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

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**REPORT**

Review No. 14-2533

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on July 25, 2014, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Paul Broun

**NATURE OF THE ALLEGED VIOLATION:** From June 2012 to March 2014, Representative Paul Broun retained O’Donnell & Associates, owned and operated by a communications adviser, to provide communications services to his congressional office. Representative Broun’s office paid O’Donnell & Associates \$43,750 for services rendered between June 2012 and March 2014. During the exact same period of time, Communications Adviser provided extensive campaign communications and debate consulting services to Representative Broun’s election campaigns.

If Representative Broun used funds from his Members’ Representational Allowance (“MRA”) for an impermissible purpose—to retain an individual as a consultant to his congressional office—then he may have violated House rules and federal law.

If Representative Broun used MRA funds to pay for services provided to one or more of his election campaigns, then he may have violated House rules and federal law.

**RECOMMENDATION:** The Board recommends that the Committee on Ethics further review the above allegation concerning use of the MRA to retain a consultant, as there is substantial reason to believe that Representative Broun used MRA funds to retain an individual as a consultant to his congressional office, in violation of House rules and federal law.

The Board recommends that the Committee on Ethics further review the above allegation concerning use of the MRA for campaign-related services, as there is substantial reason to believe that Representative Broun used MRA funds to compensate an individual for services provided to one or more of his election campaigns, in violation of House rules and federal law.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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

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**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 14-2533

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OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 14-2533

On July 25, 2014, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*).

The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

**I. INTRODUCTION**

1. From June 2012 to March 2014, Representative Paul Broun retained O’Donnell & Associates to provide various communications services to his congressional office. Pursuant to a Consulting Agreement, Representative Broun’s congressional office paid O’Donnell & Associates \$43,750 for services rendered between June 2012 and March 2014.
2. O’Donnell & Associates is owned and managed by Communications Adviser, and the payments made to O’Donnell & Associates were for services provided by Communications Adviser to Representative Broun. These services included extensive communications consulting for the congressional office, including hour-long consulting sessions with Representative Broun that occurred on approximately a weekly basis while Congress was in session. Communications Adviser also provided extensive campaign communications and debate consulting services to Representative Broun’s 2012 and 2014 election campaigns. The services provided to Representative Broun’s campaigns coincided with the dates of the Consulting Agreement with the congressional office.

**A. Summary of Allegations**

3. Representative Broun may have violated House rules and federal law by using funds from his Members’ Representational Allowance (“MRA”) for an impermissible purpose—to retain an individual as a consultant to his congressional office.
4. Representative Broun may have violated House rules and federal law by using MRA funds to pay for services provided to one or more of his election campaigns.
5. The Board recommends that the Committee on Ethics further review the above allegation concerning use of the MRA to retain a consultant, as there is substantial reason to believe that Representative Broun used MRA funds to retain an individual as a consultant to his congressional office, in violation of House rules and federal law.

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6. The Board recommends that the Committee on Ethics further review the above allegation concerning use of the MRA for campaign-related services, as there is substantial reason to believe that Representative Broun used MRA funds to compensate an individual for services provided to one or more of his election campaigns, in violation of House rules and federal law.

**B. Jurisdiction Statement**

7. The allegations that were the subject of this review concern Representative Paul Broun, a Member of the United States House of Representatives from the 10th District of Georgia. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (hereafter “OCE”) directs that, “[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution.”<sup>1</sup> The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

**C. Procedural History**

8. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on March 28, 2014. The preliminary review commenced on March 29, 2014.<sup>2</sup> The preliminary review was scheduled to end on April 27, 2014.
9. At least three members of the Board voted to initiate a second-phase review in this matter on April 24, 2014. The second-phase review commenced on April 28, 2014. The second-phase review was scheduled to end on June 11, 2014.<sup>3</sup>
10. The Board voted to extend the second-phase review for an additional period of fourteen days on May 29, 2014. The second-phase review ended on June 25, 2014.
11. Pursuant to Rule 9(B) of the OCE Rules for the Conduct of Investigations, Representative Broun presented a statement to the Board on July 25, 2014.
12. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on July 25, 2014.
13. The report and findings in this matter were transmitted to the Committee on Ethics on July 31, 2014.

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<sup>1</sup> H. Res 895, 110th Cong. §1(e) (2008) (as amended).

<sup>2</sup> A preliminary review is “requested” in writing by members of the OCE Board. 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 thirty days from the date of receipt of the Board’s request.

<sup>3</sup> According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

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**D. Summary of Investigative Activity**

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

- (1) Representative Paul Broun;
- (2) Representative Broun's Chief of Staff ("Chief of Staff");
- (3) Representative Broun's Director of Operations ("Director of Operations");
- (4) Representative Broun's Press Secretary ("Press Secretary");
- (5) Representative Broun's Campaign Manager ("Campaign Manager");
- (6) Representative Broun's Campaign Consultant ("Campaign Consultant");
- (7) Representative Broun's District Director ("District Director");
- (8) Representative Broun's Deputy Press Secretary ("Deputy Press Secretary");
- (9) Representative Broun's Legislative Director ("Legislative Director");
- (10) Representative Broun's Legislative Correspondent ("Legislative Correspondent");
- (11) Representative Broun's Congressional Staffer ("Congressional Staffer");
- (12) Representative Broun's former Communications Director ("Former Communications Director");
- (13) Representative Broun's Communications Adviser ("Communications Adviser");
- (14) Paul Broun Committee Treasurer ("Treasurer"); and
- (15) The Committee on House Administration.

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**II. REPRESENTATIVE BROUN MAY HAVE USED OFFICIAL FUNDS TO RETAIN AN IMPERMISSIBLE CONSULTANT**

**A. Laws, Regulations, Rules, and Standards of Conduct**

15. 31 U.S.C. § 1301(a)

*“Appropriations shall be applied only to the objects for which the appropriations were made . . . .”*

16. House Rule 23, clause 1

*Members “shall behave at all times in a manner that shall reflect creditably on the House.”*

17. House Rule 23, clause 2

*Members “shall adhere to the spirit and the letter of the Rules of the House . . . .”*

18. House Ethics Manual

*“Members may be personally liable for misspent funds or expenditures exceeding the MRA.”<sup>4</sup>*

*“Members must regularly certify that all official funds have been properly spent. A false certification may bring criminal penalties, and the government may recover any amount improperly paid.”<sup>5</sup>*

*“The Members’ Handbook provides examples of items for which reimbursement with the official allowances may be permitted, as well as a list of prohibited expenditures . . . . Included among impermissible uses are expenditures for . . . consultants.”<sup>6</sup>*

19. Committee on House Administration Members’ Congressional Handbook

*“During each session of Congress, each Member has a single Members’ Representational Allowance (‘MRA’) available to support the conduct of official and representational duties to the district from which he or she is elected. Ordinary and necessary expenses incurred by the Member or the Member’s employees within the United States, its territories, and possessions in support of the conduct of the Member’s official and representational duties to the district from which he or she is elected are*

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<sup>4</sup> House Ethics Manual at 323 (2008) (internal citations omitted).

<sup>5</sup> *Id.* at 126 (citing 18 U.S.C. § 1001).

<sup>6</sup> *Id.* at 325.

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*reimbursable in accordance with the regulations contained in this Members' Congressional Handbook.*"<sup>7</sup>

*"Pursuant to 2 U.S.C. § 72a, only committees are authorized to procure the temporary services of consultants. Member offices are not authorized to procure consultant services."*<sup>8</sup>

*"Members may contract with firms or individuals only for general, non-legislative and non-financial, office services (e.g., equipment maintenance, systems integration, data entry, staff training, photography, custodial services, web services) for a specified time period not to exceed the Member's current term. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided personnel benefits. Contractors do not count against the Member's Employee Ceiling. Members are advised to consult the Committee on House Administration when entering into such contracts."*<sup>9</sup>

**B. Representative Broun Retained Communications Adviser in June 2012 and Paid Him \$43,750 from Official Funds for Services Rendered between June 2012 and March 2014**

20. In spring 2012, Representative Broun was looking for someone to join his congressional office's communications team and work with him on an ongoing basis to improve his communications skills.<sup>10</sup> To that end, Representative Broun, Chief of Staff, and Former Communications Director interviewed candidates for a "media-coach-consultant" or "messaging coach" position.<sup>11</sup>

21. In late May 2012, Communications Adviser, who was referred to Representative Broun by another Member of Congress, emailed Chief of Staff to offer his services.<sup>12</sup> A meeting between Communications Adviser, Representative Broun, Chief of Staff, and Former Communications Director was held on May 31, 2012, at the National Republican Congressional Committee ("NRCC").<sup>13</sup>

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<sup>7</sup> Members' Congressional Handbook at 1 (2012).

<sup>8</sup> *Id.* at 5.

<sup>9</sup> *Id.*

<sup>10</sup> Transcript of Interview of Representative Broun, June 25, 2014 ("Representative Broun Transcript") (Exhibit 1 at 14-2533\_00002-00006); Transcript of Interview of Chief of Staff, June 24, 2014 ("Chief of Staff Transcript") (Exhibit 2 at 14-2533\_00084-00085); Transcript of Interview of Former Communications Director, June 19, 2014 ("Former Communications Director Transcript") (Exhibit 3 at 14-2533\_00193).

<sup>11</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00002-00006); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00083); Former Communications Director Transcript (Exhibit 3 at 14-2533\_00194); Transcript of Interview of Director of Operations, June 24, 2014 ("Director of Operations Transcript") (Exhibit 4 at 14-2533\_00281, 00284-00285).

<sup>12</sup> Emails between Communications Adviser and Chief of Staff, dated May 22-31, 2012 (Exhibit 5 at 14-2533\_00333).

<sup>13</sup> *Id.* Calendar Entry for Representative Paul Broun's Calendar, dated May 31, 2012 (Exhibit 6 at 14-2533\_00335); Representative Broun Transcript (Exhibit 1 at 14-2533\_00006).

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22. On June 1, 2012—the day following the initial meeting—Communications Adviser emailed Representative Broun, Chief of Staff, and Former Communications Director, attaching a work proposal and offering to meet to “discuss the proposal in more detail.”<sup>14</sup>
23. Communications Adviser’s proposal (the “Proposal”) stated that Communications Adviser’s services would include “assisting with fine tuning communication, public speaking and media interview skills;” references “preparing for media interviews and speeches as well as debates;” and states that “this proposal will cover assisting with messaging, and other strategic communication campaign or official activities, including specific media interview prep for each appearance as they are scheduled.”<sup>15</sup>
24. Representative Broun told the OCE that he recalls receiving the Proposal but did not look at it, and that Chief of Staff was charged with sorting out the details.<sup>16</sup> Chief of Staff told the OCE that he does not think he looked at the Proposal.<sup>17</sup>
25. It appears that Communications Adviser met with Representative Broun, Chief of Staff, and Former Communications Director for a second interview on June 8, 2012, in Representative Broun’s congressional office.<sup>18</sup>
26. Communications Adviser remembered two meetings taking place before he was retained: an initial meeting at the NRCC and then a second meeting to discuss the Proposal.<sup>19</sup>
27. Former Communications Director told the OCE that during the interviews they discussed what they were looking for in a “messaging consultant.”<sup>20</sup>
28. Shortly after the second interview, Representative Broun decided to retain Communications Adviser. On June 14, 2012, Chief of Staff emailed Representative Broun’s congressional staff announcing Communications Adviser as a “New Addition to Team Broun” as “a communications and messaging consultant to our official office.”<sup>21</sup>

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<sup>14</sup> Email from Communications Adviser to Representative Broun, Chief of Staff, and Former Communications Director, dated June 1, 2012 (Exhibit 7 at 14-2533\_00337).

<sup>15</sup> Communications Adviser Proposal, dated June 9, 2014 (Exhibit 8 at 14-2533\_00339-00348). The Board notes that the date listed on the Proposal is June 9, 2014. It appears that when the Proposal was produced to the OCE that the date was automatically updated. The Proposal was originally sent to Representative Broun on June 1, 2012. *See id.*

<sup>16</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00007).

<sup>17</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00090).

<sup>18</sup> Emails between Chief of Staff and Communications Adviser, dated June 8, 2012 (Exhibit 9 at 14-2533\_00350-00351); Calendar Entry for Representative Paul Broun’s Calendar, dated June 8, 2012 (Exhibit 10 at 14-2533\_00353).

<sup>19</sup> Transcript of Interview of Communications Adviser, dated June 23, 2014 (“Communications Adviser Transcript”) (Exhibit 11 at 14-2533\_00359).

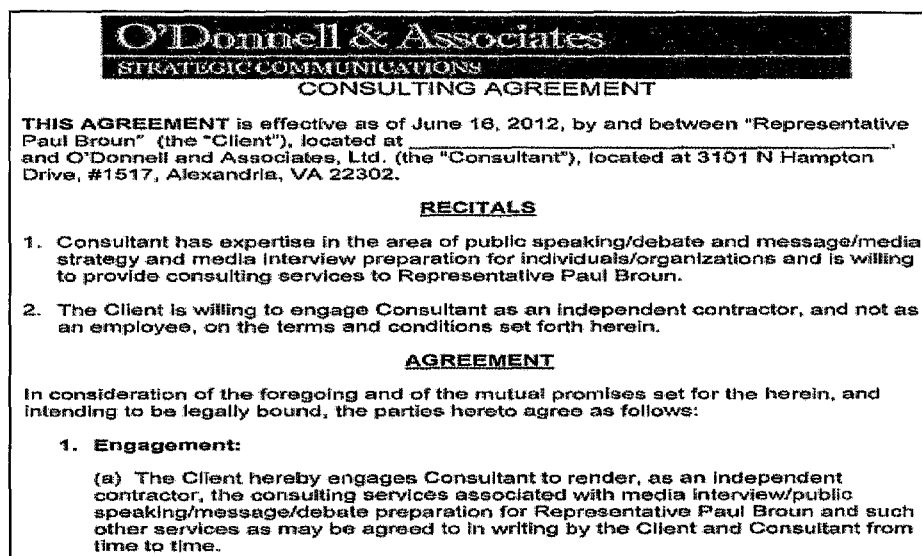
<sup>20</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00196-00199).

<sup>21</sup> Email from Chief of Staff to Communications Adviser and various recipients, dated June 14, 2012 (Exhibit 12 at 14-2533\_00454).



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29. The Consulting Agreement entered into between Communications Adviser and Representative Paul Broun described Communications Adviser's role as being that of a "Consultant" providing "consulting services to Representative Paul Broun." The "Engagement" clause provided: "The Client hereby engages Consultant to render, as an independent contractor, the consulting services associated with media interview/public speaking/message/debate preparation for Representative Paul Broun . . . ."<sup>22</sup>



30. Chief of Staff told the OCE that the Consulting Agreement accurately reflected the services provided.<sup>23</sup> Communications Adviser said that the Consulting Agreement is "a boilerplate consulting agreement,"<sup>24</sup> but said that the Engagement clause accurately describes the services he was to provide.<sup>25</sup> Representative Broun told the OCE that he had not seen the Consulting Agreement.<sup>26</sup>

31. According to evidence provided to the OCE, Communications Adviser was retained by Representative Broun's office on a trial basis from June 16, 2012, until August 3, 2012; retained again for the period of September 1 through December 31, 2012,<sup>27</sup> and retained thereafter on a continuing month-to-month basis from January 1, 2013, through March 31, 2014.<sup>28</sup> The terms of the agreements in place during these periods were identical,

<sup>22</sup> Consulting Agreement between Communications Adviser and Representative Paul Broun, dated June 16, 2012 (Exhibit 13 at 14-2533\_00457-00460).

