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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 24-7241

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on May 22, 2024, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Rep. Sheila Cherfilus-McCormick

NATURE OF THE ALLEGED VIOLATION:

Representative Cherfilus-McCormick may have requested community project funding that would be directed to a for-profit entity. If Representative Cherfilus-McCormick requested community project funding that would be directed to a for-profit entity, she may have violated House rules and standards of conduct.

Representative Cherfilus-McCormick may have accepted campaign contributions linked to an official action. If Representative Cherfilus-McCormick accepted campaign contributions linked to an official action, she may have violated House rules, standards of conduct, and federal law.

Representative Cherfilus-McCormick’s congressional office may have made payments to an entity in violation of House committee rules and standards of conduct; alternatively, her campaign may have accepted and failed to report in-kind contributions that may have exceeded applicable limits. If Representative Cherfilus-McCormick’s congressional office made payments to an entity in violation of House committee rules and standards of conduct—or if her campaign accepted and failed to report in-kind contributions, or if those in-kind contributions exceeded applicable limits—she may have violated House rules, standards of conduct, and federal law.

Representative Cherfilus-McCormick may have dispensed special favors or privileges to friends in connection with her congressional office’s requests for community project funding. If Representative Cherfilus-McCormick dispensed special favors or privileges to friends in connection with her congressional office’s requests for community project funding, she may have violated House rules, standards of conduct, and federal law.

Representative Cherfilus-McCormick’s campaign may have misreported the source of a campaign contribution or accepted a campaign contribution made by one person in the name of another. If Representative Cherfilus-McCormick’s campaign misreported the source of a campaign contribution or accepted a campaign contribution made by one person in the name of another, she may have violated House rules, standards of conduct, and federal law.

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RECOMMENDATION: The Board recommends that the Committee further review the above allegation concerning Rep. Cherfilus-McCormick because there is substantial reason to believe that Rep. Cherfilus-McCormick requested community project funding that would be directed to a for-profit entity.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

The Board recommends that the Committee further review the above allegation concerning Rep. Cherfilus-McCormick because there is probable cause to believe that Rep. Cherfilus-McCormick accepted campaign contributions linked to an official action.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

The Board recommends that the Committee further review the above allegation concerning Rep. Cherfilus-McCormick because there is substantial reason to believe that Rep. Cherfilus-McCormick's congressional office made payments to an entity in violation of House committee rules and standards of conduct—or alternatively, that her campaign accepted and failed to report in-kind contributions that may have exceeded applicable limits.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

The Board recommends that the Committee dismiss the above allegation concerning Rep. Cherfilus-McCormick because there is not substantial reason to believe that Rep. Cherfilus-McCormick dispensed special favors or privileges to friends in connection with her congressional office's requests for community project funding.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 1

ABSTENTIONS: 0

The Board recommends that the Committee dismiss the allegation concerning Rep. Cherfilus-McCormick because there is not substantial reason to believe Rep. Cherfilus-McCormick's campaign misreported the source of a campaign contribution or accepted a campaign contribution made by one person in the name of another.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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

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FINDINGS OF FACT AND CITATIONS TO LAW

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UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 24-7241

On May 22, 2024, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*).

I. INTRODUCTION

A. Summary of Allegations

1. Representative Cherfilus-McCormick may have requested community project funding that would be directed to a for-profit entity. If Representative Cherfilus-McCormick requested community project funding that would be directed to a for-profit entity, she may have violated House rules and standards of conduct.
2. Representative Cherfilus-McCormick may have accepted campaign contributions linked to an official action. If Representative Cherfilus-McCormick accepted campaign contributions linked to an official action, she may have violated House rules, standards of conduct, and federal law.
3. Representative Cherfilus-McCormick’s congressional office may have made payments to an entity in violation of House committee rules and standards of conduct; alternatively, her campaign may have accepted and failed to report in-kind contributions that may have exceeded applicable limits. If Representative Cherfilus-McCormick’s congressional office made payments to an entity in violation of House committee rules and standards of conduct—or if her campaign accepted and failed to report in-kind contributions, or if those in-kind contributions exceeded applicable limits—she may have violated House rules, standards of conduct, and federal law.
4. Representative Cherfilus-McCormick may have dispensed special favors or privileges to friends in connection with her congressional office’s requests for community project funding. If Representative Cherfilus-McCormick dispensed special favors or privileges to friends in connection with her congressional office’s requests for community project funding, she may have violated House rules, standards of conduct, and federal law.
5. Representative Cherfilus-McCormick’s campaign may have misreported the source of a campaign contribution or accepted a campaign contribution made by one person in the name of another. If Representative Cherfilus-McCormick’s campaign misreported the source of a campaign contribution or accepted a campaign contribution made by one person in the name of another, she may have violated House rules, standards of conduct, and federal law.

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6. The Board recommends that the Committee further review the above allegation concerning Rep. Cherfilus-McCormick because there is substantial reason to believe that Rep. Cherfilus-McCormick requested community project funding that would be directed to a for-profit entity.
7. The Board recommends that the Committee further review the above allegation concerning Rep. Cherfilus-McCormick because there is probable cause to believe that Rep. Cherfilus-McCormick accepted campaign contributions linked to an official action.
8. The Board recommends that the Committee further review the above allegation concerning Rep. Cherfilus-McCormick because there is substantial reason to believe that Rep. Cherfilus-McCormick's congressional office made payments to an entity in violation of House committee rules and standards of conduct—or alternatively, that her campaign accepted and failed to report in-kind contributions that may have exceeded applicable limits.
9. The Board recommends that the Committee dismiss the above allegation concerning Rep. Cherfilus-McCormick because there is not substantial reason to believe that Rep. Cherfilus-McCormick dispensed special favors or privileges to friends in connection with her congressional office's requests for community project funding.
10. The Board recommends that the Committee dismiss the allegation concerning Rep. Cherfilus-McCormick because there is not substantial reason to believe Rep. Cherfilus-McCormick's campaign misreported the source of a campaign contribution or accepted a campaign contribution made by one person in the name of another.

B. Jurisdictional Statement

11. The allegations that were the subject of this review concern Rep. Cherfilus-McCormick, a Member of the United States House of Representatives from the 20th District of Florida. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (“OCE”) directs that, “[n]o review shall be undertaken ... by the [B]oared of any alleged violation that occurred before the date of adoption of this resolution.”¹ The House adopted this Resolution on March 11, 2008.

C. Procedural History

12. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on January 19, 2024. The preliminary review commenced on January 20, 2024.²

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

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

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13. On January 22, 2024, the OCE notified Rep. Cherfilus-McCormick of the initiation of the preliminary review, provided her with a statement of the nature of the review, notified her of her right to be represented by counsel in this matter, and notified her that invoking her right to counsel would not be held negatively against her.³
14. At least three members of the Board voted to initiate a second-phase review in this matter on February 16, 2024. The second-phase review commenced on February 19, 2024.⁴ The second-phase review was scheduled to end on April 3, 2024.
15. On February 20, 2024, the OCE notified Rep. Cherfilus-McCormick of the initiation of the second-phase review in this matter, and again notified her of her right to be represented by counsel in this matter, and that invoking that right would not be held negatively against her.⁵
16. The Board voted to extend the second-phase review by an additional period of fourteen days on March 15, 2024. The additional period ended on April 17, 2024.
17. The Board voted to refer the matter to the Committee for further review and adopted these findings on May 22, 2024.
18. The report and its findings in this matter were transmitted to the Committee on May 29, 2024.

