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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 17-2646

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on December 19, 2017, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Representative John J. Duncan Jr.

NATURE OF THE ALLEGED VIOLATION: Rep. John J. Duncan Jr.’s campaign committee, Duncan for Congress, and leadership PAC, Road to Victory PAC, reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes. If Rep. Duncan converted campaign funds from Duncan for Congress or the Road to Victory PAC to personal use, or Rep. Duncan’s campaign committee or leadership PAC expended funds that were not attributable to bona fide campaign or political purposes, then Rep. Duncan may have violated House rules, standards of conduct, and federal law.

Rep. Duncan’s campaign committee may have accepted campaign contributions from individuals who were employed by his congressional office at the time the contributions were made in the form of individual outlays on behalf of Duncan for Congress that later were reimbursed by the campaign committee. If Rep. Duncan failed to ensure that his campaign committee complied with applicable laws regarding contributions from employees, then he may have violated House rules, standards of conduct, and federal law.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the above allegations concerning Rep. Duncan because there is substantial reason to believe that Rep. Duncan’s campaign committee and leadership PAC expended funds that were not attributable to bona fide campaign or political purposes.

The Board recommends that the Committee on Ethics further review the above allegations concerning Rep. Duncan because there is substantial reason to believe that Rep. Duncan failed to ensure that his campaign committee complied with applicable laws regarding contributions from employees.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 1

ABSTENTIONS: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON ETHICS: Paul J. Solis, Deputy Chief Counsel.

FINDINGS OF FACT AND CITATIONS TO LAW

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FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 17-2646

On December 19, 2017, 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

A. Summary of Allegations

1. Rep. John J. Duncan Jr.’s (“Rep. Duncan”) campaign committee, Duncan for Congress (the “campaign committee”), and leadership PAC, Road to Victory PAC (the “leadership PAC”), reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes.
2. If Rep. Duncan converted campaign funds from the campaign committee or the leadership PAC to personal use, or Rep. Duncan’s campaign committee or leadership PAC expended funds that were not attributable to bona fide campaign or political purposes, then Rep. Duncan may have violated House rules, standards of conduct, and federal law.
3. In this review, the Office of Congressional Ethics (the “OCE”) examined Federal Election Commission (“FEC”) filings from September 2008 to the present, and analyzed thousands of pages of credit card, travel, and other purchase records. Based on these records, the OCE identified multiple instances in which the campaign committee expended funds for the personal benefit of Rep. Duncan’s family and friends.
4. In addition, Rep. Duncan’s campaign committee may have accepted campaign contributions from individuals who were employed by his congressional office at the time the contributions were made in the form of individual outlays on behalf of the campaign committee that later were reimbursed by the campaign committee.
5. If Rep. Duncan failed to ensure that his campaign committee complied with applicable laws regarding contributions from employees, then he may have violated House rules, standards of conduct, and federal law.
6. The Board recommends that the Committee on Ethics further review the above allegations concerning Rep. Duncan because there is substantial reason to believe that Rep. Duncan’s campaign committee and leadership PAC expended funds that were not attributable to bona fide campaign or political purposes.
7. The Board recommends that the Committee on Ethics further review the above allegations concerning Rep. Duncan because there is substantial reason to believe that Rep. Duncan

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B. Jurisdiction Statement

8. The allegations that were the subject of this review concern Rep. Duncan, a Member of the United States House of Representatives from the 2nd District of Tennessee. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics 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.”¹ The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

9. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on August 16, 2017. The preliminary review commenced on August 17, 2017.²
10. On August 21, 2017, the OCE notified Rep. Duncan of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.³
11. At least three members of the Board voted to initiate a second-phase review in this matter on September 15, 2017. The second-phase review commenced on September 16, 2017.⁴ The second-phase review was scheduled to end on October 30, 2017.
12. On September 15, 2017, the OCE notified Rep. Duncan of the initiation of the second-phase review in this matter, and again notified him of his right to be represented by counsel in this matter, and that invoking that right would not be held negatively against him.⁵
13. The Board voted to extend the second-phase review by an additional period of fourteen days on October 6, 2017. The additional period ended on November 13, 2017.

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

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

³ Letter from Omar S. Ashmawy, Chief Counsel and Staff Director, Office of Congressional Ethics, to Rep. Duncan, August 17, 2017. On August 17, 2017, the OCE delivered an initial letter to Rep. Duncan explaining that the Board of the OCE had taken an action concerning him and requesting the opportunity to schedule a meeting to discuss the matter and to provide related documents. Rep. Duncan contacted the OCE in response to the August 17, 2017 letter on August 21, 2017. On August 21, 2017, the OCE provided Rep. Duncan’s counsel with additional materials related to the review.

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

⁵ Letter from Omar S. Ashmawy, Chief Counsel and Staff Director, Office of Congressional Ethics, to Rep. Duncan, September 15, 2017.

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14. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on December 19, 2017.
15. The report and its findings in this matter were transmitted to the Committee on Ethics on January 4, 2018.

D. Summary of Investigative Activity

16. The OCE requested documentary and in some cases testimonial information from the following sources:
 - (1) Rep. Duncan;
 - (2) Duncan for Congress;
 - (3) Road to Victory Political Action Committee;
 - (4) American Public Strategies;
 - (5) Schaad Brown Real Estate;
 - (6) Sage Investment Company;
 - (7) Keenland Heights, LLC;
 - (8) Club LeConte;
 - (9) Knoxville Quarterback Club;
 - (10) Knoxville Symphony League;
 - (11) Moxley Carmichael;
 - (12) William Milligan Events;
 - (13) Fox Moving and Storage;
 - (14) Sodexo, Inc.;
 - (15) Best Western International, Inc.;
 - (16) Best Western Pentagon Hotel – Reagan Airport;
 - (17) The Greenbrier Resort;
 - (18) American Express;
 - (19) Rep. Duncan’s Spouse;
 - (20) Rep. Duncan’s Son A (“Son A”);
 - (21) Rep. Duncan’s Son B (“Son B”);
 - (22) Rep. Duncan’s Chief of Staff (“Chief of Staff”);
 - (23) Rep. Duncan’s Deputy Chief of Staff (“Deputy Chief of Staff”);
 - (24) Congressional Staffer A;
 - (25) Congressional Staffer B;
 - (26) Former Congressional Staffer;
 - (27) Road to Victory PAC Treasurer (“PAC Treasurer”);
 - (28) Duncan for Congress Treasurer (“Campaign Treasurer”); and
 - (29) Duncan for Congress Assistant Treasurer (“Campaign Assist. Treasurer”).

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II. REP. DUNCAN MAY HAVE CONVERTED CAMPAIGN FUNDS TO PERSONAL USE

A. Applicable Law, Rules, and Standards of Conduct

17. 52 U.S.C. § 30114(b)(1)

“A contribution or donation described in subsection (a) of this section shall not be converted by any person to personal use.”

18. 52 U.S.C. § 30114(b)(2)

“For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office, including-

(A) a home mortgage, rent, or utility payment;

...

(D) a country club membership;

(E) a vacation or other noncampaign-related trip;

...

(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

(I) dues, fees, and other payments to a health club or recreational facility.”

19. House Rules

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

Under House Rule 23 clause 2, Members “shall adhere to the spirit and the letter of the Rules of the House”

House Rule 23, clause 6(b) states that, “a Member may not convert campaign funds⁶ to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures.”

House Rule 23, clause 6(c) states that, “a Member except as provided in clause 1(b) of rule XXIV, may not expend funds from his campaign account that are not attributable to bona fide campaign or political purposes.”

⁶ Under House rules, “[t]he term ‘campaign funds’ is defined broadly to include ‘leadership PAC’ funds.” House Ethics Manual at 118 n.37 (citing House Rule 23, clause 15(c)(1) which was later reassigned as clause 15(d)(1)).

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20. Federal Election Commission Regulations

a. 11 C.F.R. § 113.1(g)(1)(i) FEC Personal Use Definition

“(g) *Personal use. Personal use means any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.*

(1)(i) Personal use includes but is not limited to the use of funds in a campaign account for any item listed in paragraphs (g)(1)(i)(A) through (J) of this section: . . .

(E) Mortgage, rent or utility payments -

(1) For any part of any personal residence of the candidate or a member of the candidate's family; or

(2) For real or personal property that is owned by the candidate or a member of the candidate's family and used for campaign purposes, to the extent the payments exceed the fair market value of the property usage.

(F) Admission to a sporting event, concert, theater or other form of entertainment, unless part of a specific campaign or officeholder activity.⁷

(G) Dues, fees or gratuities at a country club, health club, recreational facility or other nonpolitical organization, unless they are part of the costs of a specific fundraising event that takes place on the organization's premises.⁸

. . .

(J) A vacation.”

b. 11 C.F.R. § 113.1(g)(1)(ii) Personal Use Case-By-Case Determinations

“(ii) *The Commission will determine, on a case-by-case basis, whether other uses of funds in a campaign account fulfill a commitment, obligation or expense that would exist irrespective of the candidate's campaign or duties as a Federal officeholder, and therefore are personal use. Examples of such other uses include:*

. . .

(B) Meal expenses;

⁷ See Contribution and Expenditure Limitations and Prohibitions: Personal Use of Campaign Funds, 60 Fed. Reg. 7861, 7866 (Feb. 9, 1995) (to be codified at 11 C.F.R. pts. 100, 104, 113) (hereafter “Personal Use of Campaign Funds, 60 Fed. Reg. 7861 (Feb. 9, 1995)”) (“The final rules require that the purchase of tickets be part of a particular campaign event or officeholder activity and not a leisure outing at which the discussion occasionally focuses on the campaign or official functions.”).

⁸ “The rule also allows a candidate or officeholder to use campaign funds to pay membership dues in an organization that may have political interests. This would include community or civic organizations that a candidate or officeholder joins in his or her district in order to maintain political contacts with constituents or the business community.” Personal Use of Campaign Funds, 60 Fed. Reg. 7861, 7866 (Feb. 9, 1995). In an advisory opinion, the FEC explained that campaign payments for membership dues at a private club facility (the Washington Athletic Club of Seattle, Washington) were impermissible even when the purpose of the membership was “primarily to have access to Club facilities for campaign purposes.” FEC Advisory Op. 1995-26 (Aug. 18, 1995) (citing Personal Use of Campaign Funds, 60 Fed. Reg. 7861, 7866 (Feb. 9, 1995), which states that the specific fundraising event exception under the personal use rules regarding private club expenses “does not cover payments made to maintain unlimited access to such a facility, even if access is maintained to facilitate fundraising.”).

