due May 15 annually. In the event that May 15 or another filing deadline under the EIGA falls on a weekend or a holiday, the filing deadline shall be on the next business day.

<sup>[5]</sup> See Comm. on Ethics 2008 *Ethics Manual* at 283-84, available at [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf); Comm. on Ethics, *Instruction Guide, Financial Disclosure Statements and Periodic Transaction Reports*, at p. 2 (Calendar Year 2019), available at <https://ethics.house.gov/financial-disclosure/financial-disclosure-forms-and-filing>.

<sup>[6]</sup> See 5 U.S.C. app. § 101(a). The only exception to this filing requirement is for new employees who assume employment with the House within 30 days of leaving a position with the federal government in which they filed a publicly-available FD statement. Individuals who are exempt from filing under these circumstances must notify the Clerk of the House of that fact in writing by letter or through the e-filing system for filing FD statements.

<sup>[7]</sup> A request for an extension must be made using either a form available on the Committee’s website or through the electronic financial disclosure filing system at <https://fd.house.gov>.

<sup>[8]</sup> 5 U.S.C. app. § 103(l).

<sup>[9]</sup> For detail on the PTR requirement, see the Committee’s August 17, 2012 advisory memorandum “Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended,” which is available on the Committee website (<https://ethics.house.gov>), under the links for Reports/General Advisories.

Note that the STOCK Act may require the filing of PTRs as often as once per month for Members and any staff who are paid at the senior staff rate on the first day of the 2021 pay cycle (January 3, 2021). Staff who are paid at or above the senior staff rate for more than 60 days later in 2021 – even if on a temporary basis – will also be subject to the PTR requirement for the remainder of the calendar year and will be required to file an annual FD in 2022.

<sup>[10]</sup> See supra note 4.

<sup>[11]</sup> See supra note 7.

<sup>[12]</sup> See 5 U.S.C. app. § 101(e). The only exception is for filers who, within 30 days of their termination from the House, accept a position with the federal government that requires the filing of a publicly-available FD statement. Departing employees who are exempt from filing under these circumstances must notify the Clerk of the House of that fact in writing, by sending a letter, completing a form available for that purpose, or filing a notice through the electronic financial disclosure filing system.

<sup>[13]</sup> See supra note 7.

<sup>[14]</sup> For detailed information concerning limitations and prohibitions for *uncompensated outside positions*, see the Committee’s December 11, 2019 advisory memorandum “Outside Position Regulations,” which is available on the Committee’s website (<https://ethics.house.gov>), under the links for Reports/General Advisories.

<sup>[15]</sup> The term “outside earned income” means any “wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered” by a House Member, officer, or employee. House Rule 25, cl. 4(d)(1). It does not include, among other things, the individual’s salary from the House, nor does it include income for services rendered before the individual was employed by the House. *Id.* at cls. 4(d)(1)(A), (B).

<sup>[16]</sup> 5 U.S.C. app. § 501(a)(1); House Rule 25, cls. 1(a)(1) and 4(a)(1).

<sup>[17]</sup> Exec. Order No. 13,901, 84 Fed. Reg. 72,218 (Dec. 30, 2019) (setting Executive Schedule rates for the first pay period starting after January 1, 2020); Exec. Order No. 13970, 86 Fed. Reg. 421 (Dec. 31, 2020) (setting Executive Schedule rates for the first pay period starting after January 1, 2021).

<sup>[18]</sup> This amount is proportionally reduced when an individual becomes a Member, officer, or senior employee during the calendar year. For example, an individual who is hired into a senior staff position on July 1 has an outside earned limit that is one-half of the full amount, or \$14,797.50. See 5 U.S.C. app. § 501(a)(2); House Rule 25, cl. 1(b).

<sup>[19]</sup> See 5 U.S.C. app. § 502(a); House Rule 25, cls. 1-4.

<sup>[20]</sup> *Id.*

<sup>[21]</sup> *Id.*

<sup>[22]</sup> *Id.*

<sup>[23]</sup> See House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter STOCK Act) § 17.

<sup>[24]</sup> See *id.*; see also Section 7 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 Dec. 27, 2020), prohibiting a scheduled cost-of-living pay raise for Members. As a result, Member pay will remain at \$174,000 for 2021.

<sup>[25]</sup> House Rule 27, cl. 4; STOCK Act § 17.

<sup>[26]</sup> 18 U.S.C. § 207. With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that the post-employment restrictions apply to those whose combined House salary and annuity were at or above the threshold rate for the specified time period (*but see* note 4, above).

