



October 6, 2021

Chairman Mike Barnes
Co-Chairman Paul Vinovich
Office of Congressional Ethics
425 3rd Street, SW Suite 1110
Washington, DC 20024

Sent via email (oce@mail.house.gov)

Dear Chairman Barnes and Co-Chairman Vinovich:

Campaign Legal Center (“CLC”) respectfully requests that the Office of Congressional Ethics (“OCE”) investigate whether Rep. Gwen Moore violated House rules. Evidence from the Federal Election Commission (“FEC”) indicates that Rep. Moore used more than \$90,000 in leadership PAC funds for transportation, lodging, meals, and event tickets,¹ possibly violating the personal use ban if these expenses were used other than for proper campaign purposes as outlined in the House Rules. OCE should investigate whether Rep. Moore improperly converted campaign funds to personal use in violation of House rules.

Members of Congress are clearly prohibited by House rules from using leadership PACs as personal slush funds. When elected officials use campaign contributions to enrich themselves, they undermine the public’s trust in their elected officials and the campaign finance system. House rules require Rep. Moore and other members to verify that leadership PAC expenses are legitimate campaign expenses. Based on Rep. Moore’s remarkably small leadership PAC expenses on political contributions and significant amount spent on luxury travel, dining, and event tickets, the OCE should require him to verify that he has complied with House rules.

¹ Giving Willingly Empowering Nationally (GWEN) PAC, Disbursements, 2019-20, FEC.gov, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00431478&two_year_transaction_period=2020&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited Oct. 5, 2021).

House Rules Prohibit Members from Converting Leadership PAC Funds to Personal Use

Pursuant to House rules, members “may not convert campaign funds to personal use.”² As the House Ethics Manual states, “Campaign funds are **not** to be used to enhance a Member’s lifestyle, or to pay a Member’s personal obligations.”³

“[T]he term ‘campaign funds’ includes funds of any political committee under the Federal Election Campaign Act of 1971 [(“FECA”)], without regard to whether the committee is an authorized committee of the Member.”⁴ Under House rules, the personal use ban applies to leadership PAC funds, which are “political committees” under FECA.⁵

The House Ethics Manual refers members to FEC regulations for guidance on what constitutes prohibited “personal use.”⁶ Those FEC regulations provide a non-exhaustive list of uses of campaign funds that are *per se* personal use, which includes “vacation” and “[a]dmission to a sporting event” or other forms of entertainment.⁷

Uses of campaign funds not on this list, such as meal and travel expenses, are evaluated for illegal personal use on a case-by-case basis.⁸ FEC regulations mandate that “incremental expenses” that are “associated with travel [] involv[ing] both personal activities and campaign or officeholder-related activities” be deemed personal use, “unless the person(s) benefitting from this use reimburse(s) the campaign account within thirty days for the amount of the incremental expenses.”⁹

“Members have wide discretion in determining what constitutes a bona fide campaign or political purpose to which campaign funds and resources

² RULES OF THE HOUSE OF REPRESENTATIVES OF THE U.S. 117TH CONG. (2021), House Rule 23, cl. 6(b), *supra* note 3; COMM. ON STANDARDS OF OFFICIAL CONDUCT, 110TH CONG., HOUSE ETHICS MANUAL (2008) at 63-64, available at https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf (emphasis in original).

³ House Ethics Manual, *supra* note 2, at 173 (emphasis in original).

⁴ House Rule 23 cl. 15(d)(1), *supra* note 2.

⁵ *Id.*; 52 U.S.C. § 30101(4); 11 C.F.R. § 100.5(e)(6). *See also* House Ethics Manual, *supra* note 5, at 118, note 37 (“The term ‘campaign funds’ is defined broadly to include ‘leadership PAC’ funds.”).

⁶ *See id.* at 153-154, 172.

⁷ *See* 11 C.F.R. § 113.1(g)(1)(i).

⁸ *See id.* § 113.1(g)(1)(ii).

⁹ *See id.* § 113.1(g)(1)(ii)(C).

may be devoted,” but members “have no discretion whatsoever to convert campaign funds to personal use.¹⁰ Furthermore, House rules require that Members be able to verify that campaign funds have not been used for personal purposes.”¹¹ “[T]he verification requirement imposed by the House rules is separate from, and in addition to, whatever recordkeeping requirements are imposed by the Federal Election Commission on federal candidates generally.”¹²

Rep. Moore Used Leadership PAC Funds to Pay for Meals, Travel, and Event Tickets

The tens of thousands of dollars spent by Rep. Moore’s leadership PAC on luxury hotels, dining, and event tickets raise questions as to whether these funds have been converted to Rep. Moore’s personal use.

From 2019 to 2020, GWEN PAC reported spending more than \$29,000 on hotels and lodging,¹³ including nearly \$1,700 at the boutique hotel group Kimpton,¹⁴ and \$320 at the W Hotel in New Orleans’ French Quarter.¹⁵

¹⁰ HOUSE ETHICS MANUAL, *supra* note 2, at 173.

¹¹ *Id.*

¹² *Id.* at 165.