D. Summary of Investigative Activity

19. The OCE requested documentary and in some cases testimonial information from the following sources:

- (1) Rep. Cherfilus-McCormick;
- (2) Nadege Leblanc;
- (3) Freddie Figgers;
- (4) Natlie Figgers;
- (5) The Figgers Foundation;
- (6) Commissioner Michael Joseph;
- (7) Mark Goodrich;
- (8) Hemp4Water, Inc.;
- (9) MorseLife Health System;
- (10) Spearhead Affordable Homes of Florida;
- (11) Community Brainstorming Alliance;
- (12) David K. Spencer (DKS Tax and Consulting);

³ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Cherfilus-McCormick (Jan. 22, 2024).

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

⁵ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Cherfilus-McCormick (Feb. 20, 2024).

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- (13) Witness 1;
- (14) Witness 2;
- (15) Witness 3;
- (16) Witness 4;
- (17) Witness 5; and
- (18) Witness 6.

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

- (1) Rep. Cherfilus-McCormick;
- (2) Nadege Leblanc;
- (3) Freddie Figgers;
- (4) Natlie Figgers;
- (5) Commissioner Michael Joseph;
- (6) David K. Spencer (DKS Tax and Consulting); and
- (7) Mark Goodrich.

II. REP. CHERFILUS-MCCORMICK MAY HAVE REQUESTED COMMUNITY PROJECT FUNDING THAT WOULD BE DIRECTED TO A FOR-PROFIT ENTITY.

A. Applicable Law, Rules, and Standards of Conduct

21. House Appropriations Committee Guidelines for the FY2023 Community Project Funding Member Request Process⁶

The House Appropriations Committee Guidelines for the FY2023 Community Project Funding Member Request Process state, “[t]he Committee is imposing a ban on directing Community Project Funding to for-profit entities.”

It likewise states that “[w]hile Members are required to certify to the Committee that neither they nor their immediate family have a financial interest in the proposed project, Members should also be fully aware of any other financial aspects or relationships associated with the proposed project that might raise ethical concerns. These include but are not limited to lobbyists, donors, or other affiliated parties that have an interest in the project.”

22. House Rules

House Rule 23, clause 1 provides that a Member “shall behave at all times in a manner that shall reflect creditably on the House.”

House Rule 23, clause 2 provides that a Member “shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.”

⁶ House Appropriations Committee, Guidelines for the FY2023 Community Project Funding Member Request Process, https://democrats-appropriations.house.gov/sites/democrats.appropriations.house.gov/files/Guidance%20on%20Community%20Project%20Funding_2023.pdf (last visited May 13, 2024).

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B. Rep. Cherfilus-McCormick May Have Requested Community Project Funding for an Entity Acting as a Conduit for a For-Profit Entity.

23. Rep. Cherfilus-McCormick assumed office on January 18, 2022. A short time later, on or about February 4, 2022, Rep. Cherfilus-McCormick instructed a congressional staffer employed by her office to contact Freddie Figgers, the President and CEO of Figgers Communication, Inc., a Florida-based corporation.⁷ According to Witness 2, Rep. Cherfilus-McCormick asked the staffer to inform Mr. Figgers “about the upcoming available funding for community projects and that the Member wishes for him to submit a request for funding.”⁸
24. Figgers Communication, Inc. marketing materials describe the company as “one of the nation’s largest African-American owned cellphone companies and networks and is one of the few telecoms in the country that manufactures its own phones. [Mr.] Figgers designs his own phones and developed his network himself.”⁹ The company “provides cellular, mobile broadband, home phone, and international calling services.”¹⁰
25. The Figgers Foundation (“the Foundation”—a non-profit established and chaired by Mr. Figgers—submitted a \$5 million request for funding to the Member’s office for the “Healthcare Access for EveryBODY” project.¹¹ The funding, requested for the 2023 fiscal year, was intended to “support the manufacture and distribution of … enhanced telehealth enabled tablet computers to low-income senior citizens, particularly senior veterans, and families of children with disabilities in Florida’s 20th United States Congressional District.”¹² In addition to requesting that Mr. Figgers apply for funding in the first place, Rep. Cherfilus-McCormick and her staff appeared knowledgeable of the project and corresponded with Figgers and his team regarding the application.¹³
26. The breakdown of expenses for the project, submitted to Rep. Cherfilus-McCormick’s office with the Foundation’s request for funding, allocated \$3,437,500.00 for the acquisition of

⁷ February 18, 2024 Written Statement from Witness 2, on file with the Office of Congressional Ethics.

⁸ *Id.*

⁹ Figgers Communication, *Figgers Communication is sending satellite phones to help families affected by hurricanes*, MEDIUM (Nov. 8, 2021), available at <https://medium.com/@figgerswireless/figgers-communication-is-sending-satellite-phones-to-help-families-affected-by-hurricanes-33f24514ed02>.

¹⁰ *Id.*

¹¹ See Email with Figgers Foundation Community Project Funding Request (Exhibits 1 and 2 at 24-7241_0002-6).

¹² *Id.* at 24-7241_0004.

¹³ See March 28, 2022 Text Messages (Exhibit 3 at 24-7241_0009-16) (Rep. Cherfilus-McCormick tells her Legislative Director she has “some people calling you about their projects;” provides contact information for Mr. Figgers’s wife, Natlie Figgers; and sends links to articles about telehealth); April 8, 2022 Text Messages (Exhibit 4 at 24-7241_0020) (Rep. Cherfilus-McCormick writes to Mr. Figgers, “I hope my staff is taking care of you guys,” to which Mr. Figgers replies, “Get better. Your staff is great.”); March 29, 2022 Email (Exhibit 5 at 24-7241_0022); February and April Text Messages with Freddie Figgers (Exhibit 45 at 24-7241_0326); April 25, 2022 Email (Exhibit 6 at 24-7241_0024) (staffer forwards information from Mr. Figgers about his project to Rep. Cherfilus-McCormick “per [her] request”); April 25, 2022 Email (Exhibit 7 at 24-7241_0030-35).

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12,500 tablet computers (\$275 per unit) and \$1,562,500.00 for telehealth and privacy software for each of those tablet computers (\$125 per unit).¹⁴

27. Rep. Cherfilus-McCormick submitted a request to the Appropriations Committee for \$5 million in funding for the Figgers Foundation’s “Healthcare Access for EveryBODY” project.¹⁵
28. The Appropriations Committee approved only \$2.2 million in funding for the project.¹⁶ Subsequently, the Foundation reduced the number of tablets covered by the project to 5,000.¹⁷ The breakdown of expenses under the reduced budget included \$875,000 for the acquisition of 5,000 tablets (\$175 per unit) and \$1,250,000 for “5G data services for a year” (\$250 per unit).¹⁸
29. Information reviewed by the OCE suggests that these tablets and at least some of their software may have been products of Mr. Figgers’s for-profit entities. For example, when asked about the capabilities of the devices, Mr. Figgers informed Rep. Cherfilus-McCormick’s staff that the “Figgers Telehealth Tablet is a light weight, solid build, large screen device with Figgers Health mobile apps preloaded . . . including Figgers Telehealth app suite . . . and Figgers Smart Glucometer app.”¹⁹ The device supported “[m]ultiple networking options,” “from using FIGGERS 5G network or local WiFi to stay connected to the web.”²⁰
30. In information submitted to the Health Resources & Services Administration, the Figgers Foundation further explained that “[b]y leveraging the Board Chair’s [e.g., Mr. Figgers’s] FCC license and worldwide 5G access, all tablets can be accessible without relying on a sliding fee discount program.”²¹ The Foundation further stated that the program would “offer 5,000 tablets . . . with 5G data for a year.”²²
31. Due to the lack of cooperation of witnesses—primarily Mr. Figgers and Rep. Cherfilus-McCormick—the OCE could not determine whether the tablets, software installed on the tablets, and/or 5G data accessed by the tablets were purchased from Mr. Figgers’s for-profit entities, such as Figgers Communication, Inc., Figgers Health, and Figgers Wireless. Additionally, because the project only provided free “5G data for a year,” the OCE sought to determine—but could not, due to the non-cooperation of witnesses—whether Mr. Figgers stood to further profit from the project by potentially converting device recipients to

¹⁴ See April 18, 2022 Email with Figgers Proposal (Exhibit 2 at 24-7241_0005).