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(C) Travel expenses, including subsistence expenses incurred during travel. If a committee uses campaign funds to pay expenses associated with travel that involves both personal activities and campaign or officeholder-related activities, the incremental expenses that result from the personal activities are personal use, unless the person(s) benefiting from this use reimburse(s) the campaign account within thirty days for the amount of the incremental expenses,⁹ and

(D) Vehicle expenses, unless they are a de minimis amount. If a committee uses campaign funds to pay expenses associated with a vehicle that is used for both personal activities beyond a de minimis amount and campaign or officeholder-related activities, the portion of the vehicle expenses associated with the personal activities is personal use, unless the person(s) using the vehicle for personal activities reimburse(s) the campaign account within thirty days for the expenses associated with the personal activities.”

c. 11 C.F.R. § 113.1(g)(4) Special Occasion Gifts of Nominal Value

“(4)Gifts. Gifts of nominal value and donations of a nominal amount made on a special occasion such as a holiday, graduation, marriage, retirement, or death are not personal use, unless made to a member of the candidate's family.”¹⁰

d. 11 C.F.R. § 113.1(g)(5) Officially Connected Expenses

“(5)Political or officially connected expenses. The use of campaign funds for an expense that would be a political expense under the rules of the United States House of Representatives or

⁹ Travel expenses are assessed on a case-by-case basis under the FEC’s personal use rules. In the past, the FEC has approved travel expenses for a candidate and his minor children to travel between the home district and Washington, D.C. to participate in “a function directly connected to the Senator’s *bona fide* official responsibilities.” FEC Advisory Op. 2005-09 (Aug. 19, 2005). The FEC also permitted campaign expenditures for travel by candidates and children accompanying their parents between the home district and Washington, D.C. “provided that the parents are traveling for campaign purposes, and the children are minors.” FEC Advisory Op. 1995-20 (June 30, 1995). Similarly, the FEC permitted the use of campaign funds for travel and subsistence expenses for a candidate, his spouse and two minor children during a party convention, noting that the candidate’s wife and children “[would] play a significant role in the political receptions and fundraising events that [were] part of the trip.” FEC Advisory Op. 1996-34 (September 12, 1996). In another opinion, the FEC again confirmed that campaign funds could be used to pay travel expenses for a Congressman’s two minor children (ages 12 and 16) to attend a party convention where the children would “play a significant role in the political receptions and fundraising events that will be part of the convention” and “may represent [the Congressman] before certain constituencies such as the Young Republicans.” FEC Advisory Op. 1996-19 (June 10, 1996).

¹⁰ See Personal Use of Campaign Funds, 60 Fed. Reg. 7861, 7870 (Feb. 9, 1995). In the Final Rule published in the Federal Register enacting the FEC personal use regulations, the FEC explained “[t]he Commission recognizes that candidates and officeholders frequently send small gifts to constituents and supporters on special occasions as gestures of sympathy or goodwill, and that such an expense would not exist irrespective of the candidate’s or officeholder’s status. The Commission has included this provision in the rules to specifically indicate that the use of campaign funds for this purpose is permitted. However, the exception does not cover gifts that are of more than nominal value. For example, using campaign funds for other expenses associated with special occasions, such as the funeral and burial expenses covered under section 113.1(g)(1)(i)(B), would be personal use.” The exception allows “a committee to use campaign funds to send flowers to a constituent’s funeral without violating the personal use prohibition.” *Id.* See also FEC Advisory Op. 2000-37 (Dec. 12, 2000) (permitting the use of campaign funds to present replica medals to United States Armed Forces veterans because the medals were “low in cost and have little monetary value, and the benefit to the veteran is the recognition of his service by a Member of Congress.”).

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an officially connected expense under the rules of the United States Senate is not personal use to the extent that the expense is an expenditure under subpart D of part 100 or an ordinary and necessary expense incurred in connection with the duties of a holder of Federal office. Any use of funds that would be personal use under paragraph (g)(1) of this section will not be considered an expenditure under subpart D of part 100 or an ordinary and necessary expense incurred in connection with the duties of a holder of Federal office.”

e. 11 C.F.R. § 104.3(a) Reporting of Receipts

“Each report filed under § 104.1 shall disclose the total amount of receipts for the reporting period and for the calendar year (or for the election cycle, in the case of an authorized committee) and shall disclose the information set forth at paragraphs (a)(1) through (a)(4) of this section.”

f. 11 C.F.R. § 104.3(b)(4) Disbursement Reporting and Purpose Statement

“Each authorized committee shall report the full name and address of each person in each of the following categories, as well as the information required by each category. (i) Each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the election cycle is made by the reporting authorized committee to meet the authorized committee's operating expenses, together with the date, amount and purpose of each expenditure. (A) As used in this paragraph, purpose means a brief statement or description of why the disbursement was made.”

21. House Ethics Manual

According to the House Ethics Manual, “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.”¹¹

*The House Ethics Manual states, “Members have wide discretion in determining what constitutes a bona fide campaign or political purpose to which campaign funds and resources may be devoted, but Members have **no** discretion whatsoever to convert campaign funds to personal use. Furthermore, House rules require that Members be able to verify that campaign funds have not been used for personal purposes.”¹²*

Regarding the requirement to verify that campaign outlays are not used for personal purposes, the House Ethics Manual states, “Members and their campaign staffs should bear in mind that the verification requirement imposed by the House rules is separate from, and in addition to, whatever recordkeeping requirements are imposed by the Federal Election Commission on federal candidates generally”¹³

¹¹ House Ethics Manual (2008) at 123.

¹² *Id.* at 173 (emphasis in original).

¹³ *Id.* at 165 (emphasis omitted).

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*The House Ethics Manual states, “[a] Member’s use of campaign funds for federal office is permissible only if it complies with the provisions of **both** the House Rules **and** [the Federal Election Campaign Act].”¹⁴*

According to the House Ethics Manual, “[a]s to outlays for travel or meals – as well as outlays for the acquisition of goods or services from themselves or their family members – Members must exercise great care, because such outlays by their nature raise a concern of personal use.”¹⁵

*The House Ethics Manual states, “the [personal use] prohibition is against the use of campaign funds for personal purposes not only of the Member, but rather of **anyone**. Thus, in one of the cases decided by the Standards Committee, a loan made by a Member’s campaign to one of the Member’s congressional employees for the employee’s personal purposes was found to violate the rule.”¹⁶*

Regarding expenditures for gifts, the House Ethics Manual explains, “[t]he FEC regulations on use of campaign funds provide that campaign funds may be used for ‘[g]ifts of nominal value and donations of a nominal amount made on a special occasion such as a holiday, graduation, marriage, retirement, or death.’ Such gifts may include the relatively inexpensive House or Capitol souvenir items sold by the House gift store or the U.S. Capitol Historical Society, and thus a Member may use campaign funds to purchase such nominal-value gifts for the Member’s supporters or contributors.”¹⁷

Regarding campaign expenditures for meals connected to official activities or with constituents, the House Ethics Manual explains, “[i]n a Committee Advisory memoranda of May 8, 2002, the Committee announced a policy allowing Members to use funds of their principal campaign committee to pay for food and beverage expenses at official House events, such as town hall meetings, briefings, caucus events, conferences, and other events sponsored by their Member office, whether in their congressional district or on Capitol Hill.”¹⁸ In addition, “[o]fficial House funds may not be used to pay food or beverage expenses related to social activities or social events, including the receptions held by Members in connection with their swearing-in, or on Inauguration Day. However, Members may use their campaign funds to pay the costs of such events.”¹⁹ “Campaign funds may also be used to pay meal expenses when a Member has a social

¹⁴ *Id.* at 152 (emphasis in original).

¹⁵ *Id.* at 167.

¹⁶ *Id.* at 166 (emphasis in original) (citing 2 U.S.C. §439(a)(b)(1) [transferred to 52 U.S.C. § 30114] for the proposition that funds may not be converted “by **any** person to any personal use.”) (emphasis in original).

¹⁷ House Ethics Manual at 162 (citing 11 C.F.R. § 113.1(g)(4) and FEC Advisory Op. 2000-37 (Dec. 12, 2000)).

¹⁸ House Ethics Manual at 176. *See also* Committee on Ethics, *Memorandum on Member Use of Campaign Funds to Pay Food and Beverage Expenses at Events Sponsored by Their Office and Other Official House Events* (May 8, 2002) (“any Member considering using the permission granted here in a context other than a **specific scheduled event sponsored by a congressional office** should first review those pages of the *Campaign Activities* booklet and consult with the Committee’s Office of Advice and Education.”) (emphasis in original).

¹⁹ House Ethics Manual at 160. *See also* Committee on Ethics, *Memorandum on Member Swearing-in Inauguration Day Receptions, and Attendance at Inaugural-Related Events* (Dec. 4, 2012) (“A Member may also use campaign funds to pay for an Inauguration Day reception for visiting constituents held in the Member’s office or elsewhere.”).

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*meal with constituents (other than personal friends or relatives of the Member) who are visiting Washington.*²⁰

*Regarding campaign expenditures for meals connected to campaign activities, the House Ethics Manual states, “[c]ampaign funds may be used to pay for a meal in a number of circumstances, including, for example, a meal that constitutes a bona fide campaign fund-raising event, and a meal incident to a bona fide meeting on campaign business. Campaign funds may also be used to pay the meal expenses incurred when a Member or campaign worker is traveling on campaign business.”*²¹

*Regarding campaign expenditures for meals attended by family members, the House Ethics Manual states, “use of campaign funds to pay for any meal when the only individuals present are a Member and the Member’s personal friends or relatives inherently raises concerns of conversion of campaign funds to personal use. The only circumstance in which payment for such a meal with campaign funds may be permissible is if the other attendees actively work in the Member’s campaign, and if the meal is merely incident to a meeting having a clear, specific agenda of campaign business.”*²²

B. Rep. Duncan May Have Converted Campaign Committee and Leadership PAC Funds to Personal Use

22. As described below, the OCE found that from late 2008 to the present, Rep. Duncan may have converted more than one hundred thousand dollars from his campaign committee and leadership PAC to personal use.²³
23. The OCE identified campaign committee expenditures for, among other categories, family travel, private club dues, wedding and baby showers, personal cell phones, and family meal expenses that were not attributable to bona fide campaign or political purposes.
24. The OCE reviewed the campaign committee’s FEC reports in addition to purchase records and credit card statements obtained from the campaign committee and other third party witnesses. These records reveal a pattern of personal use of campaign committee funds for the benefit of Rep. Duncan’s family and friends.
25. In addition, the OCE reviewed filings from Rep. Duncan’s leadership PAC. In June 2015, the leadership PAC made a \$37,727.93 cash correction to its cash-on-hand and submitted an explanation to the FEC describing a variance between the leadership PAC’s bank account balance and FEC reported cash-on-hand.²⁴

²⁰ House Ethics Manual at 159.

²¹ *Id.*

²² *Id.* at 169.

²³ Due to the jurisdictional limits under the Resolution, the OCE focused on conduct that occurred after March 11, 2008.

²⁴ Road to Victory PAC June 2015 Monthly Report of Receipts and Disbursements, filed June 19, 2015, at 8; Road to Victory PAC, Miscellaneous Text Report (FEC Form 99), filed June 19, 2015.