<sup>23</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00093).

<sup>24</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00364).

<sup>25</sup> *Id.* at 14-2533\_00365.

<sup>26</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00010).

<sup>27</sup> Emails between Communications Adviser and Chief of Staff, dated September 12-13, 2012 (Exhibit 14 at 14-2533\_00462-00463); Consulting Agreement between Communications Adviser and Representative Paul Broun, dated September 1, 2012 (Exhibit 15 at 14-2533\_00465-00468).

<sup>28</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00365-00366); Emails between Communications Adviser and Chief of Staff, dated January 4-8, 2013 (Exhibit 16 at 14-2533\_00470).

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with the exception of the effective dates of the agreements and the monthly retainer amounts.<sup>29</sup>

32. According to House Chief Administrative Officer Statements of Disbursements and documents provided to the OCE, Representative Broun's office paid Communications Adviser \$43,750 for services rendered between June 2012 and March 2014.<sup>30</sup>

<b>REPRESENTATIVE PAUL BROUN'S MRA DISBURSEMENTS TO COMMUNICATIONS ADVISER</b>				
<b>Payee</b>	<b>Service Dates</b>		<b>Description</b>	<b>Amount</b>
O'DONNELL & ASSOC LTD	6/15/12	7/31/12	Training	\$3,750
O'DONNELL & ASSOC LTD	9/01/12	9/30/12	Training	\$1,875
O'DONNELL & ASSOC LTD	12/01/12	12/31/12	Training	\$1,875
O'DONNELL & ASSOC LTD	01/01/13	01/31/13	Training	\$1,250
O'DONNELL & ASSOC LTD	02/01/13	02/28/13	Training	\$2,500
O'DONNELL & ASSOC LTD	03/01/13	03/31/13	Training	\$2,500
O'DONNELL & ASSOC LTD	04/01/13	04/30/13	Training	\$2,500
O'DONNELL & ASSOC LTD	05/01/13	05/30/13	Training	\$2,500
O'DONNELL & ASSOC LTD	06/01/13	06/30/13	Training	\$2,500
O'DONNELL & ASSOC LTD	07/01/13	07/31/13	Training	\$2,500
O'DONNELL & ASSOC LTD	08/01/13	08/31/13	Training	\$2,500
O'DONNELL & ASSOC LTD	09/01/13	09/30/13	Training	\$2,500
O'DONNELL & ASSOC LTD	10/01/13	10/31/13	Training	\$2,500
O'DONNELL & ASSOC LTD	11/01/13	11/30/13	Training	\$2,500
O'DONNELL & ASSOC LTD	12/01/13	12/31/13	Training	\$2,500
O'DONNELL & ASSOC LTD	1/01/14	1/31/14	Training	\$2,500
O'DONNELL & ASSOC LTD	2/01/14	2/28/14	Training	\$2,500
O'DONNELL & ASSOC LTD	3/01/14	3/31/14	Training	\$2,500
<b>TOTAL</b>				<b>\$43,750</b>

<sup>29</sup> Compare Consulting Agreement between Communications Adviser and Representative Paul Broun, dated June 16, 2012 (Exhibit 13 at 14-2533\_00457-00460) with Consulting Agreement between Communications Adviser and Representative Paul Broun, dated September 1, 2012 (Exhibit 15 at 14-2533\_00465-00468). See also Communications Adviser Transcript (Exhibit 11 at 14-2533\_00365-00366).

<sup>30</sup> See O'Donnell & Associates Invoices dated June 15, 2012, through March 2014, and United States House of Representatives Voucher Cover Sheets dated May 2, 2013, through April 1, 2014 (Exhibit 17 at 14-2533\_00472-00501). See also U.S. House of Representatives Chief Administrative Officer, *Statements of Disbursements of the House*, January 1, 2012 – March 31, 2014, available at <http://disbursements.house.gov/>.

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33. The invoices from Communications Adviser to Representative Broun described his services as “Public Speaking-Media Educational Training,” and the services were described by Representative Broun’s office in submissions to the House Office of Finance as “TRAINING.”<sup>31</sup>

United States House Of Representatives				CAPS2012		
VOUCHER COVER SHEET						
1132000064						
Initiating Office Reference Number						
Org Code	GA10BRP	Office Name THE HONORABLE PAUL BROUN				
Payment for Vendor						
Vendor/Payee Information			Payment Information			
Vendor or Emp ID Number		Vendor Invoice Number	BROUN			
Vendor Name	O'DONNELL AND ASSOCIATES LTD		Vendor Invoice Date	04/01/2014		
Address Line 1	3101 N. HAMPTON DRIVE		Payment Grand Total \$	2500.00		
Address Line 2	#1517					
City	ALEXANDRIA	State	VA	Zip	22302	
Product or Service Information						
BOC Category	BOC	BOC Sub-Code	Expense Description	Amount	Date(s) of Service(s)	
					Begin Service Date	End Service Date
25	2527		TRAINING	2500.00	03/01/2014	03/31/2014

34. In March 2014, Communications Adviser resigned.<sup>32</sup> Communications Adviser then ceased providing services of any kind—on a paid or volunteer basis—to Representative Broun’s congressional office or campaign.<sup>33</sup>

35. Representative Broun’s campaign committee, Paul Broun Committee, made only one disbursement to Communications Adviser during the period the Consulting Agreement was in effect, which was a travel reimbursement of \$838.75 made on April 12, 2013.<sup>34</sup>

**C. Communications Adviser’s Services to Representative Broun’s Congressional Office Were Likely Beyond Those Permitted to be Paid for with Official Funds**

36. As noted above, Member offices are flatly prohibited from hiring consultants.<sup>35</sup> Member offices may hire contractors, but only for “general, non-legislative and non-financial, office services (e.g., equipment maintenance, systems integration, data entry, staff training, photography, custodial services, web services).”<sup>36</sup> In light of the evidence and the witness statements obtained by the OCE, it appears that Communications Adviser was indeed a “consultant” to Representative Broun’s congressional office.<sup>37</sup>

<sup>31</sup> See *id.*

<sup>32</sup> See email from Chief of Staff to various recipients, dated March 25, 2014 (Exhibit 18 at 14-2533\_00503); Communications Adviser Transcript (Exhibit 11 at 14-2533\_00366); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00152).

<sup>33</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00384).

<sup>34</sup> See Paul Broun Committee, July 2013 Quarterly Federal Election Commission Report, dated July 15, 2013, available at <http://docquery.fec.gov/pdf/059/13020362059/13020362059.pdf>.

<sup>35</sup> See *supra* at Section II.A.

<sup>36</sup> Members’ Congressional Handbook at 5.

<sup>37</sup> The Board notes that even if Communications Adviser were labeled a contractor rather than a consultant, the services he provided very likely exceeded those that a contractor may provide a Member’s office.

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37. Communications Adviser was introduced to, viewed by, and referred to by the congressional office and by himself as a “communications and messaging consultant.”<sup>38</sup> Former Communications Director told the OCE, “He was just a true messaging consultant.”<sup>39</sup> When asked if Communications Adviser was “a consultant to the office,” Chief of Staff said, “Yes, sir.”<sup>40</sup>

38. Communications Adviser described his own role as:

As a consultant, both as an instructor in terms of teaching him communications skills at a general level in terms of media interview, prep messaging, floor speeches, both delivery and substance and I’d be consulted on to help write floor speeches or to prep him for specific interviews, or if he was doing . . . a town hall that he would do frequently to speak to his district, I’d prep him for those.<sup>41</sup>

39. Communications Adviser was so closely integrated into the office’s operations that he was viewed by many congressional staff members as a “member of the communications team.”<sup>42</sup> When asked to describe Communications Adviser’s role with the office, in looking at the totality of the services he provided, Former Communications Director stated, “I would say that he was part of the communications team.”<sup>43</sup> She also remarked that Communications Adviser “more or less” did the same things that she did as Communications Director.<sup>44</sup>

40. Specifically, Communications Adviser provided the following services that appear to exceed general non-legislative and non-financial office services: weekly communications sessions; preparation for media interviews and public appearances; drafting and advising on official speeches; and consulting on congressional office communications. These services concerned not only general media interview or public-appearance techniques, but also the specific content of the message that Representative Broun would convey and how he would convey it.

41. As stated by Representative Broun, Communications Adviser conferred with the staff “on a routine basis about what was coming up, about what our messaging was going to be, how to deal with that messaging, what our -- whenever I was requested to do a TV interview or radio interview, it’s my understanding that my Communications Director

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<sup>38</sup> Email from Chief of Staff to various recipients, dated June 14, 2012 (Exhibit 12 at 14-2533\_00454); *See also* Email from Chief of Staff to various recipients, dated December 19, 2012 (Exhibit 19 at 14-2533\_00505-00506).

<sup>39</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00200).

<sup>40</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00093).

<sup>41</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00367, 00424).

<sup>42</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00008, 00065) (Representative Broun told the OCE that “I made it very clear to [Communications Adviser] all along that he was being hired to be part of our communications team.”). *See also* Email from Press Secretary to Communications Adviser and Chief of Staff, dated March 17, 2014 (Exhibit 20 at 14-2533\_00508) (remarking that Communications Adviser is “a member of the communications team in an official capacity”); Transcript of Interview of Press Secretary, June 24, 2014 (“Press Secretary Transcript”) (Exhibit 21 at 14-2533\_00561).

<sup>43</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00208).

<sup>44</sup> *Id.* at 14-2533\_00210.

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would contact him about what our message was, what our bottom line -- statement would be and I would talk to him about how to approach the interview and what to do with it and that's the way we operated."<sup>45</sup> Representative Broun added, "I did try to touch base with him before every interview that we did -- most every interview unless I already had it -- and about what we were doing."<sup>46</sup>

Weekly Communications Sessions

42. Communications Adviser conducted hour-long communications consulting sessions with Representative Broun and his communications staff on approximately a weekly basis when Congress was in session.<sup>47</sup> The sessions typically occurred in Representative Broun's congressional office,<sup>48</sup> but at times were held elsewhere or via telephone.<sup>49</sup>
43. During the weekly sessions, Communications Adviser reviewed Representative Broun's past appearances and speeches, providing Representative Broun feedback.<sup>50</sup> Videos of Representative Broun's appearances were typically provided to Communications Adviser in advance so that he could prepare for the session accordingly.<sup>51</sup> For example, on December 3, 2013, Representative Broun was interviewed by Lou Dobbs. The next day, Communications Adviser wrote to Chief of Staff that they would review the interview in next week's session, which took place on December 11, 2013.<sup>52</sup>

<b>From:</b>	Brett O'Donnell [REDACTED]@odacomunications.com]
<b>Sent:</b>	Tuesday, December 03, 2013 10:04 PM
<b>To:</b>	Bowser, David
<b>Subject:</b>	Re: Dobbs tonight

I thought he did very well. Was proud of him. We'll review next week.

Brett  
 On Dec 3, 2013, at 7:50 PM, Bowser, David wrote:

> PB did great on Dobbs, lots of Patient Option plugs and took a good swing at Kingston, Dave Bossie thought it went well too.

<sup>45</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00016).

<sup>46</sup> *Id.* at 14-2533\_00017-00018.

<sup>47</sup> *Id.* at 14-2533\_00019; Communications Adviser Transcript (Exhibit 11 at 14-2533\_00367); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00106); Director of Operations Transcript (Exhibit 4 at 14-2533\_00290, 00308); Former Communications Director Transcript (Exhibit 3 at 14-2533\_00211-00212, 00246); Press Secretary Transcript (Exhibit 21 at 14-2533\_00527).

<sup>48</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00212-00213).

<sup>49</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00373).

<sup>50</sup> *Id.* at 14-2533\_00368-00369, 00373; Chief of Staff Transcript (Exhibit 2 at 14-2533\_00106, 00111-00113); Former Communications Director Transcript (Exhibit 3 at 14-2533\_00214); Press Secretary Transcript (Exhibit 21 at 14-2533\_00529-00530).

<sup>51</sup> *See, e.g.*, Emails between Communications Adviser and Former Communications Director, dated December 18-19, 2012 (Exhibit 22 at 14-2533\_00578-00579); Email from Communications Adviser to Press Secretary, dated August 11, 2013 (Exhibit 23 at 14-2533\_00581).

<sup>52</sup> Email from Communications Adviser to Chief of Staff, dated December 3, 2013 (Exhibit 24 at 14-2533\_00583); Calendar Entry for Representative Paul Broun's Calendar, dated December 11, 2013 (Exhibit 25 at 14-2533\_00585).

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44. The weekly sessions also were used to prepare for upcoming appearances.<sup>53</sup> Representative Broun told the OCE that Communications Adviser would talk to him about how to approach an interview, and teach him how to organize his thoughts and express himself.<sup>54</sup> Typically, Communications Adviser would assist with determining what Representative Broun's "first sentence" and "bottom line" was for an interview.<sup>55</sup> The sessions also were used to discuss current events, so that if Representative Broun was unexpectedly asked to comment on something he would know what to say.<sup>56</sup>
45. Communications Adviser also conducted issue research for Representative Broun to give him more background on an issue in anticipation of an interview, and even prepared an "issue book" at Representative Broun's request for Representative Broun to study.<sup>57</sup>
46. The weekly sessions also were used to discuss how Representative Broun should "message" legislative actions. For example, Communications Adviser told the OCE that they would talk about how to message his Patient OPTION Act and "different votes that he was going to be taking, how to message those."<sup>58</sup> Chief of Staff told the OCE that assistance with messaging the OPTION Act was one of the reasons Communications Adviser was brought on, because it was a complicated piece of legislation and Representative Broun needed help communicating the aims of the legislation.<sup>59</sup>

#### Preparation for Media Interviews and Public Appearances

47. In addition to the weekly communications consulting sessions, Communications Adviser also frequently conducted abbreviated "messaging calls" or meetings with Representative Broun shortly before media interviews, public appearances, or floor speeches.<sup>60</sup>

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<sup>53</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00373); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00106).

<sup>54</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00018-00019).

<sup>55</sup> *Id.* at 14-2533\_00020.

<sup>56</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00213, 00227-00228).

<sup>57</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00021-00022, 00025).

<sup>58</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00369).

<sup>59</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00091-00092).

<sup>60</sup> *See, e.g.*, Email from Press Secretary to Communications Adviser, dated January 22, 2014 (Exhibit 26 at 14-2533\_00587).