¹⁵ See April 29, 2022 Email with List of Submitted Community Funding Projects (Exhibit 8 at 24-7241_0037); see April 26, 2022 Email with Instructions to Submit (Exhibit 12 at 24-7241_0051).

¹⁶ See H. COMM. ON APPROP., 117th Congress, Consolidated Appropriations Act, 2023, Legislative Text and Explanatory Statement (Comm. Print 2023) at 2064; see June 23, 2022 Text Message (Exhibit 9 at 24-7241_0041).

¹⁷ See Figgers Foundation’s “Budget Narrative” (Exhibit 11 at 24-7241_0049).

¹⁸ *Id.*

¹⁹ April 25, 2022 Email from Freddie Figgers re FY 2023 Appropriations Request (Exhibit 7 at 24-7241_0030).

²⁰ *Id.*

²¹ Figgers Foundation’s Project Narrative (Exhibit 10 at 24-7241_0044-47).

²² See *id.*

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customers of his network after a year. Absent cooperation from witnesses such as Rep. Cherfilus-McCormick and Mr. Figgers, the OCE was unable to determine whether or to what extent Rep. Cherfilus-McCormick was aware of any potential profit to Mr. Figgers and his companies while she sought funding for his project.

32. Based on the foregoing, the Board finds that there is substantial reason to believe that Rep. Cherfilus-McCormick directed community project funding to a for-profit entity.

III. REP. CHERFILUS-MCCORMICK MAY HAVE ACCEPTED CAMPAIGN CONTRIBUTIONS LINKED TO AN OFFICIAL ACTION.

A. Applicable Law, Rules, and Standards of Conduct

33. Federal Statutes

5 U.S.C. §7353 states that “no Member of Congress ... shall solicit or accept anything of value from a person (1) seeking official action from [or] doing business with ... the individual’s employing entity or (2) whose interests may be substantially affected by the performance or nonperformance of the individual’s official duties.”

18 U.S.C. § 201(b) states that “[w]hoever—

(2) being a public official ... directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

- (A) Being influenced in the performance of any official act;*
- (B) Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission in any fraud, on the United States; or*
- (C) Being induced to do or omit to do any act in violation of the official duty of such official or person*

shall be fined under this title or not more than three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.”

18 U.S.C. § 201(c) states that “[w]hoever—

(1) otherwise than as provided by law for the proper discharge of official duty—

- (B) being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of any official act performed or to be performed by such official or person;...*

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shall be fined under this title or imprisoned for not more than two years, or both.”

34. House Rules

House Rule 23, clause 3 provides that a Member “may not receive compensation and may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress.”

House Rule 23, clause 4 provides that a Member “may not accept gifts except as provided” by the House Rules.

35. House Ethics Manual and Guidance

The House Ethics Manual states that, “It is impermissible to solicit or accept a campaign contribution that is linked to any action taken or asked to be taken by a Member in the Member’s official capacity – such as an earmark request that a Member has made or been asked to make. Accepting a contribution under these circumstances may implicate the federal gift statute or the criminal provisions on illegal gratuities or bribery[.]”²³

The House Ethics Manual further states: “You may not accept gifts offered in exchange for official actions. The restrictions apply to official actions you are asked to take in the future and in return for official actions you already took. The restrictions apply whether you are engaging in quid pro quo, or just being offered a reward for your official actions.”²⁴

The House Ethics Manual further explains, “[i]t is probably not wrong for the campaign managers of a legislator . . . to request contributions from those for whom the legislator has done appreciable favors, but this should never be presented as a payment for the services rendered. Moreover, the possibility of such a contribution should never be suggested by the legislator or his staff at the time the favor is done. Furthermore, a decent interval of time should be allowed to lapse so that neither party will feel that there is a close connection between the two acts. . . . The Standards Committee has long advised Members and staff that they should always exercise caution to avoid even the appearance that solicitations of campaign contributions are connected in any way with an action taken or to be taken in their official capacity.”²⁵

The House Ethics Committee’s Memorandum of the Chairman and Ranking Minority Member, Recommendations for Disposition of the Complaint Filed Against Rep. DeLay, stated, “[q]uite clearly, if a Member were to agree to take official action in exchange for a campaign contribution, that Member would be subject not only to disciplinary action by this Committee for violation of the House Code of Official Conduct, but also to criminal prosecution by the Justice Department under the bribery statute. However, the scope of the House standards of conduct in

²³ Committee on Ethics, HOUSE ETHICS MANUAL (2022 Print), <https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf> [hereinafter “HOUSE ETHICS MANUAL”] at 248.

²⁴ *Id.* at 31.

²⁵ *Id.* at 156.

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this area is broader than that of the criminal bribery statute . . . the House standards of conduct generally preclude any link between the solicitation or receipt of a contribution and a specific official action.,”²⁶

The Memorandum explains, “[p]ut another way, there are fundraising activities that do not violate any criminal statute but well may violate House standards of conduct.”²⁷

The Memorandum further states, “there are certain proffered campaign contributions that must be declined, and certain fundraising opportunities that must be forgone, solely because they create an appearance of improper conduct.”²⁸

The House Ethics Manual explains, “[N]o campaign contribution that is linked to an official action is ever acceptable.”²⁹

The House Ethics Manual further explains, “A solicitation for campaign or political contributions may not be linked with an official action taken or to be taken by a House Member or employee, and a Member may not accept any contribution that is linked with an action that the Member has taken or is being asked to take. A corollary of these rules is that Members and staff are not to take or withhold any official action on the basis of the campaign contributions or support of the involved individuals, or their partisan affiliation.”³⁰

The House Ethics Manual further explains, “In a similar vein, a Member or employee may not accept any contribution that the donor links to any official action that the Member or employee has taken, or is being asked to take. In this respect, a campaign or political contribution is treated like any other gift, and acceptance of a contribution in these circumstances may implicate a provision of the federal gift statute (5 U.S.C. § 7353) or the criminal statutes on bribery and illegal gratuities.”³¹

B. The OCE Sought to Determine Whether Rep. Cherfilus-McCormick Received Campaign Contributions Linked to Her Requests for Community Project Funding.

36. In July of 2022, the House of Representatives directed the Department of Health and Human Services to provide \$2.2 million to the “Figgers Foundation, Lauderhill, FL for a telehealth initiative.”³²
37. In the year that followed, Mr. Figgers and his Foundation submitted documents and other information in connection with the Health Resources and Services Administration’s non-

²⁶ House Ethics Committee, Memorandum of the Chairman and Ranking Minority Member, Recommendations for Disposition of the Complaint Filed Against Rep. DeLay, <https://ethics.house.gov/committee-report/2nd-session-report-105-797/memorandum-chairman-and-ranking-minority-member> (last visited May 14, 2024).

²⁷ *Id.*

²⁸ *Id.*

²⁹ HOUSE ETHICS MANUAL at 159.

³⁰ *Id.* at 160.

³¹ *Id.* at 160.

³² Report of the Committee on Appropriations House of Representatives, H.R. Rep. No. 117-403, at 357 (2022).