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26. The OCE found that the leadership PAC's public reporting of the variance greatly misrepresented the scale of the disclosure errors that led to the cash-on-hand correction. The leadership PAC failed to publicly disclose more than 150 unreported or misreported disbursements and receipts totaling nearly \$200,000.00, of which the leadership PAC had detailed knowledge at the time of the FEC variance explanation filing.²⁵
27. As further described below, the OCE reviewed the 2015 cash correction and underlying transactions and found that some of the unreported disbursements may not have been bona fide campaign or political expenditures.

i. Duncan for Congress and Personal Use of Campaign Funds

28. During this review, the OCE analyzed Rep. Duncan's campaign committee's finances and evidence of personal use of campaign committee funds by Rep. Duncan and his family. The review focused primarily on the campaign committee's credit card expenditures since January 2009 and other direct payments to vendors since September 2008.

a. Financial Management and Oversight of the Campaign Committee

29. In recent years, Campaign Treasurer and Rep. Duncan's Chief of Staff oversaw the campaign committee's finances.²⁶ Campaign Treasurer, who is also Rep. Duncan's son-in-law, became treasurer in 2011.²⁷
30. In addition to his work as Chief of Staff in Rep. Duncan's congressional office, Chief of Staff has "helped out in" the campaign since Rep. Duncan was elected to office in 1988.²⁸ Chief of Staff told the OCE that his work for the campaign committee involved assisting with fundraisers and events, attending political gatherings, and working with the campaign committee's treasurer on finances.²⁹ Following Rep. Duncan's July 31, 2017 announcement that he would not seek reelection in 2018, Chief of Staff stopped performing work for the campaign committee.³⁰

²⁵ Email between Rodefer Moss Senior Audit Associate and Son B, April 17, 2012 (Exhibit 2 at 17-2646_0025); Rodefer Moss, Road to Victory PAC Detail of Variances Between FEC Report and Bank Account Activities, 2005-2011 (Exhibit 3 at 17-2646_0026-0030); Rodefer Moss, Road to Victory PAC Balance Sheets (Exhibit 4 at 17-2646_0035).

²⁶ Transcript of Interview of Duncan for Congress Campaign Treasurer ("Campaign Treasurer Transcript"), Nov. 6, 2017 (Exhibit 5 at 17-2646_0038, 0041-0042); Transcript of Interview of Chief of Staff ("Chief of Staff Transcript"), Nov. 5, 2017 (Exhibit 6 at 17-2646_0087); Transcript of Interview of Rep. Duncan ("Rep. Duncan Transcript"), Nov. 8, 2017 (Exhibit 7 at 17-2646_0150-0152).

²⁷ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0038); Duncan for Congress, FEC Form 1 Statement of Organization, filed April 13, 2011. Prior to 2011, the campaign committee Treasurer was Dean Rice. Duncan for Congress, FEC Form 1 Statement of Organization, filed January 30, 2009.

²⁸ Chief of Staff Transcript (Exhibit 6 at 17-2646_0086-0087).

²⁹ *Id.* at (Exhibit 6 at 17-2646_0087).

³⁰ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0047); Chief of Staff Transcript (Exhibit 6 at 17-2646_0087).

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31. Since 2011, Campaign Assist. Treasurer, who is also Rep. Duncan's niece, has overseen the campaign committee's FEC reporting responsibilities.³¹
32. Since July 2013, the campaign committee has employed Rep. Duncan's son, Son A, in a campaign management role.³² The campaign committee hired Son A during a period when Rep. Duncan felt he faced increased political competition for his congressional seat and wanted to bolster his position by hiring a campaign manager.³³
33. The OCE found that Son A played an active role in campaign strategy and community outreach work for the campaign committee.³⁴ Son A performed this work from campaign committee funded office space, which the campaign committee also uses for storage and as an occasional meeting site.³⁵ Initially, the campaign committee paid Son A directly for his services, and now pays him through a consulting company, American Public Strategies, which is a sole proprietorship.³⁶
34. While the campaign committee occasionally disbursed small salary payments to other individuals, Campaign Treasurer, Campaign Assist. Treasurer, Chief of Staff, and Son A have been the campaign committee's primary employees in recent years.
35. Rep. Duncan told the OCE that he left management of the campaign committee's finances up to Chief of Staff, Campaign Treasurer, and Campaign Assist. Treasurer.³⁷ Rep. Duncan said that he had occasional conversations with Chief of Staff about campaign finances or how much money was in the campaign's account.³⁸ Rep. Duncan told the OCE that he discussed issues regarding how to distribute campaign funds for charitable or political contributions with Chief of Staff, and had occasional conversations with Chief of Staff or Campaign

³¹ Transcript of Interview of Campaign Assist. Treasurer ("Campaign Assist. Treasurer Transcript"), Nov. 1, 2017 (Exhibit 8 at 17-2646_0186-0188, 0190); Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0043); Chief of Staff Transcript (Exhibit 6 at 17-2646_0088); Rep. Duncan Transcript (Exhibit 7 at 17-2646_0144).

³² Duncan for Congress, FEC October 2013 Quarterly Report of Receipts and Disbursements, filed July 25, 2014 at 43; Transcript of Interview of Son A ("Son A Transcript"), Nov. 6, 2017 (Exhibit 9 at 17-2646_0237, 0240); Rep. Duncan Transcript (Exhibit 7 at 17-2646_0143); Chief of Staff Transcript (Exhibit 6 at 17-2646_0087-0088).

³³ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0144, 0149); Chief of Staff Transcript (Exhibit 6 at 17-2646_0096).

³⁴ Son A Transcript (Exhibit 9 at 17-2646_0241-0243); Rep. Duncan Transcript (Exhibit 7 at 17-2646_0143). *See also* Emails from Son A to Moxley Carmichael Employee, May 6, 2014 (Exhibit 10 at 17-2646_0280-0283) (showing Son A's involvement in planning campaign events with a campaign consultant); Email from Son A to Moxley Carmichael Employee, May 25, 2016 (Exhibit 11 at 17-2646_0285) (providing example of Son A's role in planning campaign events); Email from Son A to Moxley Carmichael Employee, Oct. 19, 2016 (Exhibit 12 at 17-2646_0287) (demonstrating Son A's role in organizing campaign advertisements).

³⁵ Son A Transcript (Exhibit 9 at 17-2646_0245-0251); Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0052-0055); Chief of Staff Transcript (Exhibit 6 at 17-2646_0099); Rep. Duncan Transcript (Exhibit 7 at 17-2646_0147-148). The campaign committee was originally located at one office from July 2013 until August 2014, and later moved to another office space. Duncan for Congress Lease with Keenland Heights LLC, July 19, 2013 (Exhibit 13 at 17-2646_0290-0298); Duncan for Congress Lease with Sage Investment Company, Aug. 19, 2014 (Exhibit 14 at 17-2646_0300-0311).

³⁶ Son A Transcript (Exhibit 9 at 17-2646_0238-0239). *See, e.g.*, Duncan for Congress, FEC October 2013 Quarterly Report of Receipts and Disbursements, filed July 25, 2014 at 43; Duncan for Congress, FEC 2013 Year-End Quarterly Report of Receipts and Disbursements, filed July 25, 2014 at 26.

³⁷ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0150).

³⁸ *Id.* at (Exhibit 7 at 17-2646_0151).

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Treasurer about invoices, bills, and credit card statements sent to the campaign committee.³⁹ Rep. Duncan told the OCE that he has “never seen” one of the campaign committee’s FEC reports.⁴⁰

36. Between 2011 and Rep. Duncan’s July 2017 retirement announcement, Campaign Treasurer, Campaign Assist. Treasurer, and Chief of Staff all played separate roles in the management of the campaign committee’s finances and FEC reporting obligations.
37. The campaign committee has a bank account for which Campaign Treasurer and Chief of Staff were the authorized users.⁴¹ In addition, the campaign committee has an American Express credit card account, which is registered in Rep. Duncan’s name using the campaign committee’s P.O. Box in Knoxville.⁴²
38. The American Express credit card account includes two separately numbered credit cards.⁴³ Rep. Duncan personally holds one of the credit cards on the account and this card is the first credit card listed in the monthly statements from American Express.⁴⁴ When Son A started working for the campaign committee in July 2013, Rep. Duncan made him the authorized user of the second listed credit card on the account.⁴⁵ Prior to Son A’s hiring, Chief of Staff was the authorized user of the second listed credit card.⁴⁶
39. Until Rep. Duncan’s retirement announcement, Chief of Staff and Campaign Treasurer met at the campaign P.O. Box on at least a monthly basis to review bills and write any necessary checks for contributions or other payments.⁴⁷ Campaign Treasurer told the OCE that during those meetings he would write any necessary checks, but that it was Rep. Duncan or Chief of Staff who provided approval for the expenditures.⁴⁸ Campaign Treasurer said “the only person that ever approved expenditures to me was pretty much [Chief of Staff], unless I had to call [Rep. Duncan] directly for something, I couldn’t get a hold of [Chief of Staff].”⁴⁹
40. According to Chief of Staff, during those meetings he would check the campaign committee’s bills to determine if they were correct and would ask Campaign Treasurer to

³⁹ *Id.* at (Exhibit 7 at 17-2646_0151-0154).

⁴⁰ *Id.* at (Exhibit 7 at 17-2646_0150).

⁴¹ Chief of Staff Transcript (Exhibit 6 at 17-2646_0106); Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0044).

⁴² Rep. Duncan Transcript (Exhibit 7 at 17-2646_0153); Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0044-0045); *see, e.g.*, Rep. Duncan American Express Statement Closing October 2014 (Exhibit 15 at 17-2646_0316-0317).

⁴³ *See, e.g., id.*; Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0044-0045); Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0194).

⁴⁴ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0044-0045); Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0194-0195).

⁴⁵ Son A Transcript (Exhibit 9 at 17-2646_0253); Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0194-0195).

⁴⁶ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0045); Chief of Staff Transcript (Exhibit 6 at 17-2646_0106-0107).

⁴⁷ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0041-0043); Chief of Staff Transcript (Exhibit 6 at 17-2646_0089-0090, 0107).

⁴⁸ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0042).

⁴⁹ *Id.* (Exhibit 5 at 17-2646_0072).

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follow up with organizations or vendors about any possible errors.⁵⁰ Chief of Staff explained that Rep. Duncan authorized all purchases from the campaign committee, unless it was a repeat bill, such as a dues payment that Rep. Duncan already approved.⁵¹

41. For the monthly American Express credit card statements that arrived at the P.O. Box, Chief of Staff told the OCE that he and Campaign Treasurer looked at the statements for anything they did not recognize.⁵² When there was something they did not recognize, Chief of Staff said he checked with Rep. Duncan to determine if it was a political expense or something Rep. Duncan should pay personally.⁵³
42. The OCE provided Chief of Staff with a copy of a May 2010 American Express statement produced to the OCE by the campaign committee, and asked him what two handwritten initials on the first page represented.⁵⁴ Chief of Staff explained that they were his initials written onto the statement confirming that he checked with Rep. Duncan on any charges on the statement where there was a question and that Rep. Duncan authorized the payments.⁵⁵
43. The OCE also showed Rep. Duncan a copy of an August 2013 American Express statement with the handwritten notations “OK per JJD” and asked him about the meaning of the notation.⁵⁶ Rep. Duncan told the OCE that he assumed the notation meant he had talked to Chief of Staff and “okayed whatever it was.”⁵⁷ The OCE found that many of the American Express statements produced by the campaign committee contained similar notations of approval.⁵⁸ In some circumstances, the statements contained notations indicating that Rep. Duncan would pay for a particular credit card expense from his personal funds.⁵⁹
44. Once Chief of Staff and Campaign Treasurer reviewed the bills, they would then send a package of information about the campaign committee’s expenditures to Campaign Assist.

⁵⁰ Chief of Staff Transcript (Exhibit 6 at 17-2646_0092).

⁵¹ *Id.* (Exhibit 6 at 17-2646_0105).

⁵² *Id.* (Exhibit 6 at 17-2646_0107).