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48. Representative Broun's congressional office often prepared a "communications plan" in advance of each week that was shared with Communications Adviser. The following plan, which indicates that Communications Adviser would conduct "Messaging calls with Dr. Broun throughout the week" is typical of those shared with Communications Adviser during the course of his Consulting Agreement:<sup>61</sup>

Communications Plan for Week of August 19, 2013	
<b>To Do (DC):</b>	
<ul style="list-style-type: none"> <li>• Sirius XM Radio, Andrew Wilkow, talk Obamacare &amp; Immigration (Wed)</li> <li>• Messaging calls with Dr. Broun throughout week (Brett)</li> <li>• Work with Fireside to get website updated. Find way to post E-News on website (start posting on social media).</li> <li>• Update website survey, post on social media</li> <li>• Handouts for Patient OPTION Act</li> <li>• Upload pictures from district, save on S drive</li> </ul>	
<b>To Do (GA):</b>	
<ul style="list-style-type: none"> <li>• Radio Address on Constituent Services (Wed)</li> <li>• Weekly E-Newsletter, wrap up from events last week (Thurs)</li> <li>• Upload/update pictures onto website</li> <li>• Upload pictures of events throughout the week on social media</li> </ul>	
<b>On the Radar:</b>	
<ul style="list-style-type: none"> <li>• Scheduling Dr. Broun on WGAU at end of recess (Jane)</li> <li>• Op-ed on Patient OPTION Act, finding placement for after recess.</li> <li>• Radio Town Hall at WDUN (Mon)</li> <li>• Sept 10<sup>th</sup> Rally on defunding Obamacare</li> </ul>	

49. The OCE identified numerous instances of messaging calls in the documents provided by witnesses to the OCE. For example, they included calls to prepare for: a keynote speech at a religious freedom event on August 22, 2013;<sup>62</sup> a Fox Business interview on the government shutdown on August 26, 2013;<sup>63</sup> a speech at a "Defund Obamacare" or "Exempt America" rally held on September 10, 2013;<sup>64</sup> a *Wilkow!* radio program interview on September 19, 2013;<sup>65</sup> a CNN interview on the government shutdown on October 8, 2013;<sup>66</sup> and a Veteran's Town Hall event on November 8, 2013.<sup>67</sup>

<sup>61</sup> Email from Press Secretary to various recipients, dated August 19, 2013 (Exhibit 27 at 14-2533\_00589). *See also* Email from Press Secretary to various recipients, dated December 2, 2013 (Exhibit 28 at 14-2533\_00591-00592); Email from Press Secretary to various recipients, dated January 13, 2014 (Exhibit 29 at 14-2533\_00594-00595); Email from Press Secretary to Communications Adviser, dated August 11, 2013 (Exhibit 23 at 14-2533\_00581).

<sup>62</sup> Email from Chief of Staff to Communications Adviser, dated August 22, 2013 (Exhibit 30 at 14-2533\_00597).

<sup>63</sup> Email from Communications Adviser to Press Secretary, dated August 26, 2013 (Exhibit 31 at 14-2533\_00599); Email from Press Secretary to Communications Adviser, dated August 26, 2013 (Exhibit 32 at 14-2533\_00605-00606); and Emails between Press Secretary, Chief of Staff, and Communications Adviser, dated August 26, 2013 (Exhibit 33 at 14-2533\_00608-00609).

<sup>64</sup> Emails between Director of Operations and Communications Adviser, dated September 9, 2013 (Exhibit 34 at 14-2533\_00615-00616).

<sup>65</sup> Emails between Director of Operations and Communications Adviser, dated September 19, 2013 (Exhibit 35 at 14-2533\_00618-00621).

<sup>66</sup> Emails between Communications Adviser and Press Secretary, dated October 7-8, 2013 (Exhibit 36 at 14-2533\_00623-00624).

<sup>67</sup> Emails between Chief of Staff and Communications Adviser, dated November 8-11, 2013 (Exhibit 37 at 14-2533\_00627).



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50. Press Secretary told the OCE that if Representative Broun “had an interview coming up, we liked to meet with [Communications Adviser] beforehand just to go over issues that were important to Dr. Broun’s constituents, Obamacare, spending, jobs, and really just try to stay on topic with those issues.”<sup>68</sup>
51. Director of Operations, who managed Representative Broun’s schedule, told the OCE that, “if we knew we had a big floor speech or something like that coming up” they “would make sure that [Communications Adviser and Representative Broun] talked beforehand -- or press conferences or whatever related to his legislative stuff.”<sup>69</sup>
52. In addition to the many scheduled messaging meetings or telephone calls, impromptu discussions were common. Director of Operations said that, “[A] lot of times, I think Dr. Broun would call [Communications Adviser] himself without it being officially scheduled.”<sup>70</sup> Representative Broun also stated that “sometimes” but “rarely” would he call Communications Adviser on his own, adding, “Not on an ongoing basis, but he had my cell phone. I had his.”<sup>71</sup>

#### Drafting and Advising on Official Speeches

53. Communications Adviser regularly assisted Representative Broun and his congressional office with official speeches, including drafting speeches as well as reviewing and providing feedback and edits on speeches drafted by Representative Broun or his congressional staff.<sup>72</sup>
54. Press Secretary told the OCE that floor speeches were discussed during the weekly sessions with Communications Adviser, and at times they would “even start working on a speech” during the session and “practice it . . . to go out to speak on the floor.”<sup>73</sup> Press Secretary further explained that, “Usually I would draft the speeches and we [referring to Communications Adviser] would run them by with Dr. Broun. He would practice them. [Communications Adviser] would give him suggestions and we’d make edits together on them, all three of us.”<sup>74</sup>
55. Former Communications Director told the OCE that Communications Adviser did not write the first draft of any speeches.<sup>75</sup> Press Secretary likewise told the OCE that she could not recall any instances in which Communications Adviser wrote the first draft of an official speech.<sup>76</sup>

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<sup>68</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00527) (noting that in addition to the weekly sessions, “if we had a big interview come up last minute, we would phone [Communications Adviser] and talk to him . . .”).

<sup>69</sup> Director of Operations Transcript (Exhibit 4 at 14-2533\_00287).

<sup>70</sup> *Id.* at 14-2533\_00322.

<sup>71</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00018).

<sup>72</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00370).

<sup>73</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00530).

<sup>74</sup> *Id.* at 14-2533\_00532.

<sup>75</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00216-00218).

<sup>76</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00533).



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56. Communications Adviser said that sometimes he would write the initial draft of a speech, and sometimes the initial draft would be written by Former Communications Director or Press Secretary.<sup>77</sup> Chief of Staff also told the OCE that Communications Adviser drafted speeches for the congressional office.<sup>78</sup>
57. For example, it appears that Communications Adviser edited a speech Representative Broun gave at an “Exempt America” rally held on September 10, 2013 regarding Obamacare. The speech appears to have been drafted by Press Secretary, who forwarded the draft to Communications Adviser for his review.<sup>79</sup>
58. Communications Adviser also drafted a script for Representative Broun on “Big Govt & Spending” for a floor speech and for a video featuring several Members of Congress filmed by the TeaParty.Net organization on July 9, 2013.<sup>80</sup> Communications Adviser also accompanied Representative Broun to the filming session.<sup>81</sup>

#### Consulting on Congressional Office Communications

59. Communications Adviser regularly provided Representative Broun’s office with strategic advice regarding its official communications. This advice addressed which requests the office should accept or decline;<sup>82</sup> whether or not to respond;<sup>83</sup> advising on language to be included in official communications such as quotes for articles, op-eds, and press releases;<sup>84</sup> the timing of placement of such communications;<sup>85</sup> providing talking points and advice to Representative Broun regarding his communication of legislative issues to

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<sup>77</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00370, 00374).

<sup>78</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00111-00113).

<sup>79</sup> Emails between Communications Adviser and Press Secretary, dated September 9, 2013 (Exhibit 38 at 14-2533\_00629).

<sup>80</sup> Emails between Communications Adviser, Chief of Staff, and Director of Operations, dated July 8, 2013 (Exhibit 39 at 14-2533\_00631-00633); Email from Chief of Staff to Communications Adviser, dated July 9, 2013 (Exhibit 40 at 14-2533\_00635) (attaching the speech with revisions made by Representative Broun); Communications Adviser Transcript (Exhibit 11 at 14-2533\_00375).

<sup>81</sup> Email from Communications Adviser to Chief of Staff, dated August 8, 2013 (Exhibit 41 at 14-2533\_00637).

<sup>82</sup> *See, e.g.*, Email from Communications Adviser to Press Secretary, dated November 6, 2013 (Exhibit 42 at 14-2533\_00642).

<sup>83</sup> *See, e.g.*, Emails from Communications Adviser to various recipients, dated September 12, 2012 (Exhibit 43 at 14-2533\_00647).

<sup>84</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00369, 00374). *See, e.g.*, Email from Communications Adviser to Former Communications Director, dated September 14, 2012 (Exhibit 44 at 14-2533\_00650) (Communications Adviser advising on the content of a quote); Email from Communications Adviser to Former Communications Director, dated March 6, 2013 (Exhibit 45 at 14-2533\_00652-00653) (advising on a statement by Representative Broun regarding his vote against a continuing resolution to fund the government through fiscal year 2013); Email from Communications Adviser to Former Communications Director, dated December 4, 2012 (Exhibit 46 at 14-2533\_00655-00656) (advising on the language of an official press release).

<sup>85</sup> *See, e.g.*, Email from Communications Adviser to Chief of Staff, dated November 8, 2013 (Exhibit 47 at 14-2533\_00658-00659) (advising that the office should “stay out in front of this and beam everything we do back to GA” regarding a Special Order held by the GOP Doctors Caucus); Press Secretary Transcript (Exhibit 21 at 14-2533\_00530) (stating that op-eds were discussed in the weekly sessions with Communications Adviser).

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the media and public; and advising on how official actions would be perceived and portrayed in the media.<sup>86</sup>

60. When asked about his role in forming Representative Broun's official communications strategy, Communications Adviser explained, "I would talk to [Former Communications Director and Press Secretary] about what media we wanted to do and even helped them from time to time reach out to different folks. Yea, I was -- and then what we wanted to say in that -- in those interviews. I was reasonably integrated into that process."<sup>87</sup>
61. When asked if he recalled drafting talking points for Representative Broun, Communications Adviser responded that there were a "truckload of them. I mean, pretty much if he was doing radio, we would draft talking points . . . There were many, many times where we drafted talking points for media interviews that he was doing."<sup>88</sup>
62. Communications Adviser was shown an email in which he provided Chief of Staff four pages of research and talking points on the Federal Aviation Administration and sequestration,<sup>89</sup> and told the OCE that he provided this type of work product to the congressional office "on a regular basis" and at times more than once per week.<sup>90</sup> In referring to the email, Chief of Staff stated it was "probably" common for Communications Adviser to provide such information.<sup>91</sup>
63. Former Communications Director told the OCE that Communications Adviser "in no way shaped policy"—referring to legislative actions taken by the office—but that he assisted with shaping how the office communicated legislative matters.<sup>92</sup> For example, Communications Adviser advised with regard to the office's communications promoting Representative Broun's Patient OPTION Act, including endorsement announcements,<sup>93</sup> House floor speeches touting the Act,<sup>94</sup> and public statements promoting the legislation.<sup>95</sup>

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<sup>86</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00375-00376); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00113-00115); Former Communications Director Transcript (Exhibit 3 at 14-2533\_00215-00216). *See also*, Email from Communications Adviser to Representative Broun, dated May 8, 2013 (Exhibit 48 at 14-2533\_00661) (providing talking points on universal background checks); Email from Communications Adviser to Chief of Staff, dated April 29, 2013 (Exhibit 49 at 14-2533\_00663-00666) (providing talking points on sequestration's impact on the FAA); Email from Communications Adviser to Former Communications Director, dated February 8, 2013 (Exhibit 50 at 14-2533\_00668) (suggesting language for Representative Broun to use regarding the sequester); Email from Communications Adviser to Former Communications Director, dated March 26, 2013 (Exhibit 51 at 14-2533\_00670) (advising on handling questions about Second Amendment rights).

<sup>87</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00379).

<sup>88</sup> *Id.* at 14-2533\_00375-00376.

<sup>89</sup> Email from Communications Adviser to Chief of Staff, dated April 29, 2013 (Exhibit 49 at 14-2533\_00663-00666).

<sup>90</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00376-00378).

<sup>91</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00112).

<sup>92</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00201).

<sup>93</sup> Email from Communications Adviser to Press Secretary, dated December 10, 2013 (Exhibit 52 at 14-2533\_00672).

<sup>94</sup> Email from Communications Adviser to Press Secretary, dated November 19, 2013 (Exhibit 53 at 14-2533\_00676) (suggesting text for Representative Broun's floor speech); Email from Press Secretary to Chief of Staff, dated July 31, 2013 (Exhibit 54 at 14-2533\_00681) (writing, "Here's a final copy of Dr. Broun's 5-min on the

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64. Representative Broun told the OCE that he did not recall Communications Adviser drafting any speeches for him related to the OPTION Act,<sup>96</sup> but recalled some assistance from him with a special order speech on the Commerce Clause.<sup>97</sup>

Communications Training

65. Representative Broun told the OCE that he considered all of Communications Adviser's work for the congressional office as "training, 'cause that's what I hired him to do, help train me to be a better communicator."<sup>98</sup>

66. Communications Adviser told the OCE he provided training to Representative Broun, Former Communications Director, and Press Secretary, which included a "message video" and four or five initial training sessions when he was first retained, as well as ongoing discussions about "how I approach prepping a candidate for interviews."<sup>99</sup>

67. However, Former Communications Director, Press Secretary, and Director of Operations told the OCE that they did not receive training from Communications Adviser.<sup>100</sup>

68. In conclusion, Communications Adviser appears to have been retained and compensated as an impermissible consultant and provided Representative Broun's congressional office with a range of communications services that were impermissible for even a contractor to provide a Member's office. Therefore, there is substantial reason to believe that Representative Broun used MRA funds to retain an individual as a consultant to his congressional office, in violation of House rules and federal law.

**D. Communications Adviser's Consulting Agreement Was Never Reviewed by the Committee on Ethics or the Committee on House Administration**

69. Representative Broun was not involved in any discussions with the Committee on House Administration or Committee on Ethics regarding Communications Adviser, but told the OCE that he recalls always telling his Chief of Staff that he was adamant they not get "close to the line."<sup>101</sup> When asked when he gave this instruction to his staff, he stated

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OPTION Act for tomorrow morning. [Communications Adviser], Dr. Broun and I made our final changes to it this morning . . . "); Email from Communications Adviser to Chief of Staff, dated November 18, 2013 (Exhibit 55 at 14-2533\_00683) (advising on Obamacare messaging strategy).

<sup>95</sup> Emails between Communications Adviser and Chief of Staff, dated August 15, 2013 (Exhibit 56 at 14-2533\_00685); Email from Communications Adviser to Press Secretary, dated November 19, 2013 (Exhibit 53 at 14-2533\_00676).

<sup>96</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00028).

<sup>97</sup> *Id.*

<sup>98</sup> *Id.* at 14-2533\_00030.

<sup>99</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00380-00382).

<sup>100</sup> See Former Communications Director Transcript (Exhibit 3 at 14-2533\_00229-00231); Press Secretary Transcript (Exhibit 21 at 14-2533\_00534-00535); Director of Operations Transcript (Exhibit 4 at 14-2533\_00300-00301).

<sup>101</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00064).