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competitive application process. The \$2.2 million in funding allocated to the Healthcare Access for EveryBODY project was obligated by the Department of Health and Human Services in June 2023 and outlaid in August of 2023.³³

38. Around this time, Mr. Figgers and his family made the maximum individual contributions allowable to Rep. Cherfilus-McCormick's campaign.³⁴ In its July 15, 2023 Quarterly Report, Rep. Cherfilus-McCormick's campaign reported receiving three contributions totaling \$13,200 from Mr. Figgers on June 8, 2023.³⁵ The campaign likewise reported receiving two contributions totaling \$6,600 from Natlie Figgers, Mr. Figgers's wife, on June 20, 2023.³⁶ In September 2023, Mr. Figgers's mother, Betty Figgers, also contributed \$6,600 to Rep. Cherfilus-McCormick's campaign.³⁷
39. Although documents reviewed by the OCE suggest that Mr. and Mrs. Figgers were supportive of Rep. Cherfilus-McCormick's bid for Congress from its earliest stages,³⁸ Rep. Cherfilus-McCormick's campaign did not report receiving any contributions from the Figgers family until her congressional office requested \$5 million in funding for Mr. Figgers's Healthcare Access for EveryBODY project.
40. Due to the lack of cooperation of witnesses, including Rep. Cherfilus-McCormick and Mr. and Mrs. Figgers, the OCE was unable to determine the circumstances of the Figgers's family's contributions to Rep. Cherfilus-McCormick's campaign. Likewise, the OCE was unable to determine whether there was any connection between these campaign contributions and the \$2.2 million in funding Rep. Cherfilus-McCormick secured for the Figgers Foundation (or the tens of thousands of dollars Rep. Cherfilus-McCormick's congressional office paid Mr. Figgers's company for texting campaigns—see Section IV below).

³³ See GRANT TO FIGGERS FOUNDATION INC, USASpending.gov, https://www.usaspending.gov/award/ASST_NON_GE149523_7526 (last visited May 11, 2024).

³⁴ For the 2023 to 2024 election cycle, the individual contribution limit to a campaign committee per election was \$3,300. See FEC, Contribution Limits for 2023-2024 Federal Elections, <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-limits/> (last visited May 28, 2024).

³⁵ See Sheila Cherfilus-McCormick for Congress, FEC July 2023 Quarterly Report of Receipts and Disbursements, filed July 15, 2023 (amended September 14, 2023) at 10 and 11. Documents reviewed by the OCE suggest Mr. Figgers's excessive contribution was made May 26, 2023 and disbursed by ActBlue on May 28, 2023. See ActBlue Dashboard – Freddie Figgers Excessive Contribution (Exhibit 13 at 24-7241_0053). The campaign later refunded \$6,600 to Mr. Figgers due to the contribution's exceeding campaign contribution limits. See, e.g., July 13, 2023 Email (Exhibit 14 at 24-7241_0055-57).

³⁶ Documents reviewed by the OCE suggest Mrs. Figgers's contribution was made June 9, 2023, and disbursed by ActBlue on June 11, 2023. See ActBlue Dashboard – Betty Figgers Contribution (Exhibit 15 at 24-7241_0059).

³⁷ See Sheila Cherfilus-McCormick for Congress, FEC October 2023 Quarterly Report of Receipts and Disbursements, filed October 15, 2023 (amended December 18, 2023) at 7.

³⁸ See, e.g., March-April 2021 Text Messages between Rep. Cherfilus-McCormick and Natlie Figgers (Exhibit 16 at 24-7241_0061) (Natlie Figgers expressing support for Rep. Cherfilus-McCormick's campaign on the day of Rep. Alcee Hastings's passing); November 2021 Text Messages between Rep. Cherfilus-McCormick and Natlie Figgers (Exhibit 18 at 24-7241_0065) (Natlie Figgers communicating well wishes and congratulations in connection with the Congresswoman's election victory in 2021); see also April 17, 2021 Text Message (Exhibit 17 at 24-7241_0063) (Rep. Cherfilus-McCormick requests meeting with the Figgers nine days after Rep. Alcee Hastings' death).

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41. Based on the foregoing, the Board finds that there is probable cause to believe that Rep. Cherfilus-McCormick received campaign contributions linked to an official action.³⁹

IV. REP. CHERFILUS-MCCORMICK'S OFFICE MAY HAVE MADE IMPROPER USE OF MRA FUNDS. ALTERNATIVELY, REP. CHERFILUS-MCCORMICK'S CAMPAIGN MAY HAVE ACCEPTED AND FAILED TO REPORT IN-KIND CONTRIBUTIONS THAT MAY HAVE EXCEEDED APPLICABLE LIMITS.

A. Applicable Law, Rules, and Standards of Conduct

42. Federal Law and Regulations

11 C.F.R. § 100.52(a) defines a contribution to include “a gift, subscription, loan, . . . or anything of value made by any person for the purpose of influencing any election for Federal office.”

11 C.F.R. § 100.52(d)(1) provides that “the provision of any goods or services without charge . . . is a contribution. Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.”

11 C.F.R. § 109.20 provides that an expenditure made by any person “in cooperation, consultation or concert with, or at the request or suggestion of” a candidate or a candidate’s authorized committee (including an agent of either), is an in-kind contribution to the candidate.

11 C.F.R. § 101.2 provides that “[a]ny candidate who receives a contribution as defined at 11 C.F.R. part 100, subpart B and C obtains any loan, or makes any disbursement, in connection with his or her campaign shall be considered as having received such contribution, obtained such loan or made such disbursement as an agent of his or her authorized committee(s).”

11 C.F.R. § 104.3(a) states that “[e]ach report filed under § 104.1 shall disclose the total amount of receipts for the reporting period and for the calendar year... and shall disclose the information set forth at paragraphs (a)(1) through (a)(4) of this section.

4. ITEMIZATION OF RECEIPTS FOR ALL POLITICAL COMMITTEES INCLUDING AUTHORIZED AND UNAUTHORIZED COMMITTEES.

The identification (as defined at § 100.12 of this chapter) of each contributor and the aggregate year-to-date (or aggregate election-cycle-to-date, in the case of an authorized committee) total for such contributor in each of the following categories shall be reported.

i. Each person ... who makes a contribution to the reporting political committee during the reporting period, whose contribution or contributions aggregate in excess of \$200

³⁹ OCE Rules for the Conduct of Investigation, Rule 9(a) Standard of Proof (Dec. 9, 2022).

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per calendar year (or per election cycle in the case of an authorized committee), together with the date of receipt and amount of any such contributions, except that the reporting political committee may elect to report such information for contributors of lesser amount(s) on a separate schedule[.]

52 U.S.C. § 30116(a)(1)(A)), as in effect during the 2023 to 2024 election cycle, provided that contributions made by persons to candidates were limited to \$3,300 per election, per candidate.⁴⁰

43. House Rules

House Rule 23, clause 2 provides that a Member “shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.”

44. House Ethics Manual

*The House Ethics Manual provides, “The MRA may be used only for official expenses. The MRA may **not** be converted to personal or campaign use or applied toward any unofficial activities.”⁴¹*

The House Ethics Manual further states, “In addition to possibly violating House rules, the misuse of the MRA may also subject a Member or employee to criminal prosecution and actions to recover the misspent funds.”⁴²

45. House Administration Committee Members’ Congressional Handbook

The House Administration Committee Members’ Congressional Handbook provides, “[N]o Member, relative of the Member, or anyone with whom the Member has a professional or legal relationship may directly benefit from the expenditure of the MRA.”⁴³

The House Administration Committee Members’ Congressional Handbook further states, “All expenditures must be part of an ‘arms-length marketplace transaction,’ which is an arrangement in which goods and/or services ... are acquired under the same terms and conditions as are available to the public.”⁴⁴

⁴⁰ For the 2023 to 2024 election cycle, the individual contribution limit to a campaign committee per election was \$3,300. See FEC, Contribution Limits for 2023-2024 Federal Elections, <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-limits/> (last visited May 28, 2024).