⁵³ *Id.*

⁵⁴ *Id.* (Exhibit 6 at 17-2646_0107-0108); Duncan for Congress Record American Express Statement Closing May 2010 (Exhibit 16 at 17-2646_0326).

⁵⁵ Chief of Staff Transcript (Exhibit 6 at 17-2646_0107-0108).

⁵⁶ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0154-0155); Duncan for Congress Record American Express Statement Closing August 2013 (Exhibit 17 at 17-2646_0330).

⁵⁷ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0154-0155).

⁵⁸ *See, e.g.*, Duncan for Congress Record American Express Statement Closing December 2009 (Exhibit 18 at 17-2646_0339); Duncan for Congress Record American Express Statement Closing February 2010 (Exhibit 19 at 17-2646_0344); Duncan for Congress Record American Express Statement Closing August 2011 (Exhibit 20 at 17-2646_0347); Duncan for Congress Record American Express Statement Closing February 2013 (Exhibit 21 at 17-2646_0360); Duncan for Congress Record American Express Statement Closing February 2014 (Exhibit 22 at 17-2646_0369); Duncan for Congress Record American Express Statement Closing March 2015 (Exhibit 23 at 17-2646_0378).

⁵⁹ *See, e.g.*, Duncan for Congress Record American Express Statement Closing January 2009 (Exhibit 24 at 17-2646_0393); Duncan for Congress Record American Express Statement Closing August 2009 (Exhibit 25 at 17-2646_0398-0400); Duncan for Congress Record American Express Statement Closing December 2010 (Exhibit 26 at 17-2646_0405).

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Treasurer to allow her to prepare the campaign committee's FEC filings.⁶⁰ By the time Campaign Assist. Treasurer received the materials, the expenditures already were paid and approved.⁶¹

45. Campaign Assist. Treasurer told the OCE that typically, any checks she processed were from Rep. Duncan, Campaign Treasurer or Chief of Staff, and that "once or twice" she received checks written by Rep. Duncan's Spouse.⁶² Campaign Assist. Treasurer explained to the OCE that when she had specific questions about Rep. Duncan's expenditures from the American Express account, she would ask Chief of Staff.⁶³

b. Rep. Duncan's Use of Campaign Funds for Approximately \$24,903.93 in Personal Travel

1. \$15,091.00 for December 2014 Trip to Greenbrier Resort with Family and Friends

46. In late 2014, the campaign committee spent \$15,091.00 on a three night trip to the Greenbrier Resort (the "Greenbrier") in West Virginia.⁶⁴ Rep. Duncan and his family, in addition to campaign supporters who were also personal friends, attended the trip to the Greenbrier at the campaign committee's expense.⁶⁵ The OCE found that the trip primarily was recreational

⁶⁰ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0043); Chief of Staff Transcript (Exhibit 6 at 17-2646_0105); Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0189-0190).

⁶¹ *Id.* (Exhibit 8 at 17-2646_0192).

⁶² *Id.* (Exhibit 8 at 17-2646_0193).

⁶³ *Id.* (Exhibit 8 at 17-2646_0196).

⁶⁴ The \$15,091.00 total reflects credit card charges for \$2,080.00, \$223.00, \$12,638.60, and \$347.40, in addition to a \$198.00 refund. Duncan for Congress paid for eleven room deposits totaling \$2,303.00 in October 2014. The Greenbrier Response to Office of Congressional Ethics, Sept. 7, 2017 (Exhibit 27 at 17-2646_0410-0412, 0414); Duncan for Congress, 2014 Post-General Election Report of Receipts and Disbursements, filed Dec. 4, 2014 at 34 (listing a \$2,080.00 disbursement to the Greenbrier Hotel); Rep. Duncan American Express Statement Closing October 2014 (Exhibit 15 at 17-2646_0316-0317) (showing nine transactions to the Greenbrier hotel and one transaction processed by American Express for good and services, for an amount identical to the seven other down payments. All ten transactions total \$2,080.00). Duncan for Congress, 2014 Year-End Quarterly Report of Receipts and Disbursements, filed Jan. 29, 2015 at 8 (reporting a \$223.00 disbursement to the Greenbrier hotel); Rep. Duncan American Express Statement Closing November 2014 (Exhibit 28 at 17-2646_0418) (listing a \$223.00 transaction at the Greenbrier hotel). The reservation for Howard Phillips was cancelled and the credit card was eventually refunded the \$198.00 amount. In addition, at the end of December the stay, the charges on the folio in Rep. Duncan's name for the 10 guest rooms totaled \$12,638.60. The \$12,638.60 amount was charged to Rep. Duncan's American Express account. The \$198.00 refund for Howard Phillips's room was subtracted from \$12,638.00 to get the \$12,440.60 reported to the FEC. The separately reported \$347.40, which also appeared as a charge on the American Express statement, represented transportation and valet parking charges for Brian Debusk that were paid with the campaign credit card. Rep. Duncan American Express Statement Closing December 2014 (Exhibit 29 at 17-2646_0433-0434) (listing two transactions at the Greenbrier for \$12,638.60 and \$347.40, and a \$198.00 refund from the Greenbrier); Duncan for Congress, April 2015 Report of Receipts and Disbursements, filed July 14, 2015 at 21 – 22 (listing two disbursements for \$347.40 and \$12,440.60 to the Greenbrier hotel); Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451); The Greenbrier Response to Office of Congressional Ethics, Sept. 7, 2017 (Exhibit 27 at 17-2646_0410-0412, 0414); Mr. and Mrs. Brian Debusk Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 31 at 17-2646_0453).

⁶⁵ Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451); Rep. Duncan Greenbrier Trip Confirmation Email, Oct. 25, 2014 (Exhibit 32 at 17-2646_0455-0457).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended in nature, and that the campaign committee's payments for lodging and a host of resort amenities lacked a nexus to bona fide political or campaign purposes.

47. From December 14 until December 17, 2014, Rep. Duncan paid for ten rooms and associated expenses at the Greenbrier Resort.⁶⁶ Rep. Duncan's guest folio for the trip included the cost of these rooms and other amenity and food expenses charged to the rooms.⁶⁷
48. Rep. Duncan said that the trip was his "idea" and that it "would be a really nice way to say thank you for people that had done so much in my campaign."⁶⁸ He also explained his hope that these same people "would also help me again in the next election."⁶⁹ Rep. Duncan told the OCE that he viewed the trip as a campaign event.⁷⁰ When asked what campaign events took place during the trip, Rep. Duncan told the OCE "[p]rimarily just a couple of dinners . . ."⁷¹
49. Chief of Staff told the OCE that Rep. Duncan told him "he'd like to do something special for his very best supporters, people who had gone beyond the call in the campaign and one of his top contributors."⁷² During his interview with the OCE, Chief of Staff said that Rep. Duncan's Spouse arranged the trip.⁷³
50. Rep. Duncan's guest folio for the stay shows that, in addition to Rep. Duncan and his spouse, Rep. Duncan's four adult children attended the trip with their families.⁷⁴ Each of the adult children occupied one room.⁷⁵ Rep. Duncan's Spouse recalled that her grandchildren attended the trip and she told the OCE that many of these young grandchildren performed work for the campaign.⁷⁶
51. Chief of Staff and his spouse also participated in the Greenbrier trip.⁷⁷ Four couples who Chief of Staff described as "contributors and supporters" who "did more than what anyone else did during the campaign" stayed in the other four rooms.⁷⁸

⁶⁶ *Id.*; Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451); The Greenbrier Response to Office of Congressional Ethics, Sept. 7, 2017 (Exhibit 27 at 17-2646_0410-0412, 0414).

⁶⁷ Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451).

⁶⁸ Rep. Duncan Transcript (Exhibit 7 at 17-264_0160).

⁶⁹ *Id.*

⁷⁰ *Id.* (Exhibit 7 at 17-2646_0162).

⁷¹ *Id.*

⁷² Chief of Staff Transcript (Exhibit 6 at 17-2646_0130).

⁷³ *Id.* (Exhibit 6 at 17-2646_0132).

⁷⁴ Rep. Duncan Greenbrier Trip Confirmation Email, Oct. 25, 2014 (Exhibit 32 at 17-2646_0455-0457); Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451); The Greenbrier Response to Office of Congressional Ethics, Sept. 7, 2017 (Exhibit 27 at 17-2646_0410-0412, 0414).

⁷⁵ Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451).

⁷⁶ Transcript of Interview of Rep. Duncan's Spouse ("Rep. Duncan's Spouse Transcript"), Nov. 5, 2017 (Exhibit 33 at 17-2646_0494).

⁷⁷ Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451).

⁷⁸ Chief of Staff Transcript (Exhibit 6 at 17-2646_0131-0132).

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52. Chief of Staff confirmed that the four couples consisted of individuals with whom Rep. Duncan and his spouse also have a social relationship.⁷⁹ Son A and Rep. Duncan's other son, Son B, told the OCE that the non-family attendees were personal friends of the family.⁸⁰
53. PAC Treasurer, who is Son B's wife, told the OCE that she was invited to the Greenbrier to help "entertain contributors" and said that "dinners was the main thing."⁸¹ She told the OCE that, besides dinners, she did not recall any organized activities for the group during their time at the Greenbrier.⁸²
54. During the day at the Greenbrier, Rep. Duncan told the OCE that he passed the time reading and possibly going for a swim.⁸³ Campaign Treasurer, who attended the trip with his spouse Rep. Duncan's daughter, recalled taking his children swimming and ice skating during the trip.⁸⁴ Son A explained that during the day, the non-family guests were mostly "on their own and just kind of doing whatever they wanted to do" and thus the non-family guests were free to enjoy the resort at their leisure without any organized daytime itinerary.⁸⁵
55. The hotel folio under Rep. Duncan's name for the stay includes itemized information for each of the ten guest rooms using the name of the principal guest for each room.⁸⁶ In addition to lodging expenses and restaurant fees, the OCE found that the campaign committee funded stay included \$672.52 at the Greenbrier Spa/Salon.⁸⁷ PAC Treasurer told the OCE that she thought that she attended the spa during the trip to the Greenbrier.⁸⁸ When the OCE asked Rep. Duncan's Spouse whether anyone went to the spa during the trip, she responded, "I didn't babysit everybody while I was there, so I don't know."⁸⁹
56. The campaign committee also spent \$84.67 on a golf expense during the trip.⁹⁰ Son B told the OCE that he thought that he, Son A, and Rep. Duncan may have played golf during the trip.⁹¹ Son A told the OCE that he did not play golf during the trip.⁹²
57. According to the hotel folio, the campaign committee also spent \$75.66 at Fizzy's Land of Oz, a toy store at the Greenbrier.⁹³ The guest expenses also included charges at a candy store, and for ice skating and bowling.⁹⁴

⁷⁹ *Id.*

⁸⁰ Son A Transcript (Exhibit 9 at 17-2646_0270); Transcript of Interview of Son B ("Son B Transcript"), Nov. 6, 2017 (Exhibit 34 at 17-2646_0524-0525).

⁸¹ Transcript of Interview of PAC Treasurer ("PAC Treasurer Transcript"), Nov. 6, 2017 (Exhibit 35 at 17-2646_0549).

⁸² PAC Treasurer Transcript (Exhibit 35 at 17-2646_0550).

⁸³ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0161).