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that he did not recall any specific conversations.<sup>102</sup>

70. Chief of Staff told the OCE that he spoke with the Committee on House Administration on two occasions regarding Communications Adviser, but acknowledged that he never provided a copy of the Consulting Agreement to the Committee.<sup>103</sup>

71. In the process of retaining Communications Adviser in spring 2012, Chief of Staff claims he first reached out to the Committee on House Administration, “and asked if we were allowed to retain outside consultants, and they indicated that we were . . . as long as it’s for official business.”<sup>104</sup> Chief of Staff does not recall who he spoke with and does not have any record of the phone call.<sup>105</sup> The Committee on House Administration has no record of such a conversation occurring.<sup>106</sup>

72. The second instance purportedly occurred in July 2013, after a reporter emailed Press Secretary inquiring into payments from Representative Broun’s congressional office to Communications Adviser.<sup>107</sup> This inquiry, which also was apparently directed to the Committee on House Administration, is claimed to have resulted in a phone call between Chief of Staff, Press Secretary, and a spokesperson for the Committee on House Administration. Shortly after this call, Chief of Staff emailed Communications Adviser, writing, “I just talked to Admin, let me know when you can chat, I have more info.”<sup>108</sup>

73. Communications Adviser does not remember any conversation with Chief of Staff regarding the Committee on Administration at that time, but recalled that Chief of Staff may have just told him, “Hey, I checked and everything is fine.”<sup>109</sup>

74. Press Secretary told the OCE that she and Chief of Staff spoke with the Committee’s spokeswoman, who, according to Press Secretary, “said that it was cleared by them and that was all completely legal.”<sup>110</sup> According to Press Secretary, neither she nor Chief of Staff explained Communications Adviser’s services to the spokeswoman during the call nor provided her with a copy of the Consulting Agreement to review. Instead, Press Secretary explained that the spokeswoman’s comment that Communications Adviser’s services were legal was based on the allegations the reporter was raising.<sup>111</sup> The Board

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<sup>102</sup> *Id.*

<sup>103</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00098-00100).

<sup>104</sup> *Id.* at 14-2533\_00095-00096.

<sup>105</sup> *Id.* at 14-2533\_00096.

<sup>106</sup> See Letter from Robert A. Sensenbrenner, Senior Counsel, Committee on House Administration, to Kedric L. Payne, Deputy General Counsel, Office of Congressional Ethics, dated May 21, 2014 (Exhibit 57 at 14-2533\_00687-00688).

<sup>107</sup> Email from Paul Singer, *USA Today*, to Press Secretary, dated July 17, 2013 (Exhibit 58 at 14-2533\_00690).

<sup>108</sup> Email from Chief of Staff to Communications Adviser, dated July 18, 2013 (Exhibit 59 at 14-2533\_00692).

<sup>109</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00422).

<sup>110</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00522).

<sup>111</sup> *Id.* at 14-2533\_00525.

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notes that the issue raised by the reporter did not relate to whether Communications Adviser was a consultant or permissible contractor.<sup>112</sup>

75. In March 2014, after media articles questioned the relationship between Representative Broun's congressional office and Communications Adviser, Representative Broun's office did not reach out to the Committee on House Administration or the Committee on Ethics to seek advice on the permissibility of Communications Adviser's services.<sup>113</sup> But, Representative Broun's office did issue the following statement:<sup>114</sup>

<p>From: Hardman, Christine [REDACTED]@mail.house.gov</p> <p>Subject: Statement</p> <p>Date: March 13, 2014 at 9:58 AM</p> <p>To: Brett O'Donnell [REDACTED]@cdacommunications.com</p> <p>"Brett O'Donnell is a contract member of Congressman Broun's official communications team. As he does with several other members of Congress, he provides training with public speaking, on-camera interviews, and media appearances so that Dr. Broun can best communicate his legislative priorities, issues, and message with his constituents. As stated by the House Administration Committee, O'Donnell's communications training is in compliance with all House rules."</p>
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76. According to Press Secretary and Chief of Staff, who drafted the statement,<sup>115</sup> the statement that Communications Adviser's services were "in compliance with all House rules" was based on a Committee on House Administration statement to *USA Today* in July 2013.<sup>116</sup> The Deputy General Counsel of the Committee on House Administration confirmed that a committee spokesperson issued the following statement:<sup>117</sup>

<p><i>Members may not use their official budgets for campaign purposes. Period. We are aware of the media training provided by O'Donnell and Associates, and our regulations permit such training services by contractors.</i></p>
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77. The Deputy General Counsel also explained to the OCE that the statement addressed the permissibility of such services provided "by contractors," writing, "the Members' Congressional Handbook specifically denotes the difference between the duties that can be performed by a consultant and the duties that can be performed by a contractor."<sup>118</sup> The Committee also explained that their spokesperson does not recall speaking with Representative Broun's office, but that it "may be possible" they spoke over the phone.<sup>119</sup> The spokesperson explained that, "to the best of her recollection, at no point in this conversation, if indeed it occurred, was [she] asked to review or approve the specific

<sup>112</sup> Paul Singer, *Lawmakers hire GOP debate expert with taxpayer money*, USA TODAY, July 23, 2013, available at <http://www.usatoday.com/story/news/politics/2013/07/23/bachmann-mcmorris-rogers-odonnell-gop-consultant/2574119/>.

<sup>113</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00524); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00100).

<sup>114</sup> Email from Press Secretary to Communications Adviser, dated March 13, 2014 (Exhibit 60 at 14-2533\_00694).

<sup>115</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00558).

<sup>116</sup> *Id.* at 14-2533\_00559; Chief of Staff Transcript (Exhibit 2 at 14-2533\_00161).

<sup>117</sup> Letter from Bob Sensenbrenner, Deputy General Counsel, Committee on House Administration, to Kedric L. Payne, Deputy General Counsel, Office of Congressional Ethics, dated June 25, 2014 (Exhibit 61 at 14-2533\_00696-00697).

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

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contract that Mr. Broun's office entered into."<sup>120</sup> The Committee also told the OCE it was unable to locate any records of "any informal or formal approval or consultation on contracts from [Communications Adviser] and a House Office."<sup>121</sup>

**III. REPRESENTATIVE BROUN MAY HAVE USED OFFICIAL FUNDS TO COMPENSATE COMMUNICATIONS ADVISER FOR CAMPAIGN RELATED SERVICES**

**A. Laws, Regulations, Rules, and Standards of Conduct**

78. 31 U.S.C. § 1301(a)

*"Appropriations shall be applied only to the objects for which the appropriations were made . . . ."*

79. 18 U.S.C. § 641

*"Whoever . . . knowingly converts to his use or the use of another . . . money, or thing of value of the United States . . . [s]hall be fined under this title or imprisoned . . . ."*

80. 18 U.S.C. § 1001(a)

*"Except as otherwise provided in this section, whoever in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully — (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both."*

81. House Rule 23, clause 1

*Members "shall behave at all times in a manner that shall reflect creditably on the House."*

82. House Rule 23, clause 2

*Members "shall adhere to the spirit and the letter of the Rules of the House . . . ."*

83. House Ethics Manual

*The House Ethics Manual instructs that, "official resources of the House must, as a general rule, be used for the performance of official business of the House, and hence*

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<sup>120</sup> *Id.*

<sup>121</sup> *Id.*



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*those resources may not be used for campaign or political purposes. . . . The misuse of the funds and other resources that the House of Representatives entrusts to Members for the conduct of official House business is a very serious matter. . . . each Member should be aware that he or she may be held responsible for any improper use of resources that occurs in the Member's office. The Standards Committee has long taken the position that each Member is responsible for assuring that the Member's employees are aware of and adhere to the rules, and for assuring that House resources are used for proper purposes.*"<sup>122</sup>

*"Members may be personally liable for misspent funds or expenditures exceeding the MRA.*"<sup>123</sup>

*"Members must regularly certify that all official funds have been properly spent. A false certification may bring criminal penalties, and the government may recover any amount improperly paid.*"<sup>124</sup>

*"[A] Member or employee must take reasonable steps to ensure that any outside organization over which he or she exercises control — including the individual's own authorized campaign committee or, for example, a 'leadership PAC' — operates in compliance with applicable law.*"<sup>125</sup>

**B. Communications Adviser's Proposal and Consulting Agreement Provided for Debate Preparation Services**

84. Communications Adviser's Proposal to Representative Broun included extensive information on campaign debate preparation services and specifically stated on the cover letter that, "this proposal will cover assisting with messaging, and other strategic communication campaign or official activities, including specific media interview prep for each appearance as they are scheduled."<sup>126</sup>
85. When asked why the Proposal mentioned campaign services, Communications Adviser explained that the Proposal was "kind of a boilerplate" used for both elected officials and candidates, listing "all of the range of services" he can provide "and then they can pick what they want. So it's not -- you know, it's not a 'Here's everything I will deliver.' It's 'What I could deliver.'"<sup>127</sup> When asked why the Proposal repeatedly referenced debate preparation services, Communications Adviser responded that it was referencing both candidate debates and debates undertaken in an official capacity, such as floor or committee debates.<sup>128</sup>

<sup>122</sup> House Ethics Manual at 123-24 (emphasis in original).

<sup>123</sup> *Id.* at 323 (citations omitted).

<sup>124</sup> *Id.* at 126 (citing 18 U.S.C. § 1001).

<sup>125</sup> *Id.* at 123.

<sup>126</sup> Communications Adviser Proposal, dated June 9, 2014 (Exhibit 8 at 14-2533\_00339-00348).

<sup>127</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00360).

<sup>128</sup> *Id.* at 14-2533\_00361-00362, 00401-00403.

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86. As noted above, both Representative Broun and Chief of Staff told the OCE that they did not look at the Proposal.<sup>129</sup> Communications Adviser told the OCE, however, that the purpose of his second interview—on June 8, 2012—was to discuss the Proposal.<sup>130</sup>
87. The Consulting Agreement between Communications Adviser and Representative Broun’s congressional office also mentioned debate preparation, providing in the Engagement clause that, “The Client hereby engages Consultant to render, as an independent contractor, the consulting services associated with media interview/public speaking/message/debate preparation for Representative Paul Broun . . . .”<sup>131</sup>

**1. Engagement:**

(a) The Client hereby engages Consultant to render, as an independent contractor, the consulting services associated with media interview/public speaking/message/debate preparation for Representative Paul Broun and such other services as may be agreed to in writing by the Client and Consultant from time to time.

88. When asked if campaign services or debates were discussed during Communications Adviser’s interviews, Representative Broun responded, “Never.”<sup>132</sup> When asked if Communications Adviser offered to volunteer for the campaign when Representative Broun’s office was considering retaining him, Representative Broun told the OCE, “I wasn’t involved in those conversations at all, so I can’t comment about those.”<sup>133</sup>
89. Chief of Staff told the OCE that he does not recall discussing campaign matters with Communications Adviser during the interviews.<sup>134</sup>
90. Former Communications Director told the OCE that Representative Broun’s campaign and campaign debates were not discussed during the interviews.<sup>135</sup>
91. When asked if Representative Broun’s campaign was discussed during the two initial interviews, Communications Adviser told the OCE “[N]ot at all.”<sup>136</sup> When asked if campaign debates were discussed, he responded again “[N]ot at all.”<sup>137</sup>
92. Communications Adviser told the OCE that the Consulting Agreement is “a boilerplate consulting agreement,”<sup>138</sup> but that the Engagement clause accurately describes the

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<sup>129</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00007); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00090).

<sup>130</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00359).

<sup>131</sup> Consulting Agreement between Communications Adviser and Representative Paul Broun, dated June 16, 2012 (Exhibit 13 at 14-2533\_00457-00460).

<sup>132</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00008-00010).

<sup>133</sup> *Id.* at 14-2533\_00010-00011.

<sup>134</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00088).

<sup>135</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00196-00199, 00203-00204).

<sup>136</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00360-00361).

<sup>137</sup> *Id.* at 14-2533\_00362.

<sup>138</sup> *Id.* at 14-2533\_00364.



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services he was to provide.<sup>139</sup> He explained the inclusion of “debate preparation” was a reference to official debates, such as floor debates, rather than campaign debates.<sup>140</sup>

93. Chief of Staff told the OCE that the Consulting Agreement accurately reflected the services provided, and that the Consulting Agreement’s reference to “debate preparation” was not referencing campaign debates, because, “We didn’t need debate preparation.”<sup>141</sup>
94. As noted below, however, within just a few days of entering into the Consulting Agreement, Communications Adviser began providing Representative Broun with campaign debate preparation services.

**C. Communications Adviser Provided Consulting Services to Representative Broun’s 2012 Congressional Campaign**

95. In addition to providing consulting services to Representative Broun’s congressional office as laid out above, within a few days of entering into the Consulting Agreement, Communications Adviser also began preparing Representative Broun for and reviewing his performance in campaign debates related to his 2012 congressional campaign.
96. On June 14, 2012—the same day Communications Adviser was introduced to the congressional staff and two days before the Consulting Agreement went into effect—Chief of Staff emailed Communications Adviser, writing “As we discussed last week, there was a potential for a debate which has now turned into a scheduled event on June 22<sup>nd</sup> . . . . The Congressman would like to schedule a couple of hours later that afternoon [on June 21st] for debate preparations so we are going to hold from 3-6pm on our schedule and secure a conference room at the NRCC for this purpose.”<sup>142</sup> Communications Adviser responded that he could “be there for the entire time.”<sup>143</sup>

<b>From:</b>	Brett O'Donnell [REDACTED]@odacomcommunications.com]
<b>Sent:</b>	Thursday, June 14, 2012 2:27 PM
<b>To:</b>	Bowser, David
<b>Cc:</b>	Griffanti, Meredith; Norton, Teddie; Chinouth, Jordan
<b>Subject:</b>	Re: Time next week

I can be there for the entire time. Let's talk early in the week about how to structure that session.

Brett

Sent from my iPhone

On Jun 14, 2012, at 2:07 PM, "Bowser, David" <[REDACTED]@mail.house.gov> wrote:

Brett,

As we discussed last week, there was a potential for a debate which has now turned into a scheduled event on June 22<sup>nd</sup> on television from 9:30 - 10:30 am in studio. We are in session next week with last votes no later than Thursday, June 21<sup>st</sup> at 3pm. The Congressman would like to schedule a couple of hours later that afternoon for debate preparations so we are going to hold from 3-6pm on our schedule and secure a conference room at the NRCC for this purpose. Please let me know if we can plan on you attending some or all of this prep time.

<sup>139</sup> *Id.* at 14-2533\_00365.

<sup>140</sup> *Id.* at 14-2533\_00438-00440.