¹³ Giving Willingly Empowering Nationally (GWEN) PAC, Disbursements for “Fairfield Inn and Suites,” “Gaido’s Seaside Inn,” “Hampton Inn,” “Holiday Inn,” “W New Orleans,” “Wanderjaunt,” or “hotel,” Described as “travel expenses,” “travel,” “lodging,” 2019-20, FEC.GOV,

https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00431478&recipient_name=FAIRFIELD+INN+AND+SUITES&recipient_name=GAIDO%27S+SEASIDE+INN&recipient_name=HAMPTON+INN&recipient_name=HOLIDAY+INN&recipient_name=W+NEW+ORLEANS&recipient_name=WAUNDERJAUNT&recipient_name=hotel&two_year_transaction_period=2020&disbursement_description=lodging&disbursement_description=travel&disbursement_description=travel+expenses&line_number=F3X-21B

(last visited Oct. 5, 2021).

¹⁴ Giving Willingly Empowering Nationally (GWEN) PAC, Disbursements for “Kimpton,” 2019-20, FEC.GOV,

https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00431478&recipient_name=kimpton&two_year_transaction_period=2020&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited Oct. 5, 2021); see also “Stay,” Kimpton Hotels & Restaurants, <https://www.ihg.com/kimptonhotels/content/us/en/stay/destinations> (last visited Oct. 5, 2021).

¹⁵ Giving Willingly Empowering Nationally (GWEN) PAC, Disbursements for “W New Orleans,” 2019-20, FEC.GOV,

https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00431478&recipient_name=w+new+orleans&two_year_transaction_period=2020&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited Oct. 5, 2021); see also “W New Orleans – French Quarter,” W Hotels Worldwide, <https://www.marriott.com/hotels/travel/msywh-w-new-orleans-french-quarter/> (last visited Oct. 5, 2021).

GWEN PAC also reported spending more than \$20,000 on travel expenses, including \$15,000 on airfare,¹⁶ and \$5,300 on car services, taxis, and Ubers.¹⁷

Additionally, Rep. Moore's leadership PAC reported spending \$32,000 on meals and catering.¹⁸ This spending included approximately \$7,400 at steakhouses like Flemming's and Capital Grille,¹⁹ as well as \$5,000 for food delivery services like Postmates and UberEats.²⁰

¹⁶ Giving Willingly Empowering Nationally (GWEN PAC), Disbursements for "airlines," 2019-20, FEC.GOV,

https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00431478&recipient_name=airlines&two_year_transaction_period=2020&line_number=F3X-21B (last visited Oct. 5, 2021).

¹⁷ Giving Willingly Empowering Nationally (GWEN PAC), Disbursements for "blackline car service," "blackline transportation," "lyft," "UVC Inc. taxi," or "uber technologies," 2019-20, FEC.GOV,

https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00431478&recipient_name=BLACKLINE+CAR+SERVICE&recipient_name=BLACKLINE+TRANSPORTATION&recipient_name=LYFT&recipient_name=UVC+INC+TAXI&recipient_name=uber+technologies&two_year_transaction_period=2020&line_number=F3X-21B (last visited Oct. 5, 2021).

¹⁸ Giving Willingly Empowering Nationally (GWEN PAC), Disbursements for "foodbeverage delivery," "foodbeverage," "food and beverage," "catering," or "beveragefood delivery," 2019-20, FEC.GOV,

https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00431478&two_year_transaction_period=2020&disbursement_description=beverage%2Ffood+delivery&disbursement_description=catering&disbursement_description=food+and+beverage&disbursement_description=food%2Fbeverage&disbursement_description=food%2Fbeverage+delivery (last visited Oct. 5, 2021).

¹⁹ Giving Willingly Empowering Nationally (GWEN PAC), Disbursements for "Capital Grille," "Flemming's," "Ocean Grill," "Smith Wollensky," "steak," "steakhouse," or "stone crab," 2019-20, FEC.GOV,

https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00431478&recipient_name=capital+grille&recipient_name=flemming%27s&recipient_name=ocean+grill&recipient_name=smith++wollensky&recipient_name=steak&recipient_name=steakhouse&recipient_name=stone+crab&two_year_transaction_period=2020&line_number=F3X-21B (last visited Oct. 5, 2021); *see also* "About Us," Flemming's Steak House,

<https://www.flemingssteakhouse.com/about-us> (last visited Oct. 5, 2021) (describing the restaurant as a "unique steakhouse experience with an emphasis on generous hospitality, an inviting atmosphere and the very finest aged USDA Prime beef"); *see also* "About Us," The Capital Grille, <https://www.thecapitalgrille.com/about-us> (last visited Oct. 5, 2021) (describing the dining experience at Capital Grille as "one of comfortable elegance").

²⁰ Giving Willingly Empowering Nationally (GWEN PAC), Disbursements for "Doordash," "Grub," "Instacart," "Uber," or "Postmates," Described as "food" or "delivery," 2019-20, FEC.GOV,

https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00431478&recipient_name=doordash&recipient_name=grub&recipient_name=instacart&recipient_name=postmates&recipient_name=uber&two_year_transaction_period=2020&disbursement_description=food&disbursement_description=delivery&line_number=F3X-21B (last visited Oct. 5, 2021).