⁸⁴ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0076).

⁸⁵ Son A Transcript (Exhibit 9 at 17-2646_0274).

⁸⁶ Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451).

⁸⁷ *Id.* (Exhibit 30 at 17-2646_0444).

⁸⁸ PAC Treasurer Transcript (Exhibit 35 at 17-2646_0551).

⁸⁹ Rep. Duncan's Spouse Transcript (Exhibit 33 at 17-2646_0495).

⁹⁰ Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0444).

⁹¹ Son B Transcript (Exhibit 34 at 17-2646_0528).

⁹² Son A Transcript (Exhibit 9 at 17-2646_0273).

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58. Additionally, the OCE identified four separate charges totaling \$97.65 at Twelve Oaks, which is a “high-end lounge located in the Casino Club” at the Greenbrier.⁹⁵
59. Rep. Duncan told the OCE that he does not gamble and only would have gone into the Greenbrier’s casino during the trip to “look for one of the others.”⁹⁶ He thought that members of his family might have gone to the casino during the trip, but said “I certainly don’t think they would have gambled, you know, with any campaign money or anything.”⁹⁷
60. Son B told the OCE that he went to the casino two or three nights during the trip, but said he paid for the gambling out of his own pocket.⁹⁸ Chief of Staff told the OCE that he used his own money at the casino during the trip.⁹⁹ During his interview, Son A said that he went to the casino and said that one night “[t]here was a big group that went.”¹⁰⁰ Son A thought that Rep. Duncan may have had a meal at the casino’s bar restaurant.¹⁰¹ None of the witnesses provided a clear explanation for the four separate purchases paid for by the campaign committee at the casino bar.
61. PAC Treasurer told the OCE that during the trip, she was “under the assumption that whatever activities we did would be paid for” and thus that she was not financially responsible for the cost of the trip.¹⁰² Son B told the OCE that he thought the trip was paid for by the campaign committee and that “[w]e were just told that it was going to be taken care of” except for a few “on the go” charges that he paid on the spot from his personal funds.¹⁰³
62. The December 2014 Greenbrier charges were paid with the campaign committee’s American Express credit card.¹⁰⁴ Chief of Staff thought that either Rep. Duncan or his spouse would have signed the hotel bill.¹⁰⁵ Rep. Duncan and the campaign committee provided credit card statements related to the trip from their records, but did not produce any hotel records showing the specific charges during the trip or itemizing guest information.¹⁰⁶

⁹³ Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0444); The Greenbrier Resort, *The Retail Collection*, <http://www.greenbrier.com/Retail/The-Retail-Collection> (last visited Dec. 12, 2017).

⁹⁴ Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451).

⁹⁵ *Id.*; The Greenbrier Resort, *Twelve Oaks*, <http://www.greenbrier.com/twelveoaks> (last visited Dec. 12, 2017).

⁹⁶ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0161).

⁹⁷ *Id.*

⁹⁸ Son B Transcript (Exhibit 34 at 17-2646_0529).

⁹⁹ Chief of Staff Transcript (Exhibit 6 at 17-2646_0134).

¹⁰⁰ Son A Transcript (Exhibit 9 at 17-2646_0274).

¹⁰¹ *Id.*

¹⁰² PAC Treasurer Transcript (Exhibit 35 at 17-2646_0551).

¹⁰³ Son B Transcript (Exhibit 34 at 17-2646_0525-0526).

¹⁰⁴ Rep. Duncan American Express Statement Closing October 2014 (Exhibit 15 at 17-2646_0318-0319); Rep. Duncan American Express Statement Closing November 2014 (Exhibit 28 at 17-2646_0418); Rep. Duncan American Express Statement Closing December 2014 (Exhibit 29 at 17-2646_0433-0434).

¹⁰⁵ Chief of Staff Transcript (Exhibit 6 at 17-2646_0135).

¹⁰⁶ Duncan for Congress Record American Express Statement Closing October 2014 (Exhibit 36 at 17-2646_0560-0561); Duncan for Congress Record American Express Statement Closing November 2014 (Exhibit 37 at 17-

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63. Campaign Treasurer did not recall ever seeing invoices or folios related to the stay at the Greenbrier, and believed Chief of Staff probably approved the credit card charge for the trip.¹⁰⁷ He did not recall any discussion with Rep. Duncan or Chief of Staff about which charges the campaign committee would pay.¹⁰⁸
2. \$6,551.08 for January 2017 Inauguration Travel for Family and Friends
64. During the 2017 Presidential Inauguration in Washington, D.C., the campaign committee paid hotel, mileage, and food expenses for three of Rep. Duncan's adult children, another relative, and a campaign contributor. In total, the campaign committee paid \$4,405.40 for lodging at the Best Western Pentagon Hotel ("Best Western") from January 19 until January 21, 2017, two separate mileage reimbursements for \$535.00 and \$560.68 for family travel, and \$1,050.00 for a family dinner at the Prime Rib restaurant.¹⁰⁹
65. On January 20, 2017, Rep. Duncan hosted an open house at the Rayburn House Office Building from 8:30 AM until 3:00 PM for constituents during the Inauguration festivities.¹¹⁰ Rep. Duncan told the OCE that he invited his family members to Washington, D.C. to help him entertain the constituents he expected to attend Inauguration.¹¹¹ The open house was an official event that took place in an official congressional office building.
66. Chief of Staff told the OCE that no campaign committee fundraising events occurred during the Inauguration 2017 weekend.¹¹² Son B explained that during the long weekend, there "wasn't like a fundraiser or anything like that. But it was just general entertaining constituents. . . ." ¹¹³
67. Son A and Rep. Duncan's Spouse worked together to identify a hotel with availability during Inauguration.¹¹⁴ In November 2016, Son A booked five rooms at the Best Western for two nights, charging \$4,405.40 to his campaign credit card.¹¹⁵ During Inauguration, the Duncan for Congress block at the hotel included two additional rooms that appear to have been paid for with hotel rewards points.¹¹⁶

2646_0572); Duncan for Congress Record American Express Statement Closing December 2014 (Exhibit 38 at 17-2646_0590).

¹⁰⁷ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0077, 0080).

¹⁰⁸ *Id.*

¹⁰⁹ Duncan for Congress, 2016 Year-End Report of Receipts and Disbursements, filed Jan. 31, 2017 at 9; Duncan for Congress, April 2017 Quarterly Report of Receipts and Disbursements, filed April 15, 2017 at 9, 16; Rep. Duncan American Express Statement Closing January 2017 (Exhibit 39 at 17-2646_0601); Rep. Duncan American Express Statement Closing November 2016 (Exhibit 40 at 17-2646_0614).

¹¹⁰ Rep. Duncan Schedule January 19, 2017 – January 21, 2017 (Exhibit 41 at 17-2646_0623).

¹¹¹ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0163).

¹¹² Chief of Staff Transcript (Exhibit 6 at 17-2646_0127).

¹¹³ Son B Transcript (Exhibit 34 at 17-2646_0523).

¹¹⁴ Son A Transcript (Exhibit 9 at 17-2646_0267); Rep. Duncan's Spouse Transcript (Exhibit 33 at 17-2646_0489).

¹¹⁵ Rep. Duncan American Express Statement Closing November 2016 (Exhibit 40 at 17-2646_0614); Best Western Pentagon Hotel Folios, January 19, 2017 – January 21, 2017 (Exhibit 42 at 17-2646_0626-0637).

¹¹⁶ *Id.*

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68. Son A, Son B, and Rep. Duncan's other daughter (who is not married to Campaign Treasurer) all stayed in the rooms.¹¹⁷ Son A's father-in-law, Roger Rhodes, stayed in another room. Rep. Duncan told the OCE that he did not remember Mr. Rhodes attending the weekend and thought that Son A and Son A's wife must have invited him.¹¹⁸
69. In addition, Michael Strickland, a campaign supporter and personal friend of the family, stayed in a campaign funded room at the hotel with his companion Allison Burchett.¹¹⁹ Mr. Strickland's son may also have stayed in the room.¹²⁰ Mr. Strickland and Ms. Burchett also traveled with the family to the Greenbrier in 2014.¹²¹
70. Rep. Duncan told the OCE that Mr. Strickland is a "contributor and campaigner" for the campaign committee.¹²² Rep. Duncan told the OCE that Mr. Strickland provided the campaign committee with a \$1,000 donation after Inauguration and Rep. Duncan explained "maybe in his mind, he was paying for his room."¹²³ On February 10, 2017, Mr. Strickland contributed \$1,000 to Duncan for Congress.¹²⁴ When asked about the reason for the contribution, Campaign Treasurer told the OCE that he received a check from Mr. Strickland, but that "there was nothing on the memo line. I think it was just a . . . I turned it in as a campaign donation."¹²⁵ Mr. Strickland's room during the Inauguration weekend cost \$881.08.¹²⁶ Based on this information, the OCE concluded that Mr. Strickland did not specifically reimburse the campaign committee for his lodging expenses during Inauguration
71. None of the individuals who stayed at the Best Western appear to have been congressional employees or minor children for whom it may have been permissible to use campaign funds to attend an official event.
72. On January 19, 2017, the campaign committee disbursed \$1,050.00 for dinner at the Prime Rib.¹²⁷ Son B told the OCE that the attendees at the dinner were members of the Duncan family, Michael Strickland, Allison Burchett and Mr. Strickland's son.¹²⁸ Rep. Duncan said he was not sure, but believed that members of his family and the Strickland party attended the dinner.¹²⁹
73. In addition, on February 10, 2017, Son A and Son B received \$560.68 and \$535.00 respectively from the campaign committee as mileage reimbursements for car travel to

¹¹⁷ *Id.*

¹¹⁸ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0164).

¹¹⁹ *Id.*; Son A Transcript (Exhibit 9 at 17-2646_0267-0268); Best Western Pentagon Hotel Folios, January 19, 2017 – January 21, 2017 (Exhibit 42 at 17-2646_0626-0637).

¹²⁰ Son B Transcript (Exhibit 34 at 17-2646_0523).

¹²¹ Rep. Duncan Greenbrier Guest Folio, December 14 – December 17, 2014 (Exhibit 30 at 17-2646_0440-0451).

¹²² Rep. Duncan Transcript (Exhibit 7 at 17-2646_0164).

¹²³ *Id.*

¹²⁴ Duncan for Congress, April 2017 Quarterly Report of Receipts and Disbursements, filed April 15, 2017 at 5.

¹²⁵ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0075).

¹²⁶ Best Western Pentagon Hotel Folios, January 19, 2017 – January 21, 2017 (Exhibit 42 at 17-2646_0631).

¹²⁷ Duncan for Congress, April 2017 Quarterly Report of Receipts and Disbursements, filed April 15, 2017 at 16.

¹²⁸ Son B Transcript (Exhibit 34 at 17-2646_0524).

¹²⁹ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0164).

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Inauguration.¹³⁰ Rep. Duncan's Spouse appears to have traveled by car to the Inauguration with her sons (Son A and Son B), and her travel expenses to attend the official congressional events may have been bona fide campaign expenditures.¹³¹ The Best Western records show that the family members parked multiple cars at the hotel during their stay.¹³² To the extent the mileage reimbursement covered travel expenses for other relatives or personal friends besides Rep. Duncan's Spouse, the reimbursement may not have been a permissible use of campaign funds.