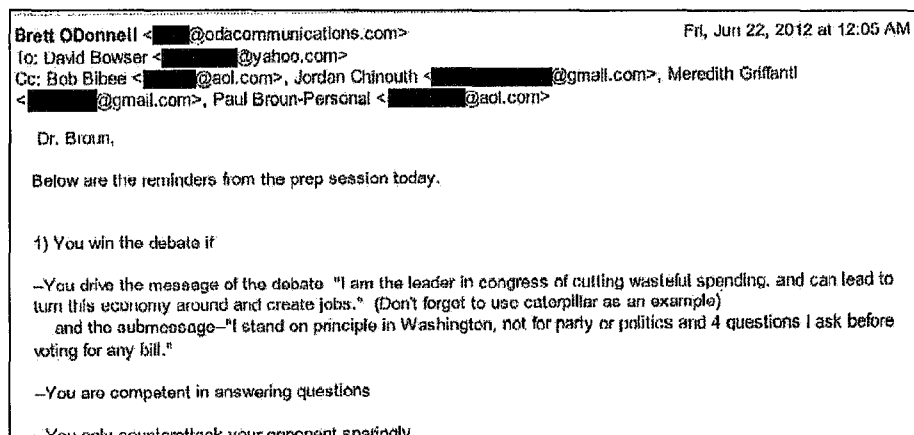
<sup>141</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00094).

<sup>142</sup> Emails between Chief of Staff and Communications Adviser, dated June 14, 2012 (Exhibit 62 at 14-2533\_00699).

<sup>143</sup> *Id.*

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97. Leading up to the June 21, 2012 campaign debate preparation session, Communications Adviser prepared potential questions<sup>144</sup> and was provided video of Representative Broun's previous campaign debates to review.<sup>145</sup>
98. Communications Adviser recalled that a campaign debate preparation session took place around June 21, 2012 at the NRCC.<sup>146</sup> Representative Broun told the OCE that he does not recall a June 2012 campaign debate preparation session,<sup>147</sup> however following the campaign debate preparation session, Communications Adviser emailed Representative Broun "reminders from the prep session today," indicating that the session occurred.<sup>148</sup>



99. It appears that on June 29, 2012, an hour-long session to review the June 22, 2012 campaign debate and prepare for a July 2, 2012 campaign debate on WGAU radio took place at the NRCC.<sup>149</sup>
100. Additionally, Former Communications Director and Communications Adviser had a call with Representative Broun on July 1, 2012 to prepare him for the campaign debate.<sup>150</sup> Communications Adviser was also involved in editing campaign debate talking points in advance of the debate.<sup>151</sup>

<sup>144</sup> Email from Communications Adviser to Chief of Staff and various recipients, dated June 21, 2012 (Exhibit 63 at 14-2533\_00701-00702).

<sup>145</sup> See Emails between Former Communications Director and Communications Adviser, dated June 12, 2012 (Exhibit 64 at 14-2533\_00704-00711).

<sup>146</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00395-00397).

<sup>147</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00044-00045).

<sup>148</sup> Email from Communications Adviser to Representative Broun, dated June 22, 2012 (Exhibit 65 at 14-2533\_00713-00714).

<sup>149</sup> Emails between Director of Operations and Communications Adviser, dated June 25, 2012 (Exhibit 66 at 14-2533\_00716-00721).

<sup>150</sup> Emails between Former Communications Director and Communications Adviser, dated July 1, 2012 (Exhibit 67 at 14-2533\_00725-00729); Transcript of Interview of Campaign Consultant, dated June 20, 2014 ("Campaign Consultant Transcript") (Exhibit 68 at 14-2533\_00750) (explaining that the July 2, 2012 debate was hosted by Tim Bryant of WGAU radio).

<sup>151</sup> Emails between Former Communications Director and Communications Adviser, dated July 1, 2012 (Exhibit 69 at 14-2533\_00802).

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101. It also appears that Communications Adviser conducted a session to review Representative Broun's campaign debates on or about July 10, 2012, at the NRCC.<sup>152</sup> On July 3, 2012, Director of Operations emailed Communications Adviser, writing, "Dr. Broun wants to set up about 90 minutes next week to go over both debates."<sup>153</sup> Communications Adviser told the OCE that the post-debate evaluation session "may have" occurred.<sup>154</sup>
102. Despite the extensive documentary evidence indicating that the campaign debate preparation and review sessions occurred, Former Communications Director told the OCE that she does not recall Communications Adviser being involved in campaign debate preparation or review sessions related to Representative Broun's 2012 congressional campaign.<sup>155</sup>
103. Representative Broun also told the OCE that he does not recall any campaign debate review sessions taking place related to the 2012 campaign.<sup>156</sup>
104. Despite Campaign Consultant being copied on emails regarding Communications Adviser's 2012 congressional campaign debate preparation and review sessions, he told the OCE that he does not recall any debate preparation or review sessions related to Representative Broun's 2012 campaign.<sup>157</sup> He did recall, however, that Communications Adviser advised him on his participation in a Lake Oconee campaign forum on Representative Broun's behalf during the 2012 congressional campaign.<sup>158</sup>
105. Communications Adviser told the OCE that he helped prepare Representative Broun for the 2012 congressional campaign debates at the request of Representative Broun or Chief of Staff, who, according to Communications Adviser, asked if he would be willing to give them some tips, outside of what he was doing for the congressional office, a couple of weeks after he began working for the congressional office.<sup>159</sup>

**D. Communications Adviser Provided Consulting Services to Representative Broun's 2014 Senate Campaign**

106. In addition to providing services to Representative Broun's 2012 congressional campaign, Communications Adviser also provided extensive services to Representative Broun's 2014 Senate campaign. Indeed, the documentary and testimonial evidence

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<sup>152</sup> Emails between Director of Operations and Communications Adviser, dated July 10, 2012 (Exhibit 70 at 14-2533\_00804).

<sup>153</sup> Emails between Director of Operations and Communications Adviser, dated July 3, 2012 (Exhibit 71 at 14-2533\_00806-00807).

<sup>154</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00408).

<sup>155</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00239-00243, 00254, 00261-00262).

<sup>156</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00045).

<sup>157</sup> Campaign Consultant Transcript (Exhibit 68 at 14-2533\_00751-00752).

<sup>158</sup> *Id.* at 14-2533\_00739-00741.

<sup>159</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00397).

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before the OCE indicates that Communications Adviser was part of Representative Broun's "core team" of campaign staffers and advisers.<sup>160</sup> Communications Adviser participated in conference calls reserved for the campaign's closest advisers and was included on numerous emails between the campaign's staff. He also attended a small gathering of Representative Broun's campaign "braintrust" in February 2013 that appears to have coincided with an official staff retreat in Georgia.<sup>161</sup>

107. Communications Adviser recalls traveling to Georgia, but does not recall an official staff retreat taking place, and told the OCE that his travel was in order to meet with his campaign team.<sup>162</sup>
108. The campaign services provided by Communications Adviser included: preparing for and reviewing Representative Broun's participation in several campaign debates and forums, including coordinating debate formats; conducting messaging calls to prepare Representative Broun for campaign media interviews and public appearances; drafting and preparing Representative Broun for campaign speeches; and advising the campaign on communications strategy.<sup>163</sup> Each of these areas of campaign activity is detailed below.

#### Campaign Debate and Forum Format Consulting

109. Communications Adviser assisted Representative Broun's campaign by tracking and negotiating campaign debate and forum formats.<sup>164</sup>
110. Acting on Representative Broun's behalf, Communications Adviser negotiated the format of Georgia GOP Senate debates. On November 14, 2013, Chief of Staff emailed Campaign Consultant, telling him, "We want [Communications Adviser] to take the lead in setting up our debates . . ."<sup>165</sup> On January 8, 2014, Communications Adviser emailed

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<sup>160</sup> Email from Chief of Staff to Communications Adviser and various recipients, dated November 14, 2013 (Exhibit 72 at 14-2533\_00809-00810) (referring to Communications Adviser and several other recipients as the campaign's "core team"). Campaign Manager told the OCE that from his perspective Communications Adviser was not part of the core campaign team, but rather a part of an "expanded group" of confidants that was included on campaign emails or in certain campaign telephone calls. However, Campaign Manager was based out of Georgia and told the OCE that he did not personally interact with Communications Adviser, rarely interacted with Representative Broun, and was not "on the inner circle" of the campaign. Transcript of Interview of Campaign Manager ("Campaign Manager Transcript") (Exhibit 73 at 14-2533\_00821-00822, 00824-00825, 00867-00868).

<sup>161</sup> Email from Chief of Staff to Communications Adviser and various recipients, dated February 14, 2013 (Exhibit 74 at 14-2533\_00877); Campaign Consultant Transcript (Exhibit 68 at 14-2533\_36-37). Chief of Staff told the OCE that they asked Communications Adviser to attend the staff retreat in Georgia so that he could discuss messaging with the staff, and that the reason for his travel was official rather than campaign related. Chief of Staff Transcript (Exhibit 2 at 14-2533\_00155-00156).

<sup>162</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00418-00419).

<sup>163</sup> *Id.* at 14-2533\_00384-00387.

<sup>164</sup> *Id.* at 14-2533\_00393-00395; Campaign Consultant Transcript (Exhibit 68 at 14-2533\_00772-00773); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00137-00138); Email from Communications Adviser to Chief of Staff, dated September 4, 2013 (Exhibit 75 at 14-2533\_00879-00880) (Communications Adviser e-mailed Chief of Staff, writing "We need a debate and forum calendar started w contact info so I can help negotiate formats and we can track.").

<sup>165</sup> Email from Chief of Staff to Campaign Consultant, dated November 14, 2013 (Exhibit 76 at 14-2533\_00882).

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Campaign Consultant and Chief of Staff, notifying them that he had spoken with the Georgia Republican Party, and that they “basically let [Communications Adviser] write the format.”<sup>166</sup> It appears that Communications Adviser remained a liaison with the Georgia GOP regarding the debates through March of 2014.<sup>167</sup>

111. Communications Adviser also advised the campaign regarding which debates to participate in and messaging surrounding the debates.<sup>168</sup> For example, Communications Adviser advised Chief of Staff that Representative Broun should participate in both the Gilmer County Tea Party candidate forum and the GOP debate in Kennesaw, Georgia on February 1, 2014 even though the events were scheduled to take place on the same day, writing to Chief of Staff, “Will be good warm up. And it’s our crowd. Do both.”<sup>169</sup>

Campaign Debate and Forum Preparation Sessions

112. Communications Adviser conducted several campaign debate or candidate forum preparation sessions with Representative Broun during Representative Broun’s 2014 Senate campaign. The preparation sessions typically occurred in the Washington, DC offices of a media consultant to Representative Broun’s Senate campaign. On certain occasions, the sessions occurred in Representative Broun’s Athens, Georgia campaign headquarters, with Communications Adviser joining via videoconference or teleconference.
113. The documentary and testimonial evidence indicates that Communications Adviser likely conducted campaign debate and forum preparation or review sessions on the following occasions during Representative Broun’s 2014 Senate campaign:<sup>170</sup>

2014 SENATE CAMPAIGN DEBATE AND FORUM PREPARATION AND REVIEW SESSIONS CONDUCTED BY COMMUNICATIONS ADVISER			
Date	Description	Location of Session	Debate/Forum

<sup>166</sup> Email from Communications Adviser to Campaign Consultant, dated January 8, 2014 (Exhibit 77 at 14-2533\_00884).

<sup>167</sup> See Email from Communications Adviser to Chief of Staff, dated March 4, 2014 (Exhibit 78 at 14-2533\_00888) (relaying to Chief of Staff information regarding the Macon, Georgia GOP Senate debate).

<sup>168</sup> Campaign Manager told the OCE that “it was common” for Communications Adviser to advise the campaign on whether or not Representative Broun should participate in a debate. Campaign Manager Transcript (Exhibit 73 at 14-2533\_00839).

<sup>169</sup> Email from Communications Adviser to Chief of Staff, dated January 6, 2014 (Exhibit 79 at 14-2533\_00890). Communications Adviser also advised the campaign to not say “Broun won the first debate” regarding the January 18, 2014 GOP Senate debate. Email from Communications Adviser to Press Secretary, dated January 18, 2014 (Exhibit 80 at 14-2533\_00893).

<sup>170</sup> The Board notes that a small number of these sessions may not have actually occurred, because in some instances witnesses could not specifically recall a session or recalled that a session described in the documents may not have actually taken place or may have been rescheduled. The Board also notes that other sessions between Communications Adviser and Representative Broun occurred in close proximity to campaign debates and forums, but were not specifically identified by documentary or testimonial evidence as campaign debate or forum preparation sessions. These sessions were not included in this list.



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June 2013 <sup>171</sup>	Preparation for forum	Not identified	June 29, 2013 C.H.A.R.G.E. Forum
July 9, 2013 <sup>172</sup>	“Meet w/[Communications Adviser]”	Teleconference	June 29, 2013 C.H.A.R.G.E. Forum
January 8, 2014 <sup>173</sup>	“debate prep”	Washington, DC	January 18, 2014 Adel, Georgia GOP Debate
January 10, 2014 <sup>174</sup>	“Prep w/ [Communications Adviser] for debate”	Washington, DC	January 18, 2014 Adel, Georgia GOP Debate
January 14, 2014 <sup>175</sup>	“debate prep”	Not identified	January 18, 2014 Adel, Georgia GOP Debate
January 16, 2014 and/or January 17, 2014 <sup>176</sup>	“Prep for Debate w/ [colleague of Communications Adviser]”	Washington, DC	January 18, 2014 Adel, Georgia GOP Debate
January 29, 2014 <sup>177</sup>	“Debate Prep with [Communications Adviser]”	Washington, DC	February 1, 2014 Kennesaw, Georgia GOP Debate
January 31, 2014 <sup>178</sup>	“Debate Prep”	Athens, GA	February 1, 2014 Kennesaw,

<sup>171</sup> See Representative Broun Transcript (Exhibit 1 at 14-2533\_00047); Communications Adviser Transcript (Exhibit 11 at 14-2533\_00410-00411). See also Emails between Communications Adviser and Chief of Staff, dated June 17, 2013 (Exhibit 81 at 14-2533\_00896). Communications Adviser also edited Representative Broun’s speech for the Forum. See Email from Communications Adviser to Representative Broun, dated June 28, 2013 (Exhibit 82 at 14-2533\_00898); Email from Representative Broun to Communications Adviser, dated June 30, 2013 (Exhibit 83 at 14-2533\_00900).

<sup>172</sup> Email from Communications Adviser to Chief of Staff, dated July 8, 2013 (Exhibit 84 at 14-2533\_00902); Calendar Entries for Representative Paul Broun’s Calendar, dated July 9, 2013 (Exhibit 85 at 14-2533\_00904-00905).

<sup>173</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00051); Communications Adviser Transcript (Exhibit 11 at 14-2533\_00414); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00144); Email from Director of Operations to Communications Adviser, dated January 2, 2014 (Exhibit 86 at 14-2533\_00907); Email from Director of Operations to Communications Adviser, dated January 8, 2014 (Exhibit 87 at 14-2533\_00909).

<sup>174</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00053); Calendar Entry for Representative Paul Broun’s Calendar, dated January 10, 2014 (Exhibit 88 at 14-2533\_00911); Email from Press Secretary to Chief of Staff, dated January 10, 2014 (Exhibit 89 at 14-2533\_00913); Email from Communications Adviser to Chief of Staff, dated January 10, 2014 (Exhibit 89 at 14-2533\_00913). But see Chief of Staff Transcript (Exhibit 2 at 14-2533\_00146-00147) (telling the OCE that he believes the January 10, 2014 session was not a campaign debate preparation session).

<sup>175</sup> Email from Director of Operations to Communications Adviser, dated January 2, 2014 (Exhibit 86 at 14-2533\_00907).