<sup>[27]</sup> “[O]ther legislative offices” also includes employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Publishing Office, Library of Congress, Congressional Budget Office, and Capitol Police. See 18 U.S.C. § 207(e)(9)(G).

<sup>[28]</sup> Most of the post-employment restrictions apply to employees paid more than \$130,500. As discussed in the general advisory memorandum for former staff, however, one provision applies to all former House staff – regardless of rate of pay – and restricts use of confidential information obtained during personal and substantial participation in ongoing trade or treaty agreements.

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# **EXHIBIT 10**

**To:** Z115 Suozzi, Tom [REDACTED]  
**From:** e-Dear Colleague  
**Sent:** Mon 4/26/2021 9:27:14 PM  
**Subject:** Administrative: Upcoming Financial Disclosure Filing Deadline & Automatic Extension

## Upcoming Financial Disclosure Filing Deadline & Automatic Extension

Sending Office: Committee on Ethics  
Sent By: EthicsCommittee@mail.house.gov

[Please click here to view PDF of the Pink Sheet](#)

April 26, 2021

### MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

**FROM:** Committee on Ethics  
  
Theodore E. Deutch, Chairman  
  
Jackie Walorski, Ranking Member

**SUBJECT:** Upcoming Financial Disclosure Filing Deadline & Automatic Extension

The Ethics in Government Act (EIGA) subjects all Members of the House and certain House employees to financial disclosure (FD) filing requirements. In general, Members and staff who are subject to FD filing requirements must file two types of reports: 1) annual FD Statements, which must be filed regardless of a filer's holdings or financial activity, as well as upon beginning and terminating House employment, and 2) periodic transaction reports (PTRs) that a filer may be required to file throughout the year on an ongoing basis, depending on their actual financial activity. The purpose of this memorandum is to remind filers of the filing requirement and to detail the step the Committee is taking to address the difficulties of complying with the May 17, 2021 annual FD deadline.

#### Automatic Extension for Annual Financial Disclosure Statements

**The Committee has automatically granted all House Members and employees who are required to file an annual FD Statement the full 90-day extension permitted by EIGA. Therefore, the deadline for all annual filers is now August 13, 2021.** Annual filers are welcome to submit FD Statements as soon as practicable, or any time before August 13, 2021. There is no need to request the extension or take any other action. As the Committee is granting an extension to the maximum extent allowed by law, the Committee is not authorized to grant

any additional extensions. This automatic extension does not apply to staffers filing new employee reports or termination reports. Additionally, this automatic extension does not apply to candidates for the U.S. House of Representatives.<sup>[1]</sup>

Which Staff Must File Financial Disclosure Statements

House staff may be subject to financial disclosure filing requirements for a number of reasons, including 1) they are paid at or above the senior staff rate for 60 days or more during the calendar year, even if on a temporary basis; 2) they are designated a “principal assistant” for financial disclosure filing purposes by their employing Member; or 3) they are a shared employee of three or more offices, regardless of their rate of pay.

“Senior Staff” are those House employees whose “rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for at least 60 days at any time during a calendar year. Therefore, House employees who were paid at the rate of \$131,239 (\$10,936 monthly salary) for at least 60 days during 2020 will be required to file a Statement by August 13, 2021.<sup>[2]</sup> It is each employee’s responsibility to know if you are senior staff and to comply with the ethics requirements that attach to that designation.

At least one employee in every Member’s personal office must file an annual FD Statement. Most offices will have at least one employee who is paid at or above the senior staff rate and therefore is required to file an annual FD Statement. If a Member does not have an employee paid at or above the senior staff rate, the Member must designate at least one current employee as a “principal assistant” to file an annual FD Statement. To designate a principal assistant, the Member must sign and transmit to the Clerk of the House a letter that identifies the designee. A form for this purpose is available on the Clerk’s website, <https://clerk.house.gov>.

Some shared employees are also required to file an annual FD Statement pursuant to a Committee on House Administration Resolution. Each House employee who is employed simultaneously by three or more offices for more than 60 days in a calendar year is required to file an annual FD Statement the following year regardless of their rate of pay.