3. \$2,126.85 for Family Travel to New York for NRCC Event

74. The OCE found that from 2009 through 2011, Rep. Duncan regularly attended a National Republican Congressional Committee ("NRCC") event held in December in New York City.¹³³ While Rep. Duncan and Rep. Duncan's Spouse's attendance likely had a clear campaign purpose, there may not have been a bona fide campaign or political purpose for travel expenditures for other members of Rep. Duncan's family.
75. Rep. Duncan described the trip as "a good thing for members to come to because they solidify relationships with various heads of associations or PACs that you hope will contribute to you later on."¹³⁴ Rep. Duncan told the OCE that his family attended the event with him because "[i]t helps me get along better with other members of the Congress when I have certain family members that go to things with me."¹³⁵ He also described the event as a "family type thing. Almost every member has had family from small children on."¹³⁶
76. In 2009, the campaign American Express statements show that in addition to Rep. Duncan and his spouse, the campaign committee paid \$818.80 for flights to the event for Son A and Son A's former wife.¹³⁷ During the 2009 trip to New York, the campaign committee also spent \$171.99 at the Saks Fifth Avenue's restaurant.¹³⁸ The campaign committee reported this expense in its FEC filings with the purpose statement "gift expense."¹³⁹

¹³⁰ Duncan for Congress, April 2017 Quarterly Report of Receipts and Disbursements, filed April 15, 2017 at 9; Duncan for Congress Check and Notes Regarding Son A Reimbursement, Feb. 10, 2017 (Exhibit 43 at 17-2646_0639); Son B Transcript (Exhibit 34 at 17-2646_0523).

¹³¹ Rep. Duncan's Spouse Transcript (Exhibit 33 at 17-2646_0489).

¹³² Best Western Pentagon Hotel Folios, January 19, 2017 – January 21, 2017 (Exhibit 42 at 17-2646_0626-0637).

¹³³ Rep. Duncan's Spouse Transcript (Exhibit 33 at 17-2646_0491); Rep. Duncan Transcript (Exhibit 7 at 17-2646_0165); Son A Transcript (Exhibit 9 at 17-2646_0262); Son B Transcript (Exhibit 34 at 17-2646_0519). In 2012, this NRCC event was called "Bright Lights and Broadway." Jonathan Strong, *NRCC Weekend Fundraiser Gets Into Holiday Swing; Cost Raises Eyebrows*, ROLL CALL, Dec. 10, 2012, available at http://www.rollcall.com/nrcc_weekend_fundraiser_gets_into_holiday_swing_cost_raises_eyebrows-219831-1.html.

¹³⁴ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0165).

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Rep. Duncan American Express Statement Closing November 2009 (Exhibit 44 at 17-2646_0644).

¹³⁸ The campaign committee reported a \$200.29 American Express expenditure as a "gift expense" in its FEC filings. Duncan for Congress, April 2010 Quarterly Report of Receipts and Disbursements, filed Sept. 8, 2010 at 18. The 171.99 expense when combined with a \$28.30 expense from the same statement totals \$200.29. Rep. Duncan American Express Statement Closing December 2009 (Exhibit 45 at 17-2646_0655).

¹³⁹ Duncan for Congress, April 2010 Quarterly Report of Receipts and Disbursements, filed Sept. 8, 2010 at 18.

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77. In 2010, multiple members of Rep. Duncan's family traveled to New York, including Rep. Duncan's Spouse, Son B, PAC Treasurer (before she married Son B or became PAC Treasurer), Rep. Duncan's daughter, Campaign Treasurer (before he became treasurer), and at least one of Rep. Duncan's grandchildren.¹⁴⁰ In that year, Rep. Duncan elected to personally pay for PAC Treasurer, Campaign Treasurer, his adult daughter, and his grandchild's travel.¹⁴¹ In contrast, the campaign committee paid for Son B's \$399.40 flight.¹⁴²
78. On December 11, 2010, the campaign committee again paid \$101.89 for a meal at the Saks Fifth Avenue restaurant, which was reported to the FEC as a "gift expense."¹⁴³
79. In December 2011, the American Express records show that Son B, and PAC Treasurer, who had since married Son B, traveled to New York again.¹⁴⁴ This time, the campaign committee paid \$578.80 total for both Son B and PAC Treasurer's flights to New York on Delta Airlines, during a year when neither was employed by the campaign committee.¹⁴⁵ Unlike in 2010, the campaign committee paid for PAC Treasurer's flight in 2011.¹⁴⁶
80. On December 10, 2011, the campaign committee again spent \$55.97 at the Saks Fifth Avenue restaurant.¹⁴⁷ This restaurant expense was reported to the FEC as a "gift expense" and identified as an American Express transaction without identifying where the purchase occurred.¹⁴⁸
81. When the OCE asked PAC Treasurer if there was a particular event that her trips to New York with the campaign committee were based around, she said "[y]es, I think that there was some type of conference there. I don't know what it was though."¹⁴⁹

¹⁴⁰ Duncan for Congress Record American Express Statement Closing October 2010 (Exhibit 46 at 17-2646_0663-0665).

¹⁴¹ *Id.*

¹⁴² *Id.* In 2010, Son B received \$2,100.00 in salary from the campaign committee and thus performed some work that year on behalf of the campaign committee. Duncan for Congress, October 2010 Quarterly Report of Receipts and Disbursements, filed Dec. 2, 2010 at 43; Duncan for Congress, Post General 2010 Report of Receipts and Disbursements, filed Dec. 2, 2010 at 27.

¹⁴³ Duncan for Congress Record American Express Statement Closing December 2010 (Exhibit 26 at 17-2646_0403-0408). The \$101.89 expense combines with a \$22.85 expense at the New York Palace hotel and a \$32.88 expense at the House Gift Shop to total \$157.62. The campaign committee reported the \$157.62 to the FEC as an American Express purchase for a "gift expense." Duncan for Congress, April 2011 Quarterly Report of Receipts and Disbursements, filed April 13, 2011 at 17. The OCE notes that the House Gift Shop purchase may have been a bona fide gift expense, but the credit card records provide no evidence for why the Saks Fifth Avenue meal was reported as a gift expense.

¹⁴⁴ Duncan for Congress Record American Express Statement Closing October 2011 (Exhibit 47 at 17-2646_0672-0673).

¹⁴⁵ *Id.*

¹⁴⁶ Duncan for Congress, 2011 Year End Quarterly Report of Receipts and Disbursements, filed July 15, 2012 at 54. The campaign disbursed \$868.20 on November 14, 2011 for a travel expense to Expedia. This included three separate \$289.40 flights for Son B, PAC Treasurer and Rep. Duncan's Spouse. The OCE excluded the cost of Rep. Duncan's Spouse's flight from its findings, resulting in the \$578.80 figure identified above.

¹⁴⁷ Rep. Duncan American Express Statement Closing December 2011 (Exhibit 48 at 17-2646_0684).

¹⁴⁸ Duncan for Congress, April 2011 Quarterly Report of Receipts and Disbursements, filed July 15, 2012 at 35.

¹⁴⁹ PAC Treasurer Transcript (Exhibit 35 at 17-2646_0552).

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82. PAC Treasurer told the OCE that when she was in New York, she and her husband did not attend any events related to the conference.¹⁵⁰ She said that she and Son B spent their time in New York “shopping and we went to dinners and one show.”¹⁵¹ PAC Treasurer remembered eating lunch at Saks Fifth Avenue during one of her trips to New York.¹⁵²
83. In contrast, during his interview, Son B told the OCE that he attended dinners with other members of Congress and breakfasts as part of the NRCC event while in New York, and that he traveled to New York as a “representative of [Rep. Duncan].”¹⁵³ He did not recall specific campaign committee fundraising events, but thought that there were “conversations about fundraising” and relationship building that would have led to future fundraising.¹⁵⁴ Son B also said that while in New York he would have “seen the sights.”¹⁵⁵
84. Son A said that when he and his former wife attended the 2009 event, they went to NRCC fundraising events, but also spent time walking around and exploring the city.¹⁵⁶
85. Rep. Duncan’s Spouse told the OCE that she did not know which members of her family traveled to New York for the NRCC event.¹⁵⁷ She told the OCE that during one of the December trips to New York, she probably went to the Saks Fifth Avenue restaurant because “[Rep. Duncan] likes to go there because you can get in and out and it’s cheap.”¹⁵⁸
86. The New York travel for Rep. Duncan and his wife was part of a political event, for which airfare, meal expenses, and lodging likely were legitimate campaign expenditures. However, the campaign committee’s expenditures for travel by Rep. Duncan’s adult children and their families may not have had a bona fide campaign or political purpose. Except in the case of spouses and minor children accompanying their parents, campaign funded travel for accompanying family members raises personal use concerns. The campaign committee’s payments for the travel expenses of the spouses of the candidate’s adult children heighten the personal use concerns.
87. Additionally, the OCE notes that in most cases, itemization of credit card purchases in FEC reports is not required when the purchase is less than \$200.00.¹⁵⁹ For the New York trips, the campaign committee did not need to itemize the meals at Saks Fifth Avenue. However, for

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.* (Exhibit 35 at 17-2646_0553).

¹⁵³ Son B Transcript (Exhibit 34 at 17-2646_0520).

¹⁵⁴ *Id.* (Exhibit 34 at 17-2646_0520-0521).

¹⁵⁵ *Id.* (Exhibit 34 at 17-2646_0522).

¹⁵⁶ Son A Transcript (Exhibit 9 at 17-2646_0262).

¹⁵⁷ Rep. Duncan’s Spouse Transcript (Exhibit 33 at 17-2646_0492).

¹⁵⁸ *Id.*

¹⁵⁹ The FEC’s Campaign Guide for Congressional Candidates and Committees explains, “[i]n the case of operating expenditures charged on a credit card, a committee must itemize a payment to a credit card company if the payment exceeds the \$200 aggregate threshold The committee must also itemize, as a memo entry, any specific transaction charged on a credit card if the payment to the actual vendor exceeds the \$200 threshold. The memo entry must also include the name and address of the vendor, the purpose of the disbursement and the amount of the disbursement.” FEC Campaign Guide for Congressional Candidates and Committees (June 2014) at 105.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended three years in a row the campaign committee reported these meals as gift expenses paid to American Express.

88. Finally, for each of the December trips from 2009 through 2011, the OCE found that the credit card statements contained many low dollar expenditures for restaurants and transportation.¹⁶⁰ To extent that these additional expenses were for the personal benefit of Rep. Duncan's adult children and their families, the charges may not have been bona fide campaign expenditures.

4. \$220.00 for Son A's August 2010 Montana Trip

89. In August 2010, Son A and his former wife flew to Bozeman, Montana for a trip with friends in Big Sky.¹⁶¹ Rep. Duncan's campaign credit card includes \$220.00 for six different US Airways flight charges related to this trip.¹⁶² The US Airways charges appear on the portion of the American Express statement that corresponds with Rep. Duncan's credit card and Son A did not have his own credit card associated with the account in 2010.¹⁶³

90. The American Express statement indicates that the US Airways charges were fees associated with using frequent flier miles.¹⁶⁴ Son A told the OCE that he thought they used frequent flier miles for the flights to Montana.¹⁶⁵ Rep. Duncan also told the OCE that he thought Son A used frequent flier miles, but also said he did not know about the trip until a few days before the OCE conducted its interview when he discussed it with either his counsel or his spouse.¹⁶⁶ During his interview, Rep. Duncan told the OCE that in 2010, Chief of Staff would have reviewed the American Express statement, and he did not remember having conversations with Chief of Staff about those specific charges.¹⁶⁷

5. \$915.00 for White House Christmas Party and Political Conference Travel to Washington D.C.