<sup>176</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00053-00054); Calendar Entry for Representative Paul Broun’s Calendar, dated January 16, 2014 (Exhibit 90 at 14-2533\_00915); Calendar Entry for Representative Paul Broun’s Calendar, dated January 17, 2014 (Exhibit 90 at 14-2533\_00916). See also Email from Press Secretary to Communications Adviser, dated January 16, 2014 (Exhibit 91 at 14-2533\_00918-00919) (recapping the day’s preparation session). According to documentary and testimonial information provided to the OCE, a colleague of Communications Adviser was “filling in” for him during this debate preparation session because Communications Adviser was away on travel. See Communications Adviser Transcript (Exhibit 11 at 14-2533\_00415-00416); Email from Chief of Staff to Communications Adviser, dated January 9, 2014 (Exhibit 92 at 14-2533\_00921); Press Secretary Transcript (Exhibit 21 at 14-2533\_00550-00551); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00143). It appears that there may have been only one session with Communications Adviser’s colleague. See Chief of Staff Transcript (Exhibit 2 at 14-2533\_00147-00148).

<sup>177</sup> Calendar Entry for Representative Paul Broun’s Calendar, dated January 29, 2014 (Exhibit 93 at 14-2533\_00923).

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			Georgia GOP Debate
February 18, 2014 <sup>179</sup>	“Call w/[Communications Adviser] for debate prep”	Not identified	February 18, 2014 National Federation of Independent Business Senate Candidate Forum
February 21, 2014 <sup>180</sup>	“Debate Prep—skyping w/[Communications Adviser]”	Videoconference	February 22, 2014 Gainesville, Georgia GOP Debate
March 4, 2014 <sup>181</sup>	Debate preparation session	Not identified	March 8, 2014 Macon, Georgia GOP Debate
March 7, 2014 <sup>182</sup>	Debate preparation session	Not identified	March 8, 2014 Macon, Georgia GOP Debate

114. Communications Adviser also prepared an “attack grid” for Representative Broun to use in the campaign debates, which incorporated opposition research done for the campaign.<sup>183</sup> Representative Broun said he did not use it because he wanted to run a positive campaign.<sup>184</sup> Chief of Staff said that Communications Adviser produced the attack grid on his own and they never used it.<sup>185</sup>

115. Communications Adviser told the OCE that he was involved in “several” campaign debate preparation sessions with Representative Broun in Washington, DC, but he does not specifically recall the precise dates of the sessions he attended and that another campaign staffer was “steering that ship.”<sup>186</sup> He told the OCE that the sessions would typically last about an hour and involved “Q&A.”<sup>187</sup>

116. Representative Broun told the OCE that he could not recall many campaign debate preparation sessions specifically, but that “on a routine basis” he would talk to Communications Adviser prior to a forum or debate to touch base if he had any questions.<sup>188</sup> Representative Broun also told the OCE that they “never had what I would consider a sit down practice debate or anything like that ’cause these were forums where

<sup>178</sup> Emails between Press Secretary, Communications Adviser, and Director of Operations, dated January 30, 2014 (Exhibit 93 at 14-2533\_00925-00926); Calendar Entry for Representative Paul Broun’s Calendar, dated January 31, 2014 (Exhibit 94 at 14-2533\_00928).

<sup>179</sup> Calendar Entry for Representative Paul Broun’s Calendar, dated February 18, 2014 (Exhibit 95 at 14-2533\_00930).

<sup>180</sup> Calendar Entry for Representative Paul Broun’s Calendar, dated February 21, 2014 (Exhibit 96 at 14-2533\_00932).

<sup>181</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_59); Emails between Director of Operations and Communications Adviser, dated February 25, 2014 (Exhibit 97 at 14-2533\_00934).

<sup>182</sup> *Id.*

<sup>183</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00412-00413). See Email from Communications Adviser to various recipients, dated December 26, 2013 (Exhibit 98 at 14-2533\_00937); Email from Communications Adviser to various recipients, dated December 30, 2013 (Exhibit 99 at 14-2533\_00939-00940).

<sup>184</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00050).

<sup>185</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00138-00139).

<sup>186</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00395, 00413-00415).

<sup>187</sup> *Id.* at 14-2533\_00415.

<sup>188</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00059).

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they ask questions and [Communications Adviser] and I would talk about questions that might be asked and what my answer would be . . . .”<sup>189</sup>

117. Congressional Staffer told the OCE that Representative Broun referred to Communications Adviser as his “debate coach” during the 2014 Senate campaign.<sup>190</sup>
118. Chief of Staff told the OCE that he believed Communications Adviser was involved in maybe three to four campaign debate preparation sessions with Representative Broun.<sup>191</sup>
119. Former Communications Director told the OCE that she recalled Communications Adviser being involved in preparing Representative Broun for campaign debates and interviews during the early stages of the 2014 Senate campaign, which occurred prior to her departure from the office in May 2013.<sup>192</sup>
120. Campaign Consultant recalled holding more than one campaign debate preparation session in his office in Athens, Georgia, but neither he nor Chief of Staff recalled Communications Adviser joining any debate preparation sessions via videoconference or teleconference.<sup>193</sup> Press Secretary, however, specifically recalled Communications Adviser joining, via videoconference, a debate preparation session that was held in Campaign Consultant’s office during the 2014 Senate campaign.<sup>194</sup> Representative Broun also recalled that on one or two occasions Communications Adviser joined a campaign debate or forum preparation session via videoconference.<sup>195</sup> Communications Adviser also recalled joining campaign debate preparation sessions taking place in Georgia via videoconference or teleconference “a couple of times.”<sup>196</sup>
121. Press Secretary, who joined the congressional office in July 2013, told the OCE that she participated in five or six debate preparation sessions related to Representative Broun’s 2014 Senate campaign and that during the sessions Communications Adviser—who attended all of the sessions she was present for—would often pretend to be the debate moderator, “asking [Representative Broun] questions like that.”<sup>197</sup>

Preparation for and Review of Campaign Media and Public Appearances

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<sup>189</sup> *Id.* at 14-2533\_00047.

<sup>190</sup> Memorandum of Interview of Congressional Staffer (“Congressional Staffer MOP”) (Exhibit 100 at 14-2533\_00941-00942) (recalling Representative Broun telling a campaign supporter, who suggested he hire a debate coach, that he already had a debate coach; Michele Bachmann’s debate coach). Exhibit 100 has been withheld from public release in order to protect the identity of the witness given the unique circumstances of their cooperation. Exhibit 100 will be made available to the Committee on Ethics.

<sup>191</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00151).

<sup>192</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00254-00256).

<sup>193</sup> Campaign Consultant Transcript (Exhibit 68 at 14-2533\_00781-00783); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00150).

<sup>194</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00553).

<sup>195</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00059).

<sup>196</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00417).

<sup>197</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00530-00531, 00548-00549).



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122. As noted above, Communications Adviser held hour-long media consultation sessions with Representative Broun on approximately a weekly basis while Congress was in session. These weekly sessions may have at times been utilized to review previous, and prepare for upcoming, campaign media interviews and public appearances.<sup>198</sup> For the most part, it appears that if the weekly session was expected to address campaign matters, the session took place in a location other than the congressional office. However, at times it appears that campaign matters were discussed in the congressional office.
123. When asked if the weekly sessions sometimes were used to discuss campaign matters, Press Secretary told the OCE, “if there was like a campaign interview, that’s something that we would look at.”<sup>199</sup> When asked if the sessions that addressed campaign matters ever occurred in the congressional office, Press Secretary responded “it probably happened, once or twice in the office, but as I said, we were going over, you know, his media appearances whether they happened on a campaign side or official.”<sup>200</sup>
124. Communications Adviser was provided video of Representative Broun’s media interviews and public appearances so that he could provide feedback to Representative Broun. These videos were shared with Communications Adviser in a shared Google drive as well as a private YouTube account.<sup>201</sup> Communications Adviser told the OCE that he was provided access to the videos so he could provide Representative Broun feedback.<sup>202</sup> Communications Adviser told the OCE, however, that they did not discuss campaign matters in the official weekly sessions.<sup>203</sup> The documentary evidence provided to the OCE, however, suggests otherwise.
125. For example, Chief of Staff wrote to the campaign team in June 2013 urging them to do a better job at obtaining video of Representative Broun and his opponents, because of the role such video played in the weekly sessions. He wrote:

[W]e have significant time and resources invested in constantly improving the messaging abilities of Paul Broun and preparing him for reactions to opponents, which is tough to do when we have our weekly meetings with [Communications Adviser] and don’t have any video to review of either PB or his opponents.<sup>204</sup>

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<sup>198</sup> *Id.* at 14-2533\_00536; Director of Operations Transcript (Exhibit 4 at 14-2533\_00310-00311); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00108-00109).

<sup>199</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00542).

<sup>200</sup> *Id.* at 14-2533\_00562.

<sup>201</sup> Emails between Communications Adviser and Press Secretary, dated March 10, 2014 (Exhibit 101 at 14-2533\_00945); Email from Communications Adviser to various recipients, dated February 24, 2014 (Exhibit 102 at 14-2533\_00947); Emails between Communications Adviser and Campaign Consultant, dated June 25, 2013 (Exhibit 103 at 14-2533\_00949); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00115); Press Secretary Transcript (Exhibit 21 at 14-2533\_00541).

<sup>202</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00392-00393).

<sup>203</sup> *Id.* at 14-2533\_00384-00385).

<sup>204</sup> Email from Chief of Staff to various recipients, dated June 13, 2013 (Exhibit 104 at 14-2533\_00951).

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126. Representative Broun initially stated that the weekly sessions were not used for campaign-related interviews or appearances.<sup>205</sup> He later stated that if they were used to discuss campaign matters it was “[n]ot much if any” because he and Communications Adviser “had more of those discussions by phone than anything else.”<sup>206</sup> When asked if he and Communications Adviser reviewed videos of his past campaign appearances in the congressional office, Representative Broun responded, “yes . . . it wasn’t every time but I tried to look at those TV interviews and -- and critique myself and listen to his critique . . . it was the purpose for having him was to help me be a better communicator and so we -- we would -- you know, we did that.”<sup>207</sup> Representative Broun again changed his answer, stating that he did not recall any instances in which campaign appearances were reviewed during the weekly sessions.<sup>208</sup>
127. Most of Communications Adviser’s weekly sessions that concerned political matters were held outside of federal buildings. However, some were held in Representative Broun’s congressional office.
128. Director of Operations told the OCE that the office tried to ensure that if Communications Adviser’s session was expected, even in part, to cover political or campaign matters that the meeting was not held in the congressional office.<sup>209</sup> Communications Adviser confirmed this practice, noting that they “rarely discussed campaign matters.”<sup>210</sup> Former Communications Director also confirmed this practice.<sup>211</sup>
129. OCE asked Director of Operations “what share of [the meetings] were scheduled places other than [the congressional office] because the subject matter was political?” Director of Operations estimated 40% of the meetings.<sup>212</sup> Former Communications Director confirmed that they would conduct Communications Adviser’s sessions at the NRCC “just to be safe” in case the topic was campaign related.<sup>213</sup> She estimated that approximately 80% of the sessions took place in the congressional office and 20% at the NRCC.<sup>214</sup>

<sup>205</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00023).

<sup>206</sup> *Id.* at 14-2533\_00024.

<sup>207</sup> *Id.* at 14-2533\_00024-00025.

<sup>208</sup> *Id.* at 14-2533\_00035-00036.

<sup>209</sup> *See, e.g.*, Emails between Director of Operations and Communications Adviser, dated July 30, 2012 (Exhibit 105 at 14-2533\_00953-00955) (Director of Operations emailed Communications Adviser asking whether that week’s session “Would be able to be in our office, considering the primary is tomorrow, or should I get a room across the street?” Communications Adviser responded, “In your office is fine.”); Emails between Director of Operations and Former Communications Director, dated December 13, 2012 (Exhibit 105 at 14-2533\_00954) (Former Communications Director emailed Director of Operations regarding scheduling sessions with Communications Adviser, writing “We could have it be official today and do NRCC stuff next week.”); Former Communications Director Transcript (Exhibit 3 at 14-2533\_00244-00249).

<sup>210</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00371).

<sup>211</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00244-00249).

<sup>212</sup> Director of Operations Transcript (Exhibit 4 at 14-2533\_00298).

<sup>213</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00247).

<sup>214</sup> *Id.* at 14-2533\_00249.

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130. Thus, while it appears Representative Broun's office took steps to ensure that campaign-related consulting sessions did not occur in the congressional office, it is evident that a number Communications Adviser's weekly consulting sessions were at least partially campaign related.

#### Messaging Calls

131. In addition to discussing campaign matters during the weekly sessions, it appears that Communications Adviser also frequently conducted abbreviated preparation sessions—referred to as “messaging calls”—via telephone with Representative Broun shortly before many campaign media interviews and public appearances.<sup>215</sup> According to Press Secretary, these calls typically lasted from ten to fifteen minutes and Communications Adviser would go over current news items and “our main important messaging topics.”<sup>216</sup>

132. The evidence indicates that campaign-related messaging calls occurred on numerous occasions, including in advance of a December 2013 Georgia Public Broadcasting “get-to-know the candidate” piece;<sup>217</sup> a “Glynn County GOP & Tea Party” meeting on August 8, 2013;<sup>218</sup> a “Cobb GOP Women” lunch and “Barrow GOB BBQ” on August 22, 2013;<sup>219</sup> an interview with *The Martha Zoller Show* on September 13, 2013;<sup>220</sup> and in advance of a *New York Times* interview.<sup>221</sup>

133. It also appears that Communications Adviser conducted one or two messaging calls with Representative Broun's wife to “give her topline messaging and topics” as she started “making appearances at targeted events on PBs behalf.”<sup>222</sup>

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<sup>215</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00545); See Emails between Chief of Staff, Communications Adviser, Press Secretary, and Director of Operations, dated August 5, 2013 (Exhibit 106 at 14-2533\_00957-00960).

<sup>216</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00546).

<sup>217</sup> Emails between Communications Adviser, Chief of Staff, Director of Operations, and Press Secretary, dated December 2-10, 2013 (Exhibit 107 at 14-2533\_00961-00963); Emails between Communications Adviser and Press Secretary, dated December 19, 2013 (Exhibit 108 at 14-2533\_00965-00966); Communications Adviser Transcript (Exhibit 11 at 14-2533\_00412).

<sup>218</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00545-00546); Email from Press Secretary to Chief of Staff, dated August 7, 2013 (Exhibit 109 at 14-2533\_00968).

<sup>219</sup> Emails between Chief of Staff, Communications Adviser, Press Secretary, Director of Operations, and Campaign Consultant, dated August 16, 2013 (Exhibit 110 at 14-2533\_00971-00972).

<sup>220</sup> See Email from Chief of Staff to Communications Adviser, dated September 12, 2013 (Exhibit 111 at 14-2533\_00974).

<sup>221</sup> Campaign Consultant Transcript (Exhibit 68 at 14-2533\_00782-00783).