Financial Disclosure Trainings

The Committee will offer senior staff trainings that will satisfy either the annual ethics training requirement or the additional hour of training required for senior staff for the 117<sup>th</sup> Congress (staff must choose one or the other). These trainings will cover general information about the requirement to file FD Statements and PTRs. In addition, the trainings will end with an opportunity for participants to ask questions about financial disclosure generally. Each training will take place virtually on the following dates and times:

<b>Trainings</b>		
<b>Date</b>	<b>Time</b>	<b>Platform</b>
<b>Wednesday, April 28</b>	2pm-3pm EST	Congressional Staff Academy
<b>Thursday, May 6</b>	2pm-3pm EST	Congressional Staff Academy

Members, officers, and employees are invited to attend FD trainings. To receive credit for one of the trainings, senior staff are **required to pre-register** using the following steps:

1. Go to the Congressional Staff Academy page on HouseNet;
2. Click “Access the Staff Academy Website to Sign Up for Trainings”;
3. Click on the calendar icon on the top right of the screen;
4. Search for “Financial Disclosure Webinar” on April 28 or May 6; and
5. Follow the prompts to register for your training of choice.

#### How to File Financial Disclosure Statements

Annual FD Statements may be filed with the Legislative Resource Center (LRC) by 1) using the online filing system available at <https://fd.house.gov>; 2) mailing in pre-printed forms; or by 3) delivering pre-printed forms to the LRC. These forms may not be filed by email, scan, or fax.

The Committee strongly encourages all filers to use the online filing system for submission. The system can be used from any place where internet access is available and does not require any physical contact with the LRC. The login and password for the system remain the same from year to year. If you need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance.

Financial disclosure forms may also be filed by mailing hard copies of the pre-printed forms to the LRC, located in the Cannon House Office Building, Room B-81. In-person delivery to the LRC is also available until 3pm EST (5pm EST when the House is in session). Members must submit the original, signed form with 2 photocopies. Staff must submit the original, signed form with 1 photocopy. Forms may also be sent to the following mailing address:

The Clerk, U.S. House of Representatives

Legislative Resource Center

B-81 Cannon House Office Building

Washington, DC 20515-6612.

Prescreening of draft financial disclosure statements is available to Members. To have Committee staff review a draft filing and receive feedback before it is filed, simply email a PDF draft of the filing to [financial.disclosure@mail.house.gov](mailto:financial.disclosure@mail.house.gov) with “MEMBER PRESCREEN REQUEST” in the subject line. The Committee staff will respond promptly to requests in the order in which they are received.

Additional information about financial disclosure requirements may be found on the Committee’s website at <https://ethics.house.gov> under the “Financial Disclosure” tab.

If you have any questions regarding financial disclosure, please contact the Committee at (202) 225-7103 or [financial.disclosure@mail.house.gov](mailto:financial.disclosure@mail.house.gov).

\* \* \*

Ⓜ EIGA also does not permit the Committee to grant extensions for PTRs.

Ⓜ For 2021, senior staff are House officers and employees whose basic rate of pay is equal to or greater than \$132,552 (\$11,046 monthly salary) for at least 60 days during 2021.

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# **EXHIBIT 11**

**To:** Z115 Suozzi, Tom [REDACTED] Florio, Mike [REDACTED]  
**From:** Michael G. Norman  
**Sent:** Mon 4/26/2021 9:53:55 PM  
**Subject:** Re: Administrative: Upcoming Financial Disclosure Filing Deadline & Automatic Extension

Thank you  
All the best  
Mike

**Michael G Norman CPA PC**  
410 Jericho Turnpike- Suite 200  
Jericho, New York 11753  
Office: [REDACTED]  
Fax: [REDACTED]

CONFIDENTIALITY NOTE: This e-mail is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this e-mail message is not the intended recipient, or the employee or agent responsible for delivery of the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this e-mail in error, please notify us immediately by telephone at (516) 942-0300 and via e-mail and also indicate the sender's name. Thank you.

-----Original Message-----

From: Z115 Suozzi, Tom <[REDACTED]>  
To: Mike Norman <[REDACTED]>; Florio, Mike <[REDACTED]>  
Sent: Mon, Apr 26, 2021 5:34 pm  
Subject: Fwd: Administrative: Upcoming Financial Disclosure Filing Deadline & Automatic Extension

FYI

Tom  
Thomas R. Suozzi  
[REDACTED]

Begin forwarded message:

**From:** e-Dear Colleague [REDACTED]  
**Date:** April 26, 2021 at 5:29:39 PM EDT  
**To:** "Z115 Suozzi, Tom" <[REDACTED]>  
**Subject:** Administrative: Upcoming Financial Disclosure Filing Deadline & Automatic Extension  
**Reply-To:** e-dearcolleague [REDACTED]

?