91. On December 16, 2016, Son A received a \$541.00 reimbursement from the campaign committee for mileage costs associated with travel to Washington, D.C. to attend the White House Christmas Party.¹⁶⁸ Son A confirmed to the OCE that Rep. Duncan invited him and his wife to attend the holiday party.¹⁶⁹ The only reason that Son A traveled to Washington was to attend the party and there was no separate campaign purpose for their travel besides to

¹⁶⁰ Rep. Duncan American Express Statement Closing December 2011 (Exhibit 48 at 17-2646_0681-0692); Duncan for Congress Record American Express Statement Closing December 2010 (Exhibit 26 at 17-2646_0403-0408); Rep. Duncan American Express Statement Closing December 2009 (Exhibit 45 at 17-2646_0652-0659).

¹⁶¹ Son A Transcript (Exhibit 9 at 17-2646_0263); Rep. Duncan American Express Statement Closing August 2010 (Exhibit 49 at 17-2646_0697-0698).

¹⁶² *Id.*; Duncan for Congress, October 2010 Quarterly Report of Receipts and Disbursements, filed Dec. 2, 2010 at 29.

¹⁶³ Rep. Duncan American Express Statement Closing August 2010 (Exhibit 49 at 17-2646_0697-0698).

¹⁶⁴ *Id.*

¹⁶⁵ Son A Transcript (Exhibit 9 at 17-2646_0263).

¹⁶⁶ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0166).

¹⁶⁷ *Id.*

¹⁶⁸ Duncan for Congress, 2016 Year-End Report of Receipts and Disbursements, filed Jan. 31, 2017 at 12; Duncan for Congress Check and Notes Regarding Son A Reimbursement, Dec. 16, 2016 (Exhibit 50 at 17-2646_0703).

¹⁶⁹ Son A Transcript (Exhibit 9 at 17-2646_0266-0267).

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“have the opportunity to go and meet all the people that are there and just the experience of it all.”¹⁷⁰ The OCE could not identify a campaign or political purpose for this mileage reimbursement expenditure.

92. Additionally, in March 2014, Son A and his wife attended the Conservative Political Action Conference event in Washington, D.C.¹⁷¹ Son A attended to make political connections and, because he was a campaign employee in 2014, his attendance at the political conference likely constituted a bona fide campaign expense.¹⁷² Son A told the OCE that his wife also attended the event as a registered attendee in order to make political connections.¹⁷³
93. Son A told the OCE that his wife is involved in everything he is involved in and that she has “played a big role” relative to the campaign.¹⁷⁴ Rep. Duncan also told the OCE that Son A’s wife has helped out with the campaign.¹⁷⁵ While Son A’s wife appears to have been a supportive family member, she has never held a formal role with the campaign committee.
94. The campaign spent \$374.00 on flight expenses to allow Son A’s wife to travel to Washington for the event.¹⁷⁶

c. Private Club Membership Dues and Event Costs

1. Approximately \$23,913.80 for Club LeConte Membership and Campaign Funded Baby Shower and Wedding Shower Expenses

95. Since September 2008, the campaign committee has spent approximately \$11,917.32 on membership dues for Club LeConte and approximately \$11,996.48 on private parties at Club LeConte that may not have been bona fide campaign or political events.
96. The OCE reviewed Rep. Duncan’s campaign committee activities at Club LeConte and identified a problematic pattern of campaign funded parties organized by Rep. Duncan’s Spouse and hosted at the Club. Ultimately, Rep. Duncan appears to have utilized campaign funds to maintain unlimited access to the Club and its amenities, and permitted the use of campaign committee funds to host events for the personal benefit of his family and friends.
97. According to its website, Club LeConte “was established to serve Knoxville’s corporate, political, cultural and academic community” by providing “[m]embers with a distinguished setting conducive to business and social entertaining.”¹⁷⁷ The Club is open daily for “breakfast, lunch, evening cocktails and dinner” and “is committed to providing [members with] the finest dining experience” as well as access to private meeting spaces and business

¹⁷⁰ *Id.*

¹⁷¹ *Id.* (Exhibit 9 at 17-2646_0265).

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.* (Exhibit 9 at 17-2646_0266).

¹⁷⁵ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0156).

¹⁷⁶ Rep. Duncan American Express Statement Closing February 2014 (Exhibit 51 at 17-2646_0708).

¹⁷⁷ Club LeConte, *About the Club*, <http://www.clubcorp.com/Clubs/Club-LeConte/About-the-Club/General-Information> (last visited Dec. 12, 2017).

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facilities.¹⁷⁸ Members can host private events, such as weddings, showers, banquets, and other private dining parties in one of the Club's seven-separate banquet spaces overlooking the city.¹⁷⁹

98. Club LeConte Manager, who has overseen all aspects of the Club since April 2006, described the Club as “a space where [members] can have [access to] very high-end dining or meeting facilities that are private because you have to be a member to enter the space.”¹⁸⁰ He also described the Club as “[a] very nice place with great views to go and have dinner” or socialize.¹⁸¹
99. Rep. Duncan's Spouse described the Club as “a restaurant on the 27th floor of the [First Tennessee Plaza Building]. . . . And it's just real nice and you can look out and see a view of the city. And it can accommodate as few or as many people as you want. A lot of people get married up there or different things. But, it's just a nice place here in town.”¹⁸² She also noted that “[i]t is just a sort of who's who of Knoxville that goes there.”¹⁸³
100. In addition to providing fine dining and private meeting and event spaces for its members, the Club also coordinates weekly activities – such as wine tasting events and steak and lobster dinners – and annual gatherings – such as a “Santa Brunch.”¹⁸⁴
101. Club LeConte is affiliated with Club Corp, which is an international network of private golf, dining, alumni, business, sport and country clubs.¹⁸⁵ Members of Club LeConte have complimentary access to over 300 Club Corp-affiliated properties.¹⁸⁶ Additionally, members have access to a Club Corp private concierge service that coordinates dinner, golf, and travel reservations and can also coordinate the purchase of tickets to sporting events, concerts, and other types of shows.¹⁸⁷ The Club Corp affiliation also provides members with discounts and access at certain affiliated business, hotels, resorts, and restaurants.¹⁸⁸

¹⁷⁸ Club LeConte, *Dining*, <http://www.clubcorp.com/Clubs/Club-LeConte/Amenities/Dining> (last visited Dec. 12, 2017); Club LeConte, *Business Services*, <http://www.clubcorp.com/Clubs/Club-LeConte/Amenities/Business-Services> (last visited Dec. 12, 2017); Club LeConte, *Work Spaces*, <http://www.clubcorp.com/Clubs/Club-LeConte/Amenities/Work-Spaces> (last visited Dec. 12, 2017); *see also* Transcript of Club LeConte Manager (“Club LeConte Manager Transcript”), Nov. 7, 2017 (Exhibit 52 at 17-2646_0715).

¹⁷⁹ Club LeConte, *Host An Event*, <http://www.clubcorp.com/Clubs/Club-LeConte/Host-An-Event> (last visited Dec. 12, 2017); Club LeConte Manager Transcript (Exhibit 52 at 17-2646_0715). While non-members can also rent space at Club LeConte, members do so free of charge. *Id.* (Exhibit 52 at 17-2646_0717).

¹⁸⁰ *Id.* (Exhibit 52 at 17-2646_0715).

¹⁸¹ *Id.* (Exhibit 52 at 17-2646_0736-0737).

¹⁸² Rep. Duncan's Spouse Transcript (Exhibit 33 at 17-2646_0474).

¹⁸³ *Id.* (Exhibit 33 at 17-2646_0475).

¹⁸⁴ Club LeConte Manager Transcript (Exhibit 52 at 17-2646_0716-0717); *see also* Club LeConte, *Calendar* <http://www.clubcorp.com/Clubs/Club-LeConte/About-the-Club/Calendar> (last visited Dec. 14, 2017).

¹⁸⁵ Club Corp, *About*, <http://www.clubcorp.com/About-ClubCorp> (last visited Dec. 15, 2017).

¹⁸⁶ Club LeConte Manager Transcript (Exhibit 52 at 17-2646_0719); Club LeConte, *Membership* <http://www.clubcorp.com/Clubs/Club-LeConte/Membership/The-ClubCorp-Advantage> (last visited Dec. 12, 2017).

¹⁸⁷ Club LeConte Manager Transcript (Exhibit 52 at 17-2646_0720); Club Corp, *Club Line Reservations*, <http://www.clubcorp.com/ClubCorp-Network/How-to-Access/ClubLine-Reservations> (last visited Dec. 12, 2017).

¹⁸⁸ Club LeConte Manager Transcript (Exhibit 52 at 17-2646_0719-0720).

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102. When an individual joins the Club, his or her spouse also becomes a member and enjoys all the same benefits of club membership.¹⁸⁹
103. Members pay monthly dues in order to maintain unlimited access to the Club.¹⁹⁰ They also pay monthly charges for all food and beverage consumed at the Club during a given month.¹⁹¹ A Club LeConte Invoice Summary, which is sent to members each month, contains charges for membership dues, food and beverage consumption, late fees, and a variety of other charges.¹⁹² The invoices also indicate whether private banquet events were held by the member; however, they do not provide any details on the banquet outside of its cost.¹⁹³
104. Rep. Duncan and his spouse joined Club LeConte in September 2008.¹⁹⁴ Rep. Duncan was generally unfamiliar with the manner in which his Club invoices were paid, but he told the OCE that he assumed either Chief of Staff or Campaign Treasurer would receive and review invoices from the Club.¹⁹⁵
105. Chief of Staff acknowledged receiving Club LeConte invoices each month.¹⁹⁶ These monthly invoices were not accompanied by Banquet Event Order forms, so Chief of Staff told the OCE that if neither he nor Campaign Treasurer was aware of what a banquet was for, one of them would speak with either Rep. Duncan or his spouse in order to determine if the banquet was campaign related.¹⁹⁷ Chief of Staff told the OCE that he was aware of baby and bridal showers paid for by the campaign committee at Club LeConte, but he did not discuss these events in advance with either Rep. Duncan or Rep. Duncan's Spouse, and he generally understood these events to have a campaign purpose.¹⁹⁸
106. Campaign Treasurer told that OCE that he was not involved in determining whether events held at Club LeConte were campaign related.¹⁹⁹ Further, he did not recall receiving copies of Banquet Event Order forms or being alerted to any specific events at the Club.²⁰⁰ He also

¹⁸⁹ *Id.* (Exhibit 52 at 17-2646_0716, 0718).

¹⁹⁰ *Id.*; *see also* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0741-0848).

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ Rep. Duncan Club LeConte Membership Application, September 2008 (Exhibit 54 at 17-2646_0850-0852).