Finally, GWEN PAC reported spending more than \$9,000 on tickets through Stub Hub, Ticketmaster, and Live Nation.²¹ FEC guidance on personal use of campaign funds states that “the campaign may not pay for admission to sporting events, concerts, theater and other forms of entertainment,” unless “the entertainment is part of a specific officeholder or campaign activity.”²² OCE should investigate Rep. Moore’s leadership PAC spending on tickets to determine whether the funds were used permissibly.

There is a Reasonable Basis to Believe that the Leadership PAC Expenses Were for Personal Use

Pursuant to Rule 7 of the OCE Rules for the Conduct of Investigations, the “Board shall authorize a preliminary review of any allegation(s) when it determines there is a reasonable basis to believe the allegation(s) based on all the information then known to the Board.”²³ “A reasonable basis to believe the allegation(s) exists when there is a reasonable and articulable basis for believing the allegation(s).”²⁴ The available facts provide a reasonable basis to believe that Rep. Moore’s leadership PAC expenses were for personal use, warranting an investigation, for the following reasons.

First, FEC regulations, to which the House Ethics Manual refers, make clear that leadership PAC spending on vacations and event tickets are per se personal use.²⁵ Rep. Moore’s leadership PAC spent money on travel at hotels that appear to be vacations and on event tickets. As a result, these expenses are considered personal use unless Rep. Moore provides verification that these were bona fide campaign or political expenses.

Second, the law is clear that the mere fact that a member’s travel may be partly for campaign-related purposes does not give that member carte blanche to use leadership PAC funds on personal activities during such travel.²⁶ Therefore, even if limited campaign activity occurred at the resort

²¹ Giving Willingly Empowering Nationally (GWEN PAC), Disbursements for “9348 Civic Center Drive,” “Stubhub,” or “ticket,” 2019-20, FEC.gov, https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00431478&recipient_name=9348+CIVIC+CENTER+DRIVE&recipient_name=stubhub&recipient_name=ticket&two_year_transaction_period=2020&line_number=F3X-21B (last visited Oct. 5, 2021).

²² *Personal use*, Federal Election Commission, <https://www.fec.gov/help-candidates-and-committees/making-disbursements/personal-use/> (last visited Oct. 5, 2021).

²³ OFF. OF CONG. ETHICS, RULES FOR THE CONDUCT OF INVESTIGATIONS, Rule 7(A), available at https://oce.house.gov/sites/congressioalethics.house.gov/files/OCE_Rules_Conduct_Investigations.pdf (last visited Oct. 5, 2021).

²⁴ *Id.*

²⁵ See 11 C.F.R. § 113.1(g)(1)(i).

²⁶ See *id.* § 113.1(g)(1)(ii).

or during other travel, Rep. Moore is still obligated to verify that other related expenses were for bona fide campaign and political use.

Finally, Rep. Moore's leadership PAC does not operate as a standard leadership PAC. The purpose of leadership PACs is to enable lawmakers to raise and spend campaign funds for their colleagues running in competitive House and Senate districts. Rep. Moore's leadership PAC does not appear to prioritize spending on such political expenses because only 12% of the roughly \$320,000 spent by Rep. Moore's leadership PAC from 2019 to 2020 went toward other candidates and political parties and groups.²⁷ As a result, OCE should investigate Rep. Moore's leadership PAC spending on travel, entertainment, and dining to determine whether there was a proper campaign purpose for the expenses.

Conclusion

OCE is aware of the problem of misuse of campaign funds, and has investigated members for converting leadership PAC funds to personal use, including former Representatives John J. Duncan, Jr. and Robert Andrews.²⁸ CLC respectfully requests that OCE continue to enforce House rules restricting use of leadership PAC funds and review whether Rep. Moore converted campaign funds to personal use.

We acknowledge that 18 U.S.C. § 1001 applies to the information provided.

Sincerely,

_____/s/_____
Kedric L. Payne
General Counsel and Senior Director,
Ethics

_____/s/_____
Delaney N. Marsco

²⁷ Giving Willingly Empowering Nationally (GWEN) PAC, Disbursements, *supra* note 1.

²⁸ OFF. OF CONG. ETHICS, Report of the Office of Congressional Ethics Regarding Rep. John J. Duncan Jr., [https://oce.house.gov/sites/congressionaethics.house.gov/files/documents/OCE%20Rev.%2017-2646 Referral Final.pdf](https://oce.house.gov/sites/congressionaethics.house.gov/files/documents/OCE%20Rev.%2017-2646%20Referral%20Final.pdf); OFF. OF CONG. ETHICS, Report of the Office of Congressional Ethics Regarding Rep. Robert E. Andrews, [https://oce.house.gov/sites/congressionaethics.house.gov/files/migrated/disclosures/Review_N o 11-3260 Referral.pdf](https://oce.house.gov/sites/congressionaethics.house.gov/files/migrated/disclosures/Review_N_o_11-3260_Referral.pdf).

Senior Legal Counsel, Ethics

_____/s/_____
Sophia Gonsalves-Brown
Researcher