⁴¹ HOUSE ETHICS MANUAL at 331 (emphasis in original).

⁴² *Id.* at 332.

⁴³ Committee on House Administration, *Members’ Congressional Handbook*, 118th Cong. (April 30, 2024) at 6.

⁴⁴ *Id.*

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B. The OCE Sought to Determine Whether Rep. Cherfilus-McCormick's Congressional Office Made Improper Use of the MRA.

46. As of May 28, 2024, Rep. Cherfilus-McCormick's congressional office has reported making monthly payments of \$5,000 (with MRA funds) to Figgers Enterprise Inc. between February 1, 2023, and November 30, 2023:⁴⁵

Payee	Service Dates	Description	Amount
Figgers Enterprise Inc.	2/1/23 – 2/28/23	Frankable telecom/Teletownhall	\$5,000.00
Figgers Enterprise Inc.	3/1/23 – 3/31/23	Frankable telecom/Teletownhall	\$5,000.00
Figgers Enterprise Inc.	4/1/23 – 4/30/23	Frankable telecom/Teletownhall	\$5,000.00
Figgers Enterprise Inc.	5/1/23 – 5/31/23	Frankable telecom/Teletownhall	\$5,000.00
Figgers Enterprise Inc.	6/1/23 – 6/30/23	Frankable telecom/Teletownhall	\$5,000.00
Figgers Enterprise Inc.	7/1/23 – 7/31/23	Frankable telecom/Teletownhall	\$5,000.00
Figgers Enterprise Inc.	8/1/23 – 8/31/23	Frankable telecom/Teletownhall	\$5,000.00
Figgers Enterprise Inc.	9/1/23 – 9/30/23	Frankable telecom/Teletownhall	\$5,000.00
Figgers Enterprise Inc.	10/1/23 – 10/31/23	Frankable telecom/Teletownhall	\$5,000.00
Figgers Enterprise Inc.	11/1/23 – 11/30/23	Frankable telecom/Teletownhall	\$5,000.00

Altogether, Rep. Cherfilus-McCormick's office has disbursed at least \$50,000 in MRA funds to Figgers Enterprise Inc.⁴⁶

47. Figgers Enterprise Inc., is a Florida for-profit corporation, and Mr. Figgers serves as its president.⁴⁷

48. Documents reviewed by the OCE indicate that the above-referenced monthly payments were for unlimited multimedia messaging (“MMS”) campaigns. In documents submitted to Rep. Cherfilus-McCormick’s District Chief of Staff, Mr. Figgers proposed a fixed monthly rate of \$5,000 for unlimited MMS services aimed at reaching constituents with updates and information.⁴⁸

49. The OCE reviewed invoices, reports, and staff advisory opinions from the Commission on Mailing Standards documenting the franked MMS messages sent by Figgers Enterprise Inc. on behalf of Rep. Cherfilus-McCormick’s congressional office.⁴⁹ OCE staff’s analysis of data reported by various congressional offices suggests that the amount Rep. Cherfilus-McCormick’s congressional office paid Figgers Enterprise Inc., for the franked MMS

⁴⁵ See Statement of Disbursements of the House, July 1, 2023 to September 30, 2023 at 690; Statement of Disbursements of the House, October 1, 2023 to December 31, 2023 at 657. As of May 28, 2024, the Statement of Disbursements of the House, January 1, 2024 to March, 31 2024 has not been released.

⁴⁶ See *id.*

⁴⁷ See Figgers Enterprise, Inc., Articles of Incorporation for Florida Corporation, FLORIDA DEPT. OF STATE, DIV. OF CORPS., filed January 29, 2019.

⁴⁸ See February 3, 2023 Email and Attached Messaging Service Options (Exhibits 19, 20, and 21 at 24-7241_0067-78).

⁴⁹ See, e.g., Emails with Invoices re Multimedia Messaging Services (Exhibit 22 at 24-7241_0080-153).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended messages was not dissimilar to amounts paid by other congressional offices to other vendors for similar services.

50. The OCE also reviewed documents showing that Mr. Figgers and/or his entities provided SMS/MMS services to Rep. Cherfilus-McCormick's congressional campaign, which included the distribution of campaign communications with the disclaimer "Paid for by Sheila Cherfilus-McCormick for Congress, Inc."⁵⁰ However, Rep. Cherfilus-McCormick's campaign never reported making any payments to Mr. Figgers and/or his entities. Due to non-cooperation of witnesses such as Rep. Cherfilus-McCormick, Nadege Leblanc, and Mr. Figgers, the OCE was unable to determine whether or how Mr. Figgers was compensated for the SMS/MMS messaging services he provided to Rep. Cherfilus-McCormick's campaign. The OCE was similarly unable to determine the extent and timeframe of the campaign messaging services he provided, or whether payments from Rep. Cherfilus-McCormick's congressional office may have partially or fully compensated Mr. Figgers for the messaging services he provided to the campaign.
51. Based on the foregoing, the Board finds that there is substantial reason to believe that Rep. Cherfilus-McCormick made improper payments to an entity or, alternatively, that her campaign accepted and failed to report in-kind campaign contributions that may have exceeded applicable limits.

V. THE OCE DID NOT FIND SUBSTANTIAL REASON TO BELIEVE THAT REP. CHERFILUS-MCCORMICK DISPENSED SPECIAL FAVORS OR PRIVILEGES TO FRIENDS IN CONNECTION WITH COMMUNITY PROJECT FUNDING.

A. Applicable Law, Rules, and Standards of Conduct

52. House Ethics Manual and House Ethics Committee Guidance

*The House Ethics Manual states, "[t]he prohibition against doing any special favors for anyone in one's official capacity is a fundamental standard of conduct, and it applies to an official's conduct with regard to not only his or her spouse or other family members, but more broadly to any person."*⁵¹

With respect to casework, the Manual notes that "one of the key provisions of the Code of Ethics for Government Service states, in ¶ 5, that government officials should '[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or

⁵⁰ See, e.g., June 28, 2022 Email (Exhibit 23 at 24-7241_0155-160); June 20, 2022 Email (Exhibit 24 at 24-7241_0162-164); June 16, 2022 Email (Exhibit 25 at 24-7241_0166); September 20, 2023 Email (Exhibit 26 at 24-7241_0168); September 19, 2023 Email (Exhibit 27 at 24-7241_0170-171); September 19, 2023 Email re Voter Registration SMS (Exhibit 28 at 24-7241_0173-177); November 7, 2022 Email (Exhibit 29 at 24-7241_0179); November 4, 2022 Email (Exhibit 30 at 24-7241_0181-183); August 23, 2022 Email (Exhibit 31 at 24-7241_0185-186); August 20, 2022 Email (Exhibit 32 at 24-7241_0188-189); August 14, 2022 Email (Exhibit 33 at 24-7241_0191); August 12, 2022 Email (Exhibit 34 at 24-7241_0193-194); August 7, 2022 Email (Exhibit 35 at 24-7241_0196); August 3, 2022 Email (Exhibit 36 at 24-7241_0198-200); August 1, 2022 Email (Exhibit 37 at 24-7241_0202); July 31, 2022 Email (Exhibit 38 at 24-7241_0204-216).

⁵¹ HOUSE ETHICS MANUAL at 253-254.