<sup>222</sup> Emails between Chief of Staff, Communications Adviser, Director of Operations, Press Secretary, and Campaign Consultant, dated August 16-19, 2013 (Exhibit 110 at 14-2533\_00971-00972); Email from Communications Adviser to Campaign Consultant, dated August 19, 2013 (Exhibit 112 at 14-2533\_00977); Director of Operations Transcript (Exhibit 4 at 14-2533\_00316); Communications Adviser Transcript (Exhibit 11 at 14-2533\_00418).

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134. The following email from Chief of Staff to Communications Adviser is illustrative of how these messaging calls were arranged:<sup>223</sup>

**From:** Brett O'Donnell [redacted]@odacomunications.com]  
**Sent:** Friday, August 16, 2013 12:40 PM  
**To:** Bowser, David  
**Cc:** Norton, Teddie; Hardman, Christine; 'Jordan Chinouth'  
**Subject:** Re: Messaging calls

Absolutely. I can't do Monday from 10:30-12:30, I'm open on Tuesday, can't do 3:30-6:00 pm on Wednesday, and can't do 8:30-10 on Thursday. Let me know what works

Brett  
On Aug 16, 2013, at 12:31 PM, Bowser, David wrote:

Brett, if you are available, would like to setup some brief messaging calls with you, Christine, and PB next week:

Monday, Aug 19<sup>th</sup> at 5:30 pm...speaking that evening at the Conservative Republican Women of North Atlanta event.  
Tuesday, Aug 20<sup>th</sup> we are holding 2-5pm for media opportunities while he is in Columbus, GA.  
Thursday, Aug 22<sup>nd</sup> at 5:30 pm...he will be the keynote speaker at an evening, the host is supposed to give Christine the topic. He also will be speaking Friday at lunchtime to the Cobb GOP Women (our biggest county) and Saturday evening at the Barrow GOP BBQ, all the candidates should be there and they will be speaking in alphabetical order, of course Broun is first.

135. Communications Adviser told the OCE that he may have done “a couple” of messaging calls with Representative Broun prior to campaign speaking events and campaign media interviews.<sup>224</sup> Chief of Staff stated that it was typical for Communications Adviser to do such calls.<sup>225</sup>

136. Representative Broun told the OCE that he “may” have had messaging calls with Communications Adviser before a campaign speaking engagement, but that it was not routine to do so, and only occurred “occasionally and it was just when I had a question.”<sup>226</sup>

137. Congressional Staffer told the OCE that Communications Adviser was part of the campaign staff, and that en route to campaign debates, interviews, and speeches, Representative Broun would call Communications Adviser, Press Secretary, and Chief of Staff to speak with them to prepare for the event.<sup>227</sup> Congressional Staffer told the OCE that such calls occurred dozens of times, and before “just about every” campaign debate, interview, or forum, and that Communications Adviser led the calls.<sup>228</sup>

<sup>223</sup> Email from Chief of Staff to Communications Adviser, dated August 16, 2013 (Exhibit 110 at 14-2533\_00972).

<sup>224</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00411).

<sup>225</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00135).

<sup>226</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00042-00043).

<sup>227</sup> Congressional Staffer MOI (Exhibit 100 at 14-2533\_00942-00943).

<sup>228</sup> *Id.*

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Drafting and Advising on Campaign Speeches

138. Communications Adviser said he was involved in drafting and preparing Representative Broun for campaign speeches.<sup>229</sup> These included Representative Broun's February 6, 2013 Senate campaign announcement speech;<sup>230</sup> 2013 Georgia GOP Convention speech;<sup>231</sup> a "10 minute stump" speech used repeatedly throughout the Senate campaign;<sup>232</sup> and the opening and closing statements for Representative Broun's campaign debates.<sup>233</sup>
139. Representative Broun told the OCE that he wrote his own campaign speeches with the help of his wife, and Communications Adviser "helped tweak them a little bit . . . ."<sup>234</sup>

Consulting on Campaign Communications Strategy

140. Communications Adviser provided Representative Broun's campaign with communications advice throughout the course of the 2014 Senate campaign.
141. For example, on August 13, 2013, Communications Adviser emailed Representative Broun talking points on Obamacare, writing, "So we know that Obamacare is a winning message. Here's the one you need to be a little sharper on -- strikes a populist message that will hit the voters we need."<sup>235</sup> In referencing this email, Representative Broun told

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<sup>229</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00385).

<sup>230</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00038-00039); Campaign Consultant Transcript (Exhibit 68 at 14-2533\_00762-00763); Communications Adviser Transcript (Exhibit 11 at 14-2533\_00385); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00139); Email from Communications Adviser to various recipients, dated February 5, 2013 (Exhibit 113 at 14-2533\_00983); Email from Communications Adviser to various recipients, dated February 10, 2014 (Exhibit 114 at 14-2533\_00985-00987); Email from Former Communications Director to Communications Adviser and various recipients, dated February 4, 2013 (Exhibit 115 at 14-2533\_00989); Calendar Entry for Representative Paul Broun's Calendar, dated February 5, 2013 (Exhibit 116 at 14-2533\_00992); Email from Chief of Staff to Communications Adviser, dated February 5, 2013 (Exhibit 117 at 14-2533\_00994) (describing Communications Adviser and Former Communication Director's "job" as being to ensure the speech "is delivered well and looks like it.").

<sup>231</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00386-00388); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00140); Emails between Communications Adviser, Chief of Staff, and various recipients, dated May 13, 2013 (Exhibit 118 at 14-2533\_00997-00999); Emails between Communications Adviser and Campaign Consultant, dated May 21, 2013 (Exhibit 119 at 14-2533\_01001).

<sup>232</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00386); Email from Communications Adviser to various recipients, dated April 4, 2013 (Exhibit 120 at 14-2533\_01003); Representative Broun Transcript (Exhibit 1 at 14-2533\_00036-00038); Email from Communications Adviser to Representative Broun, dated August 20, 2013 (Exhibit 121 at 14-2533\_01005).

<sup>233</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00388-00389, 00414); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00139); Email from Communications Adviser to Chief of Staff, dated January 9, 2014 (Exhibit 122 at 14-2533\_01007); Email from Communications Adviser to Representative Broun, dated January 10, 2014 (Exhibit 123 at 14-2533\_01009); Email from Communications Adviser to various recipients, dated January 29, 2014 (Exhibit 124 at 14-2533\_01012); Press Secretary Transcript (Exhibit 21 at 14-2533\_00537-00538); Representative Broun Transcript (Exhibit 1 at 14-2533\_00051).

<sup>234</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00024).

<sup>235</sup> Email from Communications Adviser to Representative Broun, dated August 13, 2013 (Exhibit 125 at 14-2533\_01014).

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the OCE that he would “occasionally” receive talking points or messaging related to his campaign from Communications Adviser.<sup>236</sup>

**From:** Brett O'Donnell <[REDACTED]@odacommunications.com>  
**Subject:** Obamacare  
**Date:** August 13, 2013 5:15:40 PM EDT  
**To:** Paul Broun-Personal <[REDACTED]@aol.com>

Dr. Broun,

So we know now that Obamacare is a winning message. Here's the one you need to be a little sharper on-- strikes a populist message that will hit the voters we need:

"President Obama and the democrats say they care about you and the middle class, but when the president had the choice between middle class Georgians and big business, he chose big business when he delayed the implementation of the employer mandate in Obamacare and he stuck it to the middle class by leaving the individual mandate in place. That means you have to still buy insure, but big business doesn't have to provide it. Guess who's going to pay--you and me! That's why we need to get rid of all the mandates and all of Obamacare and replace it with my patient option act...."

142. On February 10, 2014, Communications Adviser sent various members of the campaign team several paragraphs of his advice on the campaign’s messaging, urging the campaign to stick with the message contained in Representative Broun’s announcement speech, which he attached to the email.<sup>237</sup> One campaign consultant responded suggesting edits, but writing, “As always, you are the craftsman.”<sup>238</sup>

**E. Communications Adviser’s Campaign-Related Services Likely Were Provided For Compensation Rather Than Voluntarily**

143. The evidence before the OCE indicates that Communications Adviser’s services provided to Representative Broun’s 2012 and 2014 campaigns likely were provided for compensation, because: the services Communications Adviser is known for and typically provides are campaign related; the Proposal he submitted to Representative Broun’s congressional office specifically mentioned campaign services; the Consulting Agreement entered into with Representative Broun’s congressional office referred to debate preparation; Communications Adviser began providing campaign-related services within days of entering into the Consulting Agreement; and statements were made during the campaign to the effect that Communications Adviser was being paid for his campaign services.<sup>239</sup>

<sup>236</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00041).

<sup>237</sup> Email from Communications Adviser to various recipients, dated February 10, 2014 (Exhibit 126 at 14-2533\_01016-01018).

<sup>238</sup> Email from Campaign Pollster to Communications Adviser, dated February 10, 2014 (Exhibit 114 at 14-2533\_00985).

<sup>239</sup> The Board notes that misuse of the MRA to pay for campaign-related services also implicates the source and amount restrictions, as well as the reporting requirements, contained within the Federal Election Campaign Act of 1971, as amended. *See* 2 U.S.C. § 441a(f) (prohibited contributions); 2 U.S.C. § 441a(a)(1)(A) (limits on contributions to a candidate’s authorized political committees); 2 U.S.C. § 434(b)(3)(A), (5)(A) (contribution and expenditure reporting requirements); 2 U.S.C. § 431(8)(A)(ii) (defining the term “contribution” to include “the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose”).

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144. Communications Adviser is a prominent campaign debate and campaign communications consultant. Communications Adviser's company describes itself as providing, in relevant part, "Strategic Communication Consulting Specializing In: Campaign Strategic Communications, Campaign Debate Preparation, Media Interview Preparation and Public Presentation Skills."<sup>240</sup>
145. The Proposal that Communications Adviser submitted to Representative Broun, Chief of Staff, and Former Communications Director specifically mentioned campaign debate preparation services, and the Consulting Agreement entered into with Representative Broun specifically mentioned "debate preparation" as within the scope of services to be provided.<sup>241</sup>
146. Finally, Communications Adviser's services to Representative Broun's campaigns began and ended with the terms of his Consulting Agreement with Representative Broun's congressional office.
147. As noted above, Communications Adviser told the OCE that campaign work was not discussed in his initial interviews with Representative Broun.<sup>242</sup> Chief of Staff similarly told the OCE that, "at no point did we ever entertain the idea this would be a political adventure" referring to bringing Communications Adviser on in 2012.<sup>243</sup> Yet, in the process of interviewing and retaining Communications Adviser—indeed even before the Consulting Agreement was executed—the evidence suggests that Representative Broun's office discussed and scheduled campaign debate preparation sessions with Communications Adviser related to Representative Broun's 2012 campaign.
148. Chief of Staff told the OCE that when Communications Adviser was hired they were very clear that he was being hired only for official matters.<sup>244</sup> When asked if they had a conversation in which they made a clear distinction between campaign and official matters, Chief of Staff responded "no, we never said anything about -- we were just sitting down talking to him about official stuff."<sup>245</sup>
149. Although witnesses told the OCE that campaign matters were not discussed during Communications Adviser's two interviews, the June 14, 2012 email from Chief of Staff to Communications Adviser scheduling a campaign debate preparation session, as they had discussed "last week," indicates that Representative Broun's campaign debates were discussed with Communications Adviser during the week of June 4-8, 2012—the week prior to the execution of the Consulting Agreement and the same week as

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<sup>240</sup> See O'Donnell & Associates, *Home Page*, available at [http://odacomunications.com/Home\\_Page.html](http://odacomunications.com/Home_Page.html) (last visited Jul. 16, 2014).

<sup>241</sup> Communications Adviser Proposal, dated June 9, 2014 (Exhibit 8 at 14-2533\_00339-00348); Consulting Agreement between Communications Adviser and Representative Paul Broun, dated June 16, 2012 (Exhibit 13 at 14-2533\_00457-00460).

<sup>242</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00397-00398).

<sup>243</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00091).

<sup>244</sup> *Id.* at 14-2533\_00129.

<sup>245</sup> *Id.* at 14-2533\_00130.

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Communications Adviser's second interview with the office.<sup>246</sup> Further, in the same email exchange in which the executed Consulting Agreement was relayed, Communications Adviser responded asking, "Where is prep today?" referring to the campaign debate preparation session that day at the NRCC.<sup>247</sup>

150. When asked why campaign debate preparation was discussed in the same email exchange in which the Consulting Agreement was relayed, and if that suggested that a campaign debate preparation session was one of the first things Communications Adviser did after being retained, Chief of Staff responded that he does not recall the debate preparation sessions related to the 2012 campaign at all, and that any campaign debate preparation Communications Adviser may have done was separate from the Consulting Agreement.<sup>248</sup> Chief of Staff also told the OCE that Communications Adviser began working for the congressional office before the Consulting Agreement was executed and that two or three sessions occurred before campaign debates were even brought up.<sup>249</sup> However, the OCE could only identify one consulting session that may have occurred prior to the June 21, 2012 campaign debate preparation session.<sup>250</sup>

151. Further indication that Communications Adviser and Representative Broun's office discussed campaign debates during their initial meetings is found in an email from Communications Adviser to Director of Operations on June 12, 2012, wherein Communications Adviser sought to schedule a campaign debate preparation session with Representative Broun "since he has a debate on June 22."<sup>251</sup>

From: [REDACTED]@otdacomunications.com  
Subject: Communication Meetings with Dr. Broun  
Date: June 12, 2012 at 10:52 AM  
To: [REDACTED]@mail.house.gov

Hi Teddie,

It was nice meeting you last week. I'd like to schedule two sessions with Dr. Broun next week since he has a debate on June 22. What would work for his schedule? I'd like to make sure we have one on the 21st since his debate is on the 22nd.

Thanks

Brett

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<sup>246</sup> Emails between Chief of Staff and Communications Adviser, dated June 14, 2012 (Exhibit 62 at 14-2533\_00699).

<sup>247</sup> Emails between Chief of Staff and Communications Adviser, dated June 21, 2012 (Exhibit 127 at 14-2533\_01021-01026).

<sup>248</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00123-00127).

<sup>249</sup> *Id.* at 14-2533\_00170.

<sup>250</sup> Emails between Communications Adviser and Director of Operations, dated June 19, 2012 (Exhibit 128 at 14-2533\_01028-01045) (referring to a meeting between Communications Adviser and Representative Broun in the congressional office that may have occurred on June 19, 2012).

<sup>251</sup> Email from Communications Adviser to Director of Operations, dated June 12, 2012 (Exhibit 129 at 14-2533\_01047).