## Upcoming Financial Disclosure Filing Deadline & Automatic Extension

Sending Office: Committee on Ethics  
Sent By: EthicsCommittee@mail.house.gov

Please click here to view PDF of the Pink Sheet

April 26, 2021

**MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES**

FROM: Committee on Ethics  
Theodore E. Deutch, Chairman  
Jackie Walorski, Ranking Member

SUBJECT: Upcoming Financial Disclosure Filing Deadline & Automatic Extension

The Ethics in Government Act (EIGA) subjects all Members of the House and certain House employees to financial disclosure (FD) filing requirements. In general, Members and staff who are subject to FD filing requirements must file two types of reports: 1) annual FD Statements, which must be filed regardless of a filer's holdings or financial activity, as well as upon beginning and terminating House employment, and 2) periodic transaction reports (PTRs) that a filer may be required to file throughout the year on an ongoing basis, depending on their actual financial activity. The purpose of this memorandum is to remind filers of the filing requirement and to detail the step the Committee is taking to address the difficulties of complying with the May 17, 2021 annual FD deadline.

Automatic Extension for Annual Financial Disclosure Statements

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Which Staff Must File Financial Disclosure Statements

House staff may be subject to financial disclosure filing requirements for a number of reasons, including 1) they are paid at or above the senior staff rate for 60 days or more during the calendar year, even if on a temporary basis; 2) they are designated a "principal assistant" for financial disclosure filing purposes by their employing Member; or 3) they are a shared employee of three or more offices, regardless of their rate of pay.

"Senior Staff" are those House employees whose "rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for at least 60 days at any time during a calendar year. Therefore, House employees who were paid at the rate of \$131,239 (\$10,936 monthly salary) for at least 60 days during 2020 will be required to file a Statement by August 13, 2021.<sup>[2]</sup> It is each employee's responsibility to know if you are senior staff and to comply with the ethics requirements that attach to that designation.

At least one employee in every Member's personal office must file an annual FD Statement. Most offices will have at least one employee who is paid



at or above the senior staff rate and therefore is required to file an annual FD Statement. If a Member does not have an employee paid at or above the senior staff rate, the Member must designate at least one current employee as a "principal assistant" to file an annual FD Statement. To designate a principal assistant, the Member must sign and transmit to the Clerk of the House a letter that identifies the designee. A form for this purpose is available on the Clerk's website, <https://clerk.house.gov>.

Some shared employees are also required to file an annual FD Statement pursuant to a Committee on House Administration Resolution. Each House employee who is employed simultaneously by three or more offices for more than 60 days in a calendar year is required to file an annual FD Statement the following year regardless of their rate of pay.

#### Financial Disclosure Trainings

The Committee will offer senior staff trainings that will satisfy either the annual ethics training requirement or the additional hour of training required for senior staff for the 117<sup>th</sup> Congress (staff must choose one or the other). These trainings will cover general information about the requirement to file FD Statements and PTRs. In addition, the trainings will end with an opportunity for participants to ask questions about financial disclosure generally. Each training will take place virtually on the following dates and times:

Trainings		
Date	Time	Platform
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Members, officers, and employees are invited to attend FD trainings. To receive credit for one of the trainings, senior staff are **required to pre-register** using the following steps:

1. Go to the Congressional Staff Academy page on HouseNet;
2. Click "Access the Staff Academy Website to Sign Up for Trainings";
3. Click on the calendar icon on the top right of the screen;
4. Search for "Financial Disclosure Webinar" on April 28 or May 6; and
5. Follow the prompts to register for your training of choice.

#### How to File Financial Disclosure Statements

Annual FD Statements may be filed with the Legislative Resource Center (LRC) by 1) using the online filing system available at <https://fd.house.gov>; 2) mailing in pre-printed forms; or by 3) delivering pre-printed forms to the LRC.

These forms may not be filed by email, scan, or fax.

The Committee strongly encourages all filers to use the online filing system for submission. The system can be used from any place where internet access is available and does not require any physical contact with the LRC. The login and password for the system remain the same from year to year. If you

need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance.

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The Clerk, U.S. House of Representatives  
Legislative Resource Center  
B-81 Cannon House Office Building  
Washington, DC 20515-6612.

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Additional information about financial disclosure requirements may be found on the Committee's website at <https://ethics.house.gov> under the "Financial Disclosure" tab.

If you have any questions regarding financial disclosure, please contact the Committee at (202) 225-7103 or [financial.disclosure@mail.house.gov](mailto:financial.disclosure@mail.house.gov).