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not.’ The Code further provides, in ¶ 10, that ‘public office is a public trust,’ and thus the public has a right to expect House Members and staff to exercise impartial judgment in performing their duties. More generally, one of the ultimate purposes of the ethics rules is to help ensure that each governmental action is taken on the merits of the particular question, rather than any extraneous factors.”⁵²

The Committee has previously stated that it was “arguable” that a Member “violated the Code of Ethics for Government Service, consideration #5, by taking the official action of intervening with a government agency on behalf of someone with whom he was involved in numerous business ventures and by whom his wife was employed.”⁵³

53. Code of Ethics for Government Service

The Code of Ethics for Government Service provides that “[a]ny person in Government service should . . . [n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not . . . ”⁵⁴

B. The OCE Sought to Determine Whether Rep. Cherfilus-McCormick Dispensed Special Favors or Privileges to Commissioner Michael Joseph in Connection with Community Project Funding.

54. The OCE reviewed whether Michael Joseph, a North Miami Beach commissioner and friend of Rep. Cherfilus-McCormick, may have received special favors or privileges in connection with Rep. Cherfilus-McCormick’s office’s community project funding process.
55. In April of 2022, a congressional staffer employed by Rep. Cherfilus-McCormick’s office traveled to the Member’s district to “speak with NGOs, elected officials, and constituents about funding for community projects through the appropriations process.”⁵⁵ During that visit, on April 12, 2022, the staffer received an invitation to a meeting with Rep. Cherfilus-McCormick’s campaign manager, Mark Goodrich, at the campaign office.⁵⁶ When the staffer notified Mr. Goodrich of a delay arriving to the meeting, Mr. Goodrich responded, “Ok, but you are at the center of the meeting, and Michael is driving from Miami.”⁵⁷ At that point, the staffer became aware that Commissioner Michael Joseph would also be attending this meeting.⁵⁸
56. Commissioner Michael Joseph and Rep. Cherfilus-McCormick are “friends and colleagues;” they attended law school together.⁵⁹ Commissioner Joseph is a “close ally” of Rep.

⁵² *Id.* at 161.

⁵³ House Committee on Standards of Official Conduct, *In the Matter of Representative William H. Boner*, 100th Cong. (Comm. Print 1987) at 29.

⁵⁴ Code of Ethics for Government Service ¶ 5, H. Con. Res. 175, 72 Stat., Part 2, B12 (1958).

⁵⁵ February 18, 2024 Written Statement from Witness 2, on file with the Office of Congressional Ethics.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Interview Transcript of Witness 1, April 10, 2024, (Exhibit 39 at 24-7241_0228).

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Cherfilus-McCormick and “played a significant role in her campaign.”⁶⁰ Commissioner Joseph and Corlie McCormick, Rep. Cherfilus-McCormick’s husband, are also President and Vice President, respectively, of Progressive People, Inc., a Florida non-for-profit corporation.⁶¹

57. Mr. Goodrich, Commissioner Joseph, Rep. Cherfilus-McCormick, and Nadege Leblanc did not cooperate with the OCE’s review.

58. During the above-referenced meeting, the staffer was “briefed by [Mr. Goodrich] and Commissioner Joseph on four projects that must be processed and submitted to the Appropriations Committee.”⁶² According to Witness 2, the staffer:

became immediately frustrated as it was evident that both individuals were attempting to exert influence on the process. Commissioner Joseph instructed [the staffer] to submit requests to the Appropriations Committee for the following projects: “Stop the Algae” from Hemp4Water Inc. for \$5 million, “Washington Park Broward County” by Spearhead Affordable Homes of Florida for \$5 million, “Financial Literacy X Creative Mindset” from Community Brainstorming Alliance for \$1.7 million, and “Morse Life” for \$500,000. [The staffer] immediately informed the Member of the meeting and the projects [the staffer] was instructed to submit.⁶³

59. Documents and information provided to the OCE demonstrated that Commissioner Joseph advocated for, was linked to, and/or at times facilitated applications for funding on behalf of the above-referenced projects.⁶⁴

⁶⁰ February 18, 2024 Written Statement from Witness 2, on file with the Office of Congressional Ethics.

⁶¹ See Progressive People, Inc., Articles of Incorporation for Florida Not-for-Profit Corporation, FLORIDA DEPT. OF STATE, DIV. OF CORPS, filed February 15, 2022. Progressive People, Inc., filed a Form 990 in 2022 with the IRS disclosing a \$725,000 cash grant made to Truth and Justice, Inc., for “get the vote out activities.” In the OCE’s September 25, 2023 Referral to the Committee on Ethics, Truth & Justice, Inc. was identified as having contributed hundreds of thousands of dollars to a PAC affiliated with Rep. Cherfilus-McCormick’s campaign manager and making more than \$150,000 in unreported payments to a vendor for printed materials for Rep. Cherfilus-McCormick’s campaign.

⁶² February 18, 2024 Written Statement from Witness 2, on file with the Office of Congressional Ethics.

⁶³ *Id.*

⁶⁴ See April 25, 2022 Email with Community Funding Projects Attached (Exhibits 40 and 41 at 24-7241_0279-290) (list of projects being considered by Rep. Cherfilus-McCormick, with section at bottom reflecting projects “Recommended by Mike,” including Stop the Algae, Washington Park Broward County, Financial Literacy x Creative Mindset, and the Morse Life project); see April 18, 2022 WhatsApp Thread (Exhibit 42 at 24-7241_0292-293) and Notes on file with the OCE regarding unredacted version (text messages stating that “Mike” was providing Rep. Cherfilus-McCormick’s staff information regarding Morse Life); WhatsApp Messages with Attachments and Text Messages between Witness 1 and Commissioner Joseph (Exhibit 43 at 24-7241_0295-322) (in which Commissioner Joseph provides supporting documents for the Hemp4Water project proposal to Rep. Cherfilus-McCormick’s staffer); March 6, 2024 Email to OCE (Exhibit 44 at 24-7241_0324) (email from Community Brainstorming Alliance stating that founder is childhood friend of Commissioner Joseph, who recommended he seek community project funding from Rep. Cherfilus-McCormick’s office). Additionally, the President of Spearhead Affordable Homes of Florida told OCE staff by phone that he was advised to apply for community project funding by Hector Roos, a reported friend of Commissioner Joseph. See Jazmine Santillana, *North Miami Beach mayor*

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60. In one instance, Commissioner Joseph provided supporting documents for Hemp4Water Inc.'s application for funding to Witness 1, Rep. Cherfilus-McCormick's staffer, via WhatsApp.⁶⁵ Those materials included a budget breakdown assuming a \$5 million award of funding.⁶⁶ When Witness 1 requested that Commissioner Joseph provide a revision for a \$1 million budget, Commissioner Joseph responded, "That's the scoop [scope] of the project" and instructed her to "Submit."⁶⁷ Likewise, when Witness 1 requested additional supporting documentation, Commissioner Joseph responded, "No[.] That's it[.]"⁶⁸

61. Witness 1 did not believe that Rep. Cherfilus-McCormick's office's community project funding process was fair and described Commissioner Joseph's involvement in advocating for entities to receive community project funding as "questionable."⁶⁹ Witness 1 stated she did not believe Commissioner Joseph's recommended projects would have received the same treatment had he been a different constituent.⁷⁰

62. Ultimately, Rep. Cherfilus-McCormick submitted community project funding requests for two of the four entities Commissioner Joseph had advocated on behalf of: Morse Life and Hemp4Water. With respect to the latter, Witness 2 recounted that a staffer advised against the ... project due to its failure to meet the necessary requirements set forth by the relevant appropriations subcommittee. Unfortunately, the Member disregarded [that] professional recommendation. Instead, she trusted the advice of Miami Commissioner Joseph. . . . As predicted, the committee rejected the Hemp project because it did not meet the necessary requirements. [The staffer] communicated to the Member that if the Committee rejected the project, we would not have the option to replace it with another one. It was regrettable, as there were several other eligible projects available for submission and funding. Consequently, the district ended up losing out on millions of dollars.⁷¹

63. Commissioner Michael Joseph, Mark Goodrich, Rep. Cherfilus-McCormick, and Nadege Leblanc did not cooperate with the OCE's review, limiting the OCE's ability to determine whether or to what extent Rep. Cherfilus-McCormick dispensed special privileges or favors to Commissioner Joseph in connection with the community project funding process.

defends his livelihood against legislation, CAPLIN NEWS, (April 26, 2022), <https://caplinnews.fiu.edu/north-miami-beach-mayor-defends-his-livelihood-against-legislation/>. Mr. Roos also appears to have been a Government Relations/Project Management teams leader for Hemp4Water, Inc. See Hemp4Water, Facebook, https://www.facebook.com/story.php?story_fbid=1933203286833741&id=314969771990442&_rdr, (last visited May 23, 2024).