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152. Communications Adviser initially told the OCE that the June 22, 2012 campaign debate preparation session was the first session of any kind with Representative Broun, then stated that it might not have been the first session, but one of the “first few” sessions.<sup>252</sup>

153. When Communications Adviser was introduced to Representative Broun’s congressional and campaign staff, Campaign Consultant congratulated him on joining Representative Broun’s campaign, but confused his role as being that of a media consultant as opposed to a communications adviser. By email, Campaign Consultant wrote, “Congrats! Had no idea we were close to making a decision!” Chief of Staff responded, clarifying, “This is not a media consultant for the campaign...that part is dragging...”<sup>253</sup>

154. Certain evidence reviewed by the OCE also appears to directly contradict the claim that Communications Adviser’s services were voluntary. During January 2014 Communications Adviser asked a colleague of his to fill in for him while he was traveling to do one or two debate preparation sessions in advance of the January 18, 2014 GOP Senate debate in Adel, Georgia.<sup>254</sup> On January 14, 2014, Chief of Staff emailed Press Secretary, copying Communications Adviser, and wrote, referring to Communications Adviser’s absence, “Since our debate consultant actually abandoned us on our first debate for a bunch of Ethiopians who don’t pay him, I may need to send you to Adel this weekend if you are able to go?”<sup>255</sup>

<p>From: David Bowser [REDACTED]@yahoo.com                  Subject: Re: [FWD]: politico story                  Date: January 14, 2014 at 7:54 PM                  To: Christine Hardman [REDACTED]@gmail.com                  Cc: Brett ODonnell [REDACTED]@odacomunications.com</p> <p>Since our debate consultant actually abandoned us on our first debate for a bunch of Ethiopians who don't pay him, I may need to send you to Adel this weekend if you are able to go?</p>
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155. On February 24, 2014, Communications Adviser sent a lengthy email to one of Representative Broun’s campaign advisers, copying Representative Broun, Chief of Staff, and others, with his thoughts on campaign debate strategy.<sup>256</sup> In the email, Communications Adviser wrote, “You hired me to coach the candidate. I won’t make

<sup>252</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00405-00406).

<sup>253</sup> Emails between Chief of Staff and Campaign Consultant, dated June 14, 2012 (Exhibit 12 at 14-2533\_00454). This “media consultant” position should not be confused with Communications Adviser’s role or services to the campaign, but rather was a position involving the campaign’s paid advertisements and online media. This separate media consultant position appears to have been subsequently filled. Email from Chief of Staff to various recipients, dated November 14, 2013 (Exhibit 130 at 14-2533\_01051) (announcing the addition of a “new media consultant” replacing the campaign’s former media consultant). But it is also worth noting that although Chief of Staff and Representative Broun both explained that one indication Communications Adviser was not retained to provide services to his campaign is that very little campaign activity occurred during the period when Communications Adviser was retained, this email suggests that campaign matters were being considered at the time Communications Adviser was retained. Representative Broun Transcript (Exhibit 1 at 14-2533\_00013-00014); Chief of Staff Transcript (Exhibit 2 at 14-2533\_00094).

<sup>254</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00415-00416); Chief of Staff Transcript (Exhibit 2 at 14-2533\_000143).

<sup>255</sup> Email from Chief of Staff to Press Secretary, dated January 14, 2014 (Exhibit 131 at 14-2533\_01053).

<sup>256</sup> Email from Communications Adviser to various recipients, dated February 24, 2014 (Exhibit 132 at 14-2533\_01056).

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ads, write mail pieces, manage the online program or the campaign, but lets trust each other to play the roles we were hired to do.”<sup>257</sup> When asked about this email, Representative Broun said “beats me” why Communications Adviser would refer to himself as being hired to coach the candidate, “cause we never hired him.”<sup>258</sup>

156. The extent of services provided by Communications Adviser to Representative Broun’s campaigns—particularly his 2014 Senate campaign—also suggests that Communications Adviser was being compensated for his work. Communications Adviser told the OCE that he has provided his services on a volunteer basis to federal campaigns on “multiple occasions” in the past.<sup>259</sup> But when asked if he has had the same level of activity on a volunteer basis with any other federal candidates besides Representative Broun, Communications Adviser responded, “Not federal candidates. With state candidates.”<sup>260</sup>
157. Communications Adviser explained to the OCE that when he provides campaign debate preparation services to a candidate for pay he provides much more comprehensive services than the services he provided to Representative Broun, and is typically paid \$4,500 to \$6,000 per month for such services.<sup>261</sup> When asked if Communications Adviser’s payment of a lesser amount by Representative Broun—\$2,500 per month for most months—explained why he provided less comprehensive services to Representative Broun’s campaigns, he responded, “No.”<sup>262</sup>
158. Witnesses told the OCE that Representative Broun’s Senate campaign was short on financial resources.<sup>263</sup> The Board notes that if the campaign had wished to pay for Communications Adviser’s services—let alone expanded services—out of the campaign account, it may not have been feasible to do so.
159. The Board also notes that although Communications Adviser, Chief of Staff, and Representative Broun each told the OCE that Communications Adviser’s services for the campaign were voluntary, their explanations differed in how his volunteer status was established.
160. Representative Broun told the OCE that Communications Adviser’s status on his campaigns was always that of a “volunteer” and that Representative Broun “made that crystal clear to him and to my staff.”<sup>264</sup> When asked when he made it clear to Communications Adviser that his services were to be provided voluntarily, Representative Broun said, “all along.”<sup>265</sup> He added that such conversations occurred

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<sup>257</sup> *Id.*

<sup>258</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00062).

<sup>259</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00356-00357).

<sup>260</sup> *Id.* at 14-2533\_00431.

<sup>261</sup> *Id.* at 14-2533\_00400-00404.

<sup>262</sup> *Id.* at 14-2533\_00404.

<sup>263</sup> Campaign Manager Transcript (Exhibit 73 at 14-2533\_00816) (describing the campaign as “very underfunded”); Campaign Consultant Transcript (Exhibit 68 at 14-2533\_00788).

<sup>264</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00031).

<sup>265</sup> *Id.*

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“periodically through the whole time that he was helping us. . . I’d say, ‘I’ll remind you, this is -- you’re volunteering for this.’”<sup>266</sup>

161. Chief of Staff told the OCE that he recalls Communications Adviser offering to volunteer on the campaign if there was anything they needed him to do,<sup>267</sup> and that this conversation occurred around the time Representative Broun announced his candidacy for the Senate.<sup>268</sup> He later told the OCE that following one of their initial sessions in 2012, Communications Adviser offered to volunteer for the campaign.<sup>269</sup>
162. Communications Adviser also told the OCE that he discussed with Chief of Staff that if Representative Broun made it through the Senate primary election that he would work on a paid basis for the general election.<sup>270</sup> As he stated, “what Chief of Staff and I pretty much verbally agreed on was that if he made it through the primary, they would hire me on through the campaign.”<sup>271</sup> Chief of Staff told the OCE that he does not recall any such conversation or agreement.<sup>272</sup> When asked if he ever had a conversation about paying Communications Adviser out of the campaign if he made it through the Republican primary, Representative Broun responded, “Never.”<sup>273</sup>
163. Communications Adviser told the OCE that he never had any conversations with Representative Broun about the voluntary nature of his services to the campaign, but told the OCE that he recalled having such conversations with Chief of Staff.<sup>274</sup> Communications Adviser told the OCE that he was asked if he would be willing to give Representative Broun “a few tips” for the 2012 campaign debates, and agreed to do so.<sup>275</sup> Communications Adviser told the OCE, “I never felt like any of my campaign work was expected as part of my duties,”<sup>276</sup> but explained, “Most of us have had bosses where they ask us to do something that’s outside of our regular duties and we say, ‘Okay. We’ll do that,’ knowing that it’s not expected of us but we’re doing it because we want to keep our boss happy.”<sup>277</sup>
164. The Board notes that although no witness told the OCE that they were directed to respond to the OCE’s questions about Communications Adviser’s role on Representative Broun’s campaigns in a certain way, there is evidence that Chief of Staff and Communications Adviser coordinated an effort to tell the OCE that Communications Adviser’s services to Representative Broun’s campaigns were voluntary rather than compensated, and, with

<sup>266</sup> *Id.* at 14-2533\_00062-00063.

<sup>267</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00101, 00120).

<sup>268</sup> *Id.* at 14-2533\_00120-00121.

<sup>269</sup> *Id.* at 14-2533\_00133.

<sup>270</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00418-00419, 00429-00430).

<sup>271</sup> *Id.* at 14-2533\_00430.

<sup>272</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00121-00122).

<sup>273</sup> Representative Broun Transcript (Exhibit 1 at 14-2533\_00033).

<sup>274</sup> Communications Adviser Transcript (Exhibit 11 at 14-2533\_00436-00437).

<sup>275</sup> *Id.* at 14-2533\_00398, 00406.

<sup>276</sup> *Id.* at 14-2533\_00394, 00429.

<sup>277</sup> *Id.* at 14-2533\_00427.

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regard to the Chief of Staff, may have suppressed certain documentary and testimonial evidence from being provided to the OCE.

165. Specifically, Press Secretary, Campaign Consultant, and Campaign Manager told the OCE that they believed Communications Adviser was volunteering for Representative Broun's campaign, but they did not have any personal knowledge of how or whether Communications Adviser was being paid for his campaign services.<sup>278</sup> These witnesses were told by Chief of Staff or Communications Adviser that Communications Adviser was volunteering for the campaign only after the media and the OCE began reviewing Communications Adviser's payments.
166. Campaign Consultant told the OCE that, "when the news articles broke, it was made clear that he was a part of the official side. So obviously, anybody that's doing anything campaign would be volunteering."<sup>279</sup>
167. Campaign Manager told the OCE that after media inquiries began questioning Communications Adviser's payments, Chief of Staff told him, "any work that [Communications Adviser] did on the campaign on those emails was volunteer stuff."<sup>280</sup>
168. Press Secretary told the OCE that she was told by either Communications Adviser or Chief of Staff that Communications Adviser was volunteering for the campaigns, but could not recall details of the conversation.<sup>281</sup> When asked if she spoke with Communications Adviser in the days leading up to her interview with the OCE, Press Secretary responded, "[N]o."<sup>282</sup> A few moments after her interview ended, however, she asked to go back on the record to tell the OCE that she had lied, and in fact, spoken with Communications Adviser in the morning on the day of her interview. Press Secretary explained that she called Communications Adviser and, as she stated, "we were just discussing the roles that -- the role that [Communications Adviser] had in this office."<sup>283</sup> When asked if the word "volunteer" came up during the conversation, Press Secretary stated that "it could have."<sup>284</sup>
169. Chief of Staff told the OCE that during the OCE's review process he had conversations with the congressional staff, and told "everybody that asked" that to the extent Communications Adviser did campaign work, it was as a volunteer.<sup>285</sup>

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<sup>278</sup> Former Communications Director Transcript (Exhibit 3 at 14-2533\_00206, 00233-00234); Press Secretary Transcript (Exhibit 21 at 14-2533\_00516-00517, 00521); Campaign Consultant Transcript (Exhibit 68 at 14-2533\_00790-00791); Campaign Manager Transcript (Exhibit 73 at 14-2533\_00863-00865).

<sup>279</sup> Campaign Consultant Transcript (Exhibit 68 at 14-2533\_00791).

<sup>280</sup> Campaign Manager Transcript (Exhibit 73 at 14-2533\_00858-00860).

<sup>281</sup> Press Secretary Transcript (Exhibit 21 at 14-2533\_00516-00517).

<sup>282</sup> *Id.* at 14-2533\_00564.

<sup>283</sup> *Id.* at 14-2533\_00565.

<sup>284</sup> *Id.* at 14-2533\_00566.

<sup>285</sup> Chief of Staff Transcript (Exhibit 2 at 14-2533\_00162-00163).

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170. Chief of Staff also told the OCE that he spoke with Communications Adviser between the times of Communications Adviser and Chief of Staff's interviews with the OCE, but claims that they did not discuss the questions asked by the OCE.<sup>286</sup> Chief of Staff told the OCE, however, that during the course of the OCE's review he and Communications Adviser did discuss Communications Adviser's role on the campaign as being that of a volunteer.<sup>287</sup>
171. In another instance, the OCE requested documents from and an interview with all Representative Broun's congressional staffers that the OCE believed may have knowledge of Communications Adviser's relationship to Representative Broun's campaigns. The OCE was told by Chief of Staff that many of the staffers identified did not have relevant information. Chief of Staff then sent those staff members an email. The email assumes that its recipients did not possess documents related to the OCE's review.<sup>288</sup>

<b>From:</b>	Bowser, David
<b>Sent:</b>	Monday, June 09, 2014 4:05 PM
<b>To:</b>	Hayes, Jessica; Reitz, Tim; Heenan, David; Paul Kilgore; 'Josh Findlay'
<b>Importance:</b>	High

Team, I spoke to the counsel at the Office of Congressional Ethics regarding the packets you all received from them last week. I told them that none of you really had any relevant, direct conversations or interactions with Brett O'Donnell (to my knowledge). If that is indeed the case, then you won't need to turn over any information (since you don't have anything outside of being on group emails that Brett was also on) and they won't need to interview you. What I need from you ASAP are the two pages that came with the packet (Acknowledgement of Receipt and Request for Information Certification) filled out, signed, scanned in and sent back to me along with a individual note from each of you along the lines as follows...obviously Kilgore and Josh will put "The Paul Broun Committee" instead of "Congressman Paul C Broun, Jr.". Please note, that depending on what the information shows, they reserve the right to contact you again later for an interview if they determine it appropriate. Please let me know if you have any questions, thanks!

172. In one instance, after receiving a similar email from Chief of Staff, Congressional Staffer interpreted the email as expressing an expectation that Congressional Staffer certify to the OCE that they did not have any information responsive to the OCE's request.<sup>289</sup>
173. Congressional Staffer, who had not provided information to the OCE, called the OCE to ask if "perjury" applied to documents or statements submitted to the OCE. The OCE recommended that Congressional Staffer direct such questions to their own legal counsel, but explained that the False Statements Act applies to both documentary and testimonial information submitted to the OCE. Congressional Staffer submitted documents to the OCE later that day.<sup>290</sup>

<sup>286</sup> *Id.* at 14-2533\_00164-00165.

<sup>287</sup> *Id.* at 14-2533\_00165.

<sup>288</sup> Email from Chief of Staff to various recipients, dated June 9, 2014 (Exhibit 133 at 14-2533\_01058).

<sup>289</sup> Congressional Staffer MOI (Exhibit 100 at 14-2533\_00942-00943).

<sup>290</sup> *Id.*

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174. The following day, Congressional Staffer called the OCE to inquire when Representative Broun's office would become aware that Congressional Staffer had cooperated with the OCE's review. Congressional Staffer, audibly concerned and upset, explained that Chief of Staff expected Congressional Staffer to certify to the OCE that Congressional Staffer had no documents responsive to the OCE's Request for Information, and that Congressional Staffer feared an adverse employment action for cooperating with the OCE's review.<sup>291</sup>

#### IV. CONCLUSION

175. Representative Broun retained Communications Adviser in June 2012 as a messaging and communications consultant to his congressional office. Between June 2012 and March 2014, Communications Adviser was paid \$43,750 for various services to the congressional office that were impermissible for even a contractor to provide.

176. Between June 2012 and March 2014, Communications Adviser also provided various services, including campaign debate preparation services, to Representative Broun's 2012 congressional and 2014 Senate campaigns.

177. The evidence obtained by the OCE gives rise to a substantial reason to believe that Representative Broun used MRA funds to retain an individual as a consultant to his congressional office, in violation of House rules and federal law.

178. The evidence obtained by the OCE gives rise to a substantial reason to believe that Representative Broun used MRA funds to compensate an individual for services provided to one or more of his election campaigns, in violation of House rules and federal law.

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<sup>291</sup> *Id.*