\* \* \*

<sup>[1]</sup> EIGA also does not permit the Committee to grant extensions for PTRs.

<sup>[2]</sup> For 2021, senior staff are House officers and employees whose basic rate of pay is equal to or greater than \$132,552 (\$11,046 monthly salary) for at least 60 days during 2021.

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# **EXHIBIT 12**

From: Tonya Sloans <[REDACTED]>  
To: mikenopa01 <[REDACTED]>  
Subject: FW: Congressman Thomas Suozzi  
Date: Tue, Aug 10, 2021 11:49 am  
Attachments: 2020 Financial Disclosure- Draft 8-9-21.pdf (1659K)

Michael

One of our auditors reviewed the draft and noted the following issues:

1. Assets that were disclosed on the prior year Schedule A (Assets and Unearned Income) generally should be disclosed on the current year Schedule A. If the assets were sold, the sale should be reported on Schedule B (Transactions). Assets that were sold should generally be reported on schedule A with a value of "none." Please review the following:

Alliantz- Qualified IRA ⇒AZL DFA Multi Strategy Fund

Alliantz- Qualified IRA ⇒Black Rock Global Associates

Merrill Lynch- Advisor Discretion Account ⇒

JPMorgan Chase Capital XVI JP Morgan Alerian MLP ETN (AMJ)

2. The following assets have been reported for the first time. If the assets were purchased during the reporting period, please disclose these transactions on Schedule B (Transactions). Please review the following:

Alliantz- Qualified IRA ⇒AZL MVP Growth Index Strategy

Alliantz- Qualified IRA ⇒AZL MVP TRP Cap App Plus

3. Member reported two entries for the same investment. Please combine the following investments into one entry:

Merrill Lynch- Advisor Discretion Account ⇒JP Morgan Chase & Co.

Merrill Lynch- Advisor Discretion Account ⇒Nvidia Corporation

Merrill Lynch- Advisor Discretion Account ⇒Walmart

Merrill Lynch- Advisor Discretion Account ⇒Waste Management

4. Members and staff are not required to disclose the exact amount for their spouse's income. You may use "N/A" for the amount of income.

5. PTRs are not been filed to disclose stock transactions from 2020 and prior years.

Tonya Sloans

From: Michael G. Norman <[REDACTED]>  
Sent: Monday, August 9, 2021 10:30 AM  
To: Disclosure, Financial <[REDACTED]>  
Cc: Sloans, Tonya <[REDACTED]>  
Subject: Congressman Thomas Suozzi

Good morning to all-  
Attached please find, for your review, a draft of the 2020 Financial Disclosure report for Congressman Thomas Suozzi.  
If you have any questions, or need additional information, do not hesitate to contact us directly.  
Thank you for your assistance  
All the best  
Michael Norman

Michael G Norman CPA PC  
410 Jencho Turnpike- Suite 200  
Jencho, New York 11753  
Office: [REDACTED]  
Fax: [REDACTED]

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From: mikencpa01 [REDACTED]  
To: fanmarkus [REDACTED]  
Subject: Fwd: Congressman Thomas Suozzi  
Date: Tue Aug 10, 2021 11:52 am  
Attachments: 2020 Financial Disclosure- Draft 8-9-21.pdf(1659K)

Michael G Norman CPA PC  
410 Jencks Turnpike Suite 200  
Jencks, New York 11753  
Office: [REDACTED]  
Fax: [REDACTED]

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-----Original Message-----

From: Sloans, Tonya [REDACTED]  
To: mikencpa01@aol.com [REDACTED]  
Sent: Tue, Aug 10, 2021 11:49 am  
Subject: FW: Congressman Thomas Suozzi

Michael:

One of our auditors reviewed the draft and noted the following issues:

1. Assets that were disclosed on the prior year Schedule A (Assets and Unearned Income) generally should be disclosed on the current year Schedule A. If the assets were sold, the sale should be reported on Schedule B (Transactions). Assets that were sold should generally be reported on schedule A with a value of "none." Please review the following:

Allianz- Qualified IRA =>AZL DFA Multi Strategy Fund  
Allianz- Qualified IRA =>Black Rock Global Associates  
Merrill Lynch- Advisor Discretion Account =>  
JPMorgan Chase Capital XVI J.P. Morgan Alerian MLP ETN (AMJ)

2. The following assets have been reported for the first time. If the assets were purchased during the reporting period, please disclose these transactions on Schedule B (Transactions). Please review the following:

Allianz- Qualified IRA =>AZL MVP Growth Index Strategy  
Allianz- Qualified IRA =>AZL MVP TRP Cap App Plus

3. Member reported two entries for the same investment. Please combine the following investments into one entry:

Merrill Lynch- Advisor Discretion Account =>JP Morgan Chase & Co.  
Merrill Lynch- Advisor Discretion Account =>Nvidia Corporation  
Merrill Lynch- Advisor Discretion Account =>Walmart  
Merrill Lynch- Advisor Discretion Account =>Waste Management

4. Members and staff are not required to disclose the exact amount for their spouse's income. You may use "N/A" for the amount of income.
5. PTRs are not been filed to disclose stock transactions from 2020 and prior years.  
Tonya Sloans

From: Michael G. Norman [REDACTED]  
Sent: Monday, August 9, 2021 10:30 AM  
To: Disclosure, Financial [REDACTED]  
Cc: Sloans, Tonya [REDACTED]  
Subject: Congressman Thomas Suozzi

Good morning to all!  
Attached please find, for your review, a draft of the 2020 Financial Disclosure report for Congressman Thomas Suozzi.  
If you have any questions, or need additional information, do not hesitate to contact us directly.  
Thank you for your assistance.  
All the best  
Michael Norman

Michael G Norman CPA PC  
410 Jencks Turnpike Suite 200  
Jencks, New York 11753  
Office: [REDACTED]  
Fax: [REDACTED]

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# **EXHIBIT 13**



**t Flemingmgn** [redacted]

**From:** Baker, Jessica [redacted]  
**Sent:** Tuesday, August 6, 2019 4:15 PM  
**To:** t Flemingmgn [redacted]  
**Subject:** RE: Financial disclosure 2018

Hi Taylor:

PIR

Quick follow up regarding your EIP question—the first requirement for not reporting those assets (on page 17 of the instruction guide) is that the asset is a fund. You've previously reported those holdings as an Advisor Discretion Account—is it actually a widely held investment fund?

*Fund is a Group of Holdings.*

Again, if those 4 requirements aren't all satisfied, then he will have to continue to report those underlying assets.

Sorry for all the back and forth,

Jessica Baker  
Counsel  
Committee on Ethics  
U.S. House of Representatives  
1015 Longworth House Office Building  
Washington, DC 20515  
Phone: (202) 225-7103  
Fax: (202) 225-7392

*Not funds, but specific holdings under an investment.*

*Individual holdings -> outside Congressional Control.*

*Delaware warehouse spouse -*

Please note that is informal guidance from the professional staff of the House Committee on Ethics. If you require an official opinion from the Committee, please submit a written request to the Committee addressed to Chairman Theodore E. Deutch and Ranking Member Kenny Marchant.

**From:** Baker, Jessica  
**Sent:** Tuesday, August 6, 2019 3:05 PM  
**To:** [redacted]  
**Subject:** RE: Financial disclosure 2018

That's correct—not on A or B.

Jessica

**From:** t Flemingmgn [redacted]  
**Sent:** Tuesday, August 6, 2019 3:05 PM  
**To:** Baker, Jessica [redacted]  
**Subject:** RE: Financial disclosure 2018

They are not rental properties. Therefore, they aren't necessary to be reported?

**From:** Baker, Jessica [redacted]  
**Sent:** Tuesday, August 6, 2019 3:03 PM  
**To:** t Flemingmgn [redacted]  
**Subject:** RE: Financial disclosure 2018

Hi Taylor:

Apologies for the delay—it's a busy week in this office. Regarding the addition of the two properties ([REDACTED] and [REDACTED]), I just want to confirm that these are rental properties. Per my email below, this isn't reportable if the purchase/sale were for the Congressman's personal home that he doesn't rent any portion of. Otherwise, if they are rental properties, I don't see disclosure of [REDACTED] on last year's report (unless it was reported a different way). I'd recommend a comment to explain that this asset, sold in 2018, was previously omitted from previous filings in error.

This rest of this draft report and the changes made looks good. Regarding your PTR question, the Congressman must report activity in any investment fund that does not qualify as an Excepted Investment Fund. More information about EIF's can be found on page 17 of the [instruction guide](#).

Best,

**Jessica Baker**

*Counsel*

Committee on Ethics

U.S. House of Representatives

1015 Longworth House Office Building

Washington, DC 20515

Phone: (202) 225-7103

Fax: (202) 225-7392

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---

**From:** tflemingmgn [REDACTED]  
**Sent:** Tuesday, August 6, 2019 9:16 AM  
**To:** Baker, Jessica [REDACTED]  
**Subject:** RE: Financial disclosure 2018

Hi Jessica,

Any update on the report?