⁶⁵ See Whatsapp Conversation between Witness 1 and Commissioner Joseph with Attachments (Exhibit 43 at 24-7241_0295-316 and 24-7241_0320-322).

⁶⁶ *Id.* at 24-7241_0316 .

⁶⁷ See Text Messages between Witness 1 and Commissioner Joseph, (Exhibit 43 at 24-7241_317-319).

⁶⁸ *Id.*

⁶⁹ See Witness 1 Transcript (Exhibit 39 at 24-7241_0249 and 24-7241_0273).

⁷⁰ *Id.* at 24-7241_0272-0274.

⁷¹ February 18, 2024 Written Statement from Witness 2, on file with the Office of Congressional Ethics.

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64. Based on the foregoing, the Board finds that there is not substantial reason to believe that Rep. Cherfilus-McCormick dispensed special favors or privileges to friends in connection with community project funding.

VI. THE OCE DID NOT FIND SUBSTANTIAL REASON TO BELIEVE THAT REP. CHERFILUS-MCCORMICK'S CAMPAIGN MISREPORTED THE SOURCE OF A CAMPAIGN CONTRIBUTION OR ACCEPTED A CAMPAIGN CONTRIBUTION MADE BY ONE PERSON IN THE NAME OF ANOTHER

A. Applicable Law, Rules, and Standards of Conduct

65. Federal Statutes

Under the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30122, “[n]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.”

FECA, 52 U.S.C. § 30104, further requires campaigns to identify in reports each “person . . . who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution”

66. Federal Elections Commission Regulations

Under 11 C.F.R. § 110.4(b)(1)(iii), “[n]o person shall . . . Knowingly accept a contribution made by one person in the name of another.” Examples of contributions in the name of another, according to 11 CFR § 110.4(b)(2), include “[g]iving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing of value to the recipient candidate or committee at the time the contribution is made” or “[m]aking a contribution of money or anything of value and attributing as the source of the money or thing of value another person when in fact the contributor is the source.”

67. House Ethics Manual

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

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statutory law, a Member or employee may also violate these provisions of the House rules and
standards of conduct”⁷²

B. The OCE Sought to Determine Whether a Reported Refund of an Excess Campaign Contribution Was Made and/or Whether it Was Converted to a Contribution in the Name of Another.

68. In its July 15, 2023 Quarterly Report, Rep. Cherfilus-McCormick’s campaign reported receiving three contributions from Mr. Figgers on June 8, 2023 in the following amounts: \$3,300; \$3,300; and \$6,600.⁷³ These donations cumulatively exceeded the limits on individual contributions to candidate committees during 2023-2024 federal elections by \$6,600.⁷⁴
69. Rep. Cherfilus-McCormick’s campaign reported refunding Mr. Figgers’s excessive \$6,600 contribution on September 25, 2023.⁷⁵ It also reported receiving contributions totaling that same amount—\$6,600—from Mr. Figgers’s 85-year-old mother, Betty Figgers, on that same date—September 25, 2023.⁷⁶ In the context of the allegations discussed above, the OCE sought to determine whether the campaign did not effectuate the refund to Mr. Figgers or whether the refund was returned to the campaign in Mrs. Figgers’s name to avoid the limit on contributions.
70. Documents reviewed by the OCE show that the campaign did issue a refund to Mr. Figgers—in July 2023, not September 2023 as reported—and received a contribution from his mother, Betty Figgers, a few months later from a separate credit card.⁷⁷
71. Mr. Figgers’s excessive \$6,600 contribution (which appears to have been disbursed to the campaign on May 28, 2023) was refunded by ActBlue on July 13, 2023:⁷⁸

⁷² HOUSE ETHICS MANUAL at 132.

⁷³ See Sheila Cherfilus-McCormick for Congress, July 2023 Quarterly Report of Receipts and Disbursements, filed July 15, 2023 (amended September 14, 2023) at 10 and 11.

⁷⁴ 52 U.S.C. § 30116(a)(1)(A), as in effect during the 2023-2024 election cycle, provided that contributions made by persons to candidates were limited to \$3,300 per election, per candidate.

⁷⁵ See Sheila Cherfilus-McCormick for Congress, FEC October 2023 Quarterly Report of Receipts and Disbursements, filed October 15, 2023 (amended December 18, 2023) at 32.

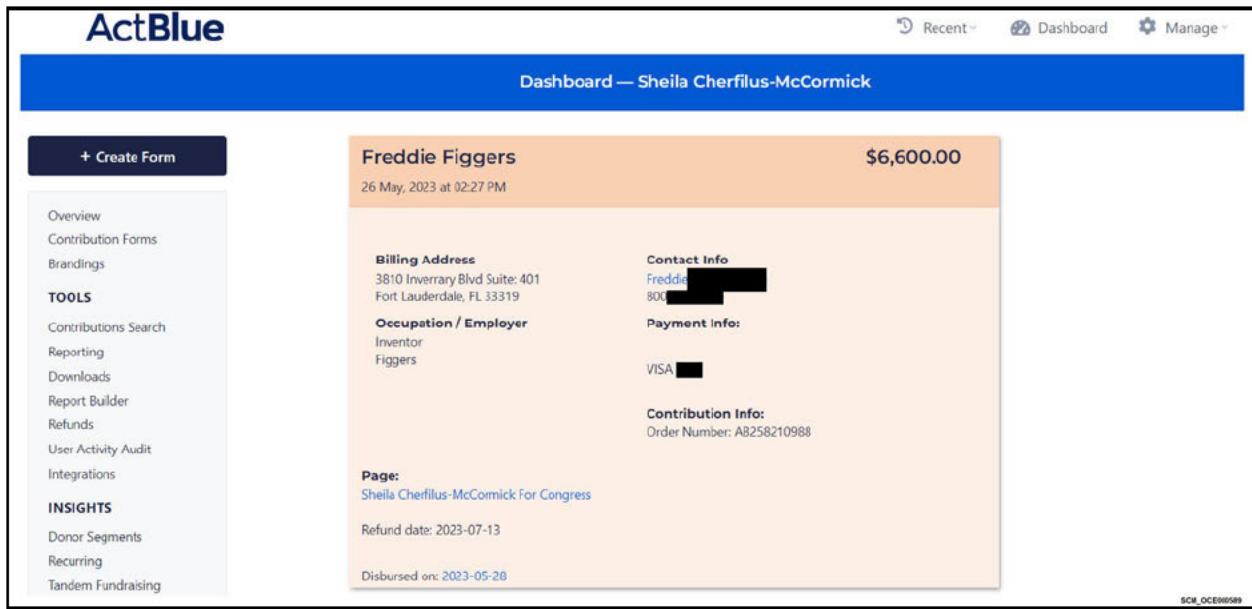
⁷⁶ *Id.* at 7.

⁷⁷ See July 13, 2023 Email (Exhibit 14 at 24-7241_0055-57); ActBlue Dashboard – Freddie Figgers Excessive Contribution (Exhibit 13 at 24-7241_0053); ActBlue Dashboard – Betty Figgers Contribution (Exhibit 15 at 24-7241_0059).

⁷⁸ See July 13, 2023 Email (Exhibit 14 at 24-7241_0055-57); ActBlue Dashboard – Freddie Figgers Excessive Contribution (Exhibit 13 at 24-7241_0053).

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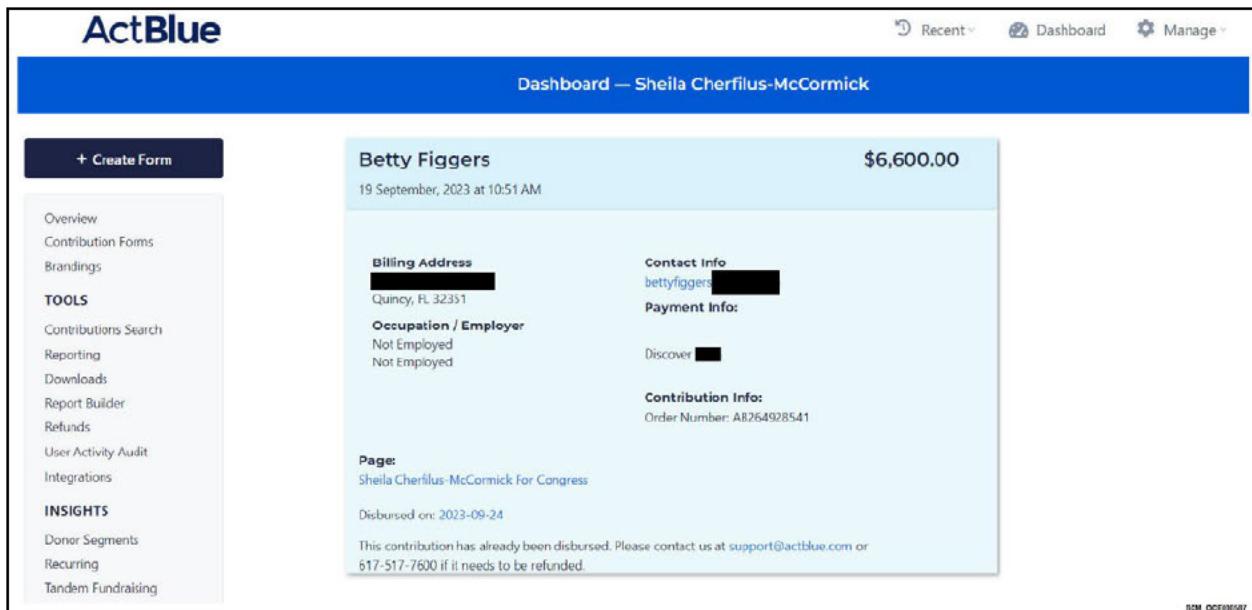
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended



The screenshot shows the ActBlue dashboard for a contribution from Freddie Figgers. The contribution amount is \$6,600.00, made on 26 May, 2023 at 02:27 PM. The contribution was disbursed on 2023-05-28. The dashboard includes sections for Billing Address, Contact Info, Occupation / Employer, Payment Info, and Contribution Info. The contact information for Freddie Figgers has been redacted. The payment method is listed as VISA, also redacted. The contribution order number is A8258210988. The page title is "Dashboard — Sheila Cherfilus-McCormick". The sidebar on the left includes links for Overview, Contribution Forms, Brandings, Tools (Contributions Search, Reporting, Downloads, Report Builder, Refunds, User Activity Audit, Integrations), Insights (Donor Segments, Recurring, Tandem Fundraising), and a "+ Create Form" button.

ActBlue Dashboard – Freddie Figgers’s Excessive, Refunded Contribution

72. Mrs. Betty Figgers’s donation to the campaign was disbursed later, on September 24, 2023. Her donation was processed through ActBlue using a different credit card than the payments previously made by and refunded to her son, Mr. Figgers:⁷⁹



The screenshot shows the ActBlue dashboard for a contribution from Betty Figgers. The contribution amount is \$6,600.00, made on 19 September, 2023 at 10:51 AM. The contribution was disbursed on 2023-09-24. The dashboard includes sections for Billing Address, Contact Info, Occupation / Employer, Payment Info, and Contribution Info. The contact information for Betty Figgers has been redacted. The payment method is listed as Discover, also redacted. The contribution order number is A8264928541. The page title is "Dashboard — Sheila Cherfilus-McCormick". The sidebar on the left includes links for Overview, Contribution Forms, Brandings, Tools (Contributions Search, Reporting, Downloads, Report Builder, Refunds, User Activity Audit, Integrations), Insights (Donor Segments, Recurring, Tandem Fundraising), and a "+ Create Form" button.

ActBlue Dashboard – Betty Figgers’s Contribution

⁷⁹ See ActBlue Dashboard – Betty Figgers Contribution (Exhibit 15 at 24-7241_0059).

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

73. Based on the foregoing, the Board finds that there is not substantial reason to believe that Rep. Cherfilus-McCormick's campaign misreported the source of a campaign contribution or accepted a contribution from one individual in the name of another.

VII. CONCLUSION

74. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Cherfilus-McCormick requested community project funding that would be directed to a for-profit entity.

75. Based on the foregoing information, the Board finds that there is probable cause to believe that Rep. Cherfilus-McCormick accepted campaign contributions linked to an official action.

76. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Cherfilus-McCormick's congressional office made payments to an entity in violation of House committee rules and standards of conduct—or alternatively, that her campaign accepted and failed to report in-kind contributions that may have exceeded applicable limits.

77. Based on the foregoing information, the Board finds that there is not substantial reason to believe that Rep. Cherfilus-McCormick dispensed special favors or privileges to friends in connection with her congressional office's requests for community project funding.

78. Based on the foregoing information, the Board finds that there is not substantial reason to believe that Rep. Cherfilus-McCormick's campaign misreported the source of a campaign contribution or accepted a campaign contribution made by one person in the name of another.

79. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Cherfilus-McCormick requested community project funding that would be directed to a for-profit entity.

80. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Cherfilus-McCormick accepted campaign contributions linked to an official action.

81. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Cherfilus-McCormick's congressional office made payments to an entity in violation of House committee rules and standards of conduct—or alternatively, that her campaign accepted and failed to report in-kind contributions that may have exceeded applicable limits.

82. Accordingly, the Board recommends that the Committee dismiss the above allegation that Rep. Cherfilus-McCormick dispensed special favors or privileges to friends in connection with her congressional office's requests for community project funding.

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83. Accordingly, the Board recommends that the Committee dismiss the above allegation that Rep. Cherfilus-McCormick's campaign misreported the source of a campaign contribution or accepted a campaign contribution made by one person in the name of another.

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

84. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE review:

- a. Rep. Cherfilus-McCormick;
- b. Nadege Leblanc;
- c. Freddie Figgers;
- d. Natlie Figgers;
- e. Commissioner Michael Joseph;
- f. David K. Spencer (DKS Tax and Consulting); and
- g. Mark Goodrich.

85. The Board recommends that the Committee on Ethics issue subpoenas to:

- a. Rep. Cherfilus-McCormick;
- b. Nadege Leblanc;
- c. Freddie Figgers;
- d. Natlie Figgers;
- e. Commissioner Michael Joseph;
- f. David K. Spencer (DKS Tax and Consulting); and
- g. Mark Goodrich.