Question regarding the PTR: if the accounts are not controlled by Tom Suozi do they still need to be disclosed on this report? The securities are held in an advisory discretionary account.

Thank you.

Best Regards,

Taylor [REDACTED]  
Michael G. Norman, C.P.A., P.C.  
410 Jericho Turnpike, Suite 200  
Jericho, NY 11753  
O: [REDACTED]  
F: [REDACTED]

---

**From:** Baker, Jessica [REDACTED]  
**Sent:** Friday, August 2, 2019 3:03 PM

To: tflemingmgn [REDACTED]  
Subject: RE: Financial disclosure 2018

Hi Taylor:

I've attached the excerpt from our manual re: PTRs. Because most of those transactions are purchase/sale of stock over \$1k, he'll need to report each of those in a PTR.

Additionally, I was looking at the all the rental properties the Congressmen held when answering your question about selling his home—if it was his personal home (i.e. he bought and sold a home he doesn't also rent/otherwise use for monetary gain), then it's *not* reportable anywhere. Any mortgage, if any, he took on the new property *is* reportable on Schedule D (Liabilities), however.

Best,

**Jessica Baker**  
Counsel  
Committee on Ethics  
U.S. House of Representatives  
1015 Longworth House Office Building  
Washington, DC 20515  
Phone: (202) 225-7103  
Fax: (202) 225-7392

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---

**From:** Baker, Jessica  
**Sent:** Friday, August 2, 2019 11:27 AM  
**To:** 'tflemingmgn' [REDACTED], [REDACTED]  
**Subject:** Re: Financial disclosure 2018

Hi Taylor:

First, regarding the inherited IRA from the Congressman's late mother—he is not required to list as transactions a change in retirement custodians/a "roll over" of funds from her account to his *but* he should parenthetically explain where the new account came from in a comment (below I just recommended adding the date of the transfer). For assets acquired in this IRA, you can remove all of those transactions listed as an exchange on Schedule B (as they are not needed for this type of transfer).

Schedule A (Assets and "Unearned Income"):

- Merrill Lynch—Advisor Discretion Account: Apple Inc. and ATT&T
  - Because Apple and AT&T were sold in 2018, they only need to be reported once on Sch. A with a value of "none." The dividends over \$200 that either stock accrued during the year should also be reported, as well as the capital gains.
- Merrill Lynch—Advisor Discretion Account: late mother's IRA assets
  - Would recommend adding that they were inherited in February 2018 to the description.
- Merrill Lynch—Advisor Discretion Account: Consolidated Edison, Inc., Intel Corporation, MetLife, Inc., PPL Corporation, Procter & Gamble Company, and Superior Industries International, Inc.:

- Only one entry is needed for these assets on Sch. A. You may delete the other entry and list the dividends and capital gains together in a single entry (the system allows you to check multiple boxes for “income type(s)”.
- Merrill Lynch—Advisor Discretion Account: Exxon Mobil Corporation (XOM)
  - Was reported on last year’s filing, but is reported this year as being purchased and sold in 2018 (please remediate).
- Merrill Lynch—Advisor Discretion Account: Henry Schein, Inc
  - If sold in 2017, it can be removed from this year’s report.

Schedule B (Transactions):

- Certain transactions reported on Schedule B should have also been reported in Periodic Transaction Reports throughout the year. The Congressman will need to file retroactive PTRs for the majority of the items listed on Sch. B. (happy to walk you through this via phone).

Best,

**Jessica Baker**

*Counsel*

Committee on Ethics

U.S. House of Representatives

1015 Longworth House Office Building

Washington, DC 20515

Phone: (202) 225-7103

Fax: (202) 225-7392

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# **EXHIBIT 14**

November 5, 2021

Mr. Sean M. Quinn, Esq.  
Investigative Counsel  
Office of Congressional Ethics  
U.S. House of Representatives  
425 3<sup>rd</sup> Street SW- Suite 1110  
Washington, DC 20024

Re: The Honorable Thomas Suozzi  
Review No: 21-6367

Dear Mr. Quinn:

I am the designated point of contact (authorization previously submitted) for the review of Filings by Thomas R Suozzi. Additionally, I assisted in the preparation of all financial disclosure reports since the Congressman's first election campaign for congress in 2016. As requested in the request for information, we are submitting the following information:

1. Copies of all documents relating to the preparation of the annual financial disclosure reports including brokerage statements, investment schedules K-1 received for each year, retirement account statements, and year end 1099 reports. We are submitting as a separate file for each year, 2017-2020.
2. Copies of all communications with the house committee on ethics to and from me relating to the annual financial disclosures
3. Information relating to the 2021 PTR filings submitted.
4. The following individuals have assisted with the preparation and filings of the PTR's since 2017:  
Michael G Norman CPA  
Fran Markus  
Mario Alvarado  
Please note: All individuals can be reached at my office: [REDACTED]

Let me be clear , Congressman Suozzi and I were under the mistaken impression that because the congressman's brokerage accounts were solely managed at the discretion of the brokers, we were only required to file an annual disclosures and not periodic transaction reports("PTR'S"). In fact, I filed the proper annual disclosures for 2016, 2017, 2018, 2019 and 2020. Each year my office would communicate with the house committee on ethics to review the annual disclosures prior to submission.

Mr. Sean M. Quinn, Esq.

Review No: 21-6367

Page 2

As indicated in the emails and correspondence attached, I was first made aware of the requirement to file PTR's when Fran Markus, a CPA working in my office, for the first time received notification by the committee during the 2020 annual review of the financial disclosure reports in August 2021. (Please see emails from Fran attached). Fran and I were not aware of the missing reports. Upon notification, we immediately prepared and filed the missing PTR's. Additionally, we immediately implemented a system to assure future compliance.

It should be noted every transaction by the Congressman's brokers that we disclosed in the PTR's have been previously disclosed in the annual filings. There was no effort to knowingly not report the transactions. It should also be noted that I never received as the point of contact, and the congressman never received, any notification of a failure to file,

As we were accumulating the information to submit for this review, we found a hard copy of an August 2019 email that had been sent from the House Committee on Ethics to a recent college graduate who served as a junior accountant in my office referring to the PTR filing requirements. It appears there was a miscommunication. Additionally, the junior accountant unfortunately never forwarded the email correspondence to me. The junior accountant left my office three months later in November of 2019 and I only became aware of this correspondence as part of this review. The email with her handwritten notes is included with the submitted information relating to the 2018 filing. We apologize for this breakdown in notification within our office.

Thank you for your assistance and cooperation with regard to this matter. If you have any questions, or need additional information, please do not hesitate to contact me directly as it is our objective to resolve this as quickly as possible.

Very truly yours,



Michael G Norman

# **EXHIBIT 15**



**From:** [Michael G. Norman](#)  
**To:** [Ashmawy, Omar](#)  
**Cc:** [Brown, Jeffrey](#)  
**Subject:** Re: OCE Confidential Communication: Follow-Up  
**Date:** Friday, January 28, 2022 2:42:00 PM  
**Attachments:** [Req for addl information re PTR filings.pdf](#)

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Hello Omar,

Hope all is well.

In preparing the Periodic Transaction Report for January 1, 2017- December 31, 2020, the Annual Financial Disclosure Reports were used. The Annual Financial Disclosure Reports were prepared using the year end 1099 reports received. As the 1099s reports only sale transactions, the purchases from 2017/2018 that spanned more than 2 calendar years were inadvertently omitted. Please note, as these securities were sold, the sale was reported on the Annual Financial Disclosure Report. Purchases and sales within the same calendar year were properly reported.

Attached is a schedule indicating the sale of the securities listed on your schedule as missing purchases, along with the gains and losses reported per the 1099. Please note, that when sold, the purchases were included in the calculation of the gain or loss. Additionally, the capital gain box was checked when applicable. In reviewing the information we are submitting to you, we identified 6 transactions, 3 in the IRA accounts and 3 in the Advisor Discretionary Account that were unintentionally omitted. We have segregated these transactions on the attached schedule.

Please note, the recent transactions were fully reported and we have instituted internal policies and procedures to assure future compliance.

If you have any questions or need any additional information, please do not hesitate to contact me.

Enjoy the weekend  
All the best  
Mike

**Michael G Norman CPA PC**  
410 Jericho Turnpike- Suite 200  
Jericho, New York 11753  
Office: [REDACTED]  
Fax: [REDACTED]

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-----Original Message-----

From: Ashmawy, Omar <[REDACTED]>  
To: Michael G. Norman <[REDACTED]>  
Cc: Brown, Jeffrey <[REDACTED]>  
Sent: Tue, Jan 25, 2022 1:04 pm  
Subject: Re: OCE Confidential Communication: Follow-Up