¹⁹⁵ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0168). The OCE obtained copies of Rep. Duncan's monthly invoice summaries from September 2008 through October 2017, which evidence Rep. Duncan and Rep. Duncan's Spouse's use of the Club for a la carte dining and private events. *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0741-0848). The OCE did not receive membership invoices for November 2008, December 2009, or November 2011. The OCE also obtained copies of Banquet Event Order forms for all private events thrown by Rep. Duncan and his spouse at the Club.

¹⁹⁶ Chief of Staff Transcript (Exhibit 6 at 17-2646_0115-0118). While Chief of Staff recalled receiving those materials at the campaign committee's P.O. Box, the billing address on the invoices corresponds with Rep. Duncan's District Office in Knoxville. *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0741-0848).

¹⁹⁷ Chief of Staff Transcript (Exhibit 6 at 17-2646_0115-0118).

¹⁹⁸ *Id.* (Exhibit 6 at 17-2646_0117-0118).

¹⁹⁹ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0069).

²⁰⁰ *Id.* (Exhibit 5 at 17-2646_0069-0070).

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told the OCE that the Club LeConte invoices ordinarily were sent to Rep. Duncan's district office, where Chief of Staff would receive them.²⁰¹ Chief of Staff generally would approve them for payment before providing them to Campaign Treasurer.²⁰² Campaign Treasurer acknowledged occasionally paying Club LeConte invoices even if they had not been specifically approved by Chief of Staff.²⁰³

107. The OCE found that between September 2008 and October 2017, the campaign committee paid approximately \$11,917.32 in membership dues to Club LeConte.²⁰⁴ Rep. Duncan, Campaign Treasurer, and Asst. Campaign Treasurer all acknowledged that that campaign committee routinely paid Club LeConte membership dues.²⁰⁵
108. Additionally, between October 2008 and the present, monthly invoices indicate that the Club billed Rep. Duncan for at least \$33,663.70 for approximately thirty private events.²⁰⁶ The OCE found that several of these were campaign events and likely legitimate campaign committee expenditures. As described in the chart below, the OCE identified \$11,996.48 in banquet charges at the Club that likely did not correspond to bona fide campaign or political events. This includes \$6,310.41 for bridal showers and engagement parties, \$3,172.19 for baby showers, and \$2,483.88 for other celebratory dinners.

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.* (Exhibit 5 at 17-2646_0070).

²⁰⁴ Between September 2008 and October 2017, Club LeConte billed Rep. Duncan for \$11,917.32 in membership dues. *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0741-0848). In contrast, between September 2008 and the September 2017, the campaign committee reported \$9,338.54 to the FEC in membership dues disbursements. *See* Duncan for Congress, FEC Reports of Disbursements, Calendar Years 2008-2017. This figure does not include an August 14, 2015 disbursement for \$1,665.10 designated as “dues expenses” as the OCE found that this figure was reported to the FEC as a dues expense in error. Further, the OCE found that the FEC disbursements for dues and the invoiced amount do not match because the campaign committee's other FEC disbursements to Club LeConte for receptions, banquets and dining expenses sometimes incorporated payments for membership dues. For example, a November 14, 2008 FEC disbursement for \$1,355.79, designated as an “Entertaining Constituents” expense, corresponds with an October 2008 invoice that includes banquet charges as well as dues expenses from September, October and November 2008. *Compare* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0741-0742) *with* Duncan for Congress, 2008 Post General Report of Receipts and Disbursements, filed Jan. 31, 2009 at 29. As such, the OCE found that between September 2008 and October 2017, the campaign committee paid \$11,917.32 in membership dues at Club LeConte

²⁰⁵ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0167); Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0069); Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0212-0213).

²⁰⁶ *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0741-0848).

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Date	Event Name On Banquet Event Order Form	Invoice Charges
7/16/2016	“Lynn Duncan’s Baby Shower Brunch” ²⁰⁷	\$1,256.18
7/18/2015	“Amber’s Baby Shower”	\$1,068.80
6/20/2015	“Duncan Bridal Brunch” ²⁰⁸	\$1,538.51
2/14/2015	“Valentines Dinner” ²⁰⁹	\$321.13
7/26/2014	“Allison’s Bridal Brunch” ²¹⁰	\$712.11

²⁰⁷ See Rep. Duncan Banquet Event Order Form, July 16, 2016 (Exhibit 55 at 17-2646_0854-0857); Rep. Duncan Banquet Event Order Form With Receipts, July 16, 2016 (Exhibit 56 at 17-2646_0859). From September 29, 2015 until September 30, 2016, Rep. Duncan’s invoices at Club LeConte show that he accrued \$4,082.14 in charges. During that period of time, the invoices show that Rep. Duncan paid \$4,349.28 to Club LeConte, resulting in a \$267.14 surplus as evidenced on the September 2016 statement. See Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0823-0835). From September 2015 through September 2016, the campaign committee reported to the FEC that it made \$3,190.28 in disbursements to Club LeConte. See Duncan for Congress, October 2015 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2015 at 42-43; Duncan for Congress, July 2016 Quarterly Report of Receipts and Disbursements, filed Aug. 29, 2016 at 65; Duncan for Congress, October 2016 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2016 at 26-27. In addition to payments from the campaign committee, Club LeConte received a \$1,159.00 check from the U.S. Treasury on June 28, 2016 for Rep. Duncan’s Club LeConte account, as reflected on the June 2016 Club LeConte Invoice. See Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0832); U.S. Treasury Check to Club LeConte, June 28, 2016 (Exhibit 57 at 17-2646_0861). This \$1,159.00 check directly paid the cost of a specific May 4, 2016 banquet expense. Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0831). Adding \$1,159.00 to the \$3,190.28 paid by the campaign committee to Club LeConte from September 2015 through September 2016 results in \$4,349.28 in total payments to Rep. Duncan’s Club LeConte account during that period. Subtracting the \$4,082.14 invoiced to Rep. Duncan from the \$4,349.28 in total payments results in a surplus of \$267.14, which is the surplus amount listed on the September 2016 invoice. *Id.* (Exhibit 53 at 17-2646_0835). As such, the campaign committee’s payments to Club LeConte covered the cost of all the expenses from September 29, 2015 until September 30, 2016, except for the May 4, 2016 event. Therefore, the campaign committee paid for the July 16, 2016 baby shower brunch.

²⁰⁸ See Rep. Duncan Banquet Event Order Form, June 20, 2015 (Exhibit 58 at 17-2646_0863-0865); Rep. Duncan Banquet Event Order Form Annotated, June 20, 2015 (Exhibit 59 at 17-2646_0867); Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0820); *see infra* note 215. (explaining that the campaign committee paid the balance carried forward from Rep. Duncan’s June 2015 Club LeConte Invoice).

²⁰⁹ Rep. Duncan Club LeConte Receipt, Feb. 14, 2017 (Exhibit 60 17-2646_0869). While this event was not separately billed as a “banquet” charge on the February 2014 monthly invoice, for ease of reference, the OCE includes it in the chart above. The \$321.13 Valentine’s expense was included in the campaign committee’s March 5, 2015 payment to Club LeConte to pay the entire \$720.17 invoiced amount. Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0816-0817); Rep. Duncan Club LeConte Receipt, Feb. 14, 2017 (Exhibit 60 17-2646_0869); Duncan for Congress, April 2015 Quarterly Report of Receipts and Disbursements, filed July 14, 2015 at 35-36 (including three March 5, 2015 disbursements for \$488.17, \$116.00, and \$116.00, totaling \$720.17).

²¹⁰ Rep. Duncan Banquet Event Order Form, July 26, 2014 (Exhibit 61 at 17-2646_0871-0873). On July 26, 2014, Rep. Duncan’s Spouse hosted “Allison’s bridal brunch”, which cost \$1,512.11 in total. Duncan for Congress Club LeConte Invoice Record and Checks for July 26, 2014 Banquet (Exhibit 62 at 17-2646_0875); Rep. Duncan Banquet Event Order Form, July 26, 2014 (Exhibit 61 at 17-2646_0871-0873); Rep. Duncan Banquet Receipts, July 26, 2014 (Exhibit 63 at 17-2646_0877). The OCE found that Duncan for Congress only paid part of the expenses for the event, using a \$852.11 check. *Id.*; Rep. Duncan’s Spouse Transcript (Exhibit 33 at 17-2646_0480). The campaign committee produced another check that paid for additional costs related to the brunch. Duncan for Congress Club LeConte Invoice Record and Checks for July 26, 2014 Banquet (Exhibit 62 at 17-2646_0875). In

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10/25/2013	“Cyndie Whitt & John Wall Engagement”	\$3,055.48
2/15/2013	“Surprise Birthday Ms Walls Dinner”	\$911.35
7/31/2009	“Duncan Baby Shower” ²¹¹	\$847.21
2/28/2009	“Duncan Bridal Shower” ²¹²	\$1,004.31
12/13/2008	“Duncan Graduation Dinner” ²¹³	\$1,251.40
TOTAL:		\$ 11,966.48

109. The OCE determined that the campaign committee paid for all of the events listed in the chart above. For example, Rep. Duncan’s Spouse hosted a baby shower in July 2015 for Amber Greaves and approximately 32 guests.²¹⁴ The campaign committee paid \$1,068.80 to Club LeConte for this event.²¹⁵

addition to paying for a portion of the brunch, the \$852.11 check also covered the cost of a \$30.00 parking expense and \$110.00 in dues. As such, the campaign committee paid \$712.11, the balance, for the brunch event. The campaign committee reported a \$712.11 “banquet expense” to the FEC on August 20, 2014. *See* Duncan for Congress, October 2014 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2014 at 54.

²¹¹ *See* Rep. Duncan Banquet Event Order Form, July 31, 2009 (Exhibit 64 at 17-2646_0879-0882); Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0750); Duncan for Congress, October 2009 Quarterly Report of Receipts and Disbursements, filed Sept. 8, 2010 at 32.

²¹² *See* Rep. Duncan Banquet Event Order Form, Feb. 28, 2009 (Exhibit 65 at 17-2646_0884-0887). Club LeConte billed Rep. Duncan for \$1,232.31 in February of 2009, which included \$1,004.31 in banquet charges. *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0745). On March 20, 2009, the campaign committee wrote a check to Club LeConte for the February 2009 balance, minus a \$30.00 late fee which was removed from Rep. Duncan’s bill prior to the March payment. *See* Duncan for Congress Club LeConte Invoice Record and Checks for Feb. 28, 2009 Banquet (Exhibit 108 at 17-2646_1112-1113); *see also* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0746). Further, FEC disbursement records contain a March 20, 2009 disbursement for \$1,202.31, which matches the amount of the March 20, 2009 check. *See* Duncan for Congress, April 2009 Quarterly Report of Receipts and Disbursements, filed Mar 14, 2009 at 27.

²¹³ *See* Rep. Duncan Banquet Event Order Form, Dec. 13, 2008 (Exhibit 66 at 17-2646_0889-0892). Club LeConte billed Rep. Duncan for \$1,251.40 in banquet charges in a December 31, 2008 invoice. Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0743). Invoice and FEC disbursement records indicate that on December 15, 2008 the campaign paid Club LeConte \$1,216.92. *See id*; *see also* Duncan for Congress, 2008 Year End Report of Receipts and Disbursements, filed Jan. 31, 2009 at 10. While this payment did not fully cover the cost of the banquet expenses, on January 31, 2009, the campaign committee paid Club LeConte, \$3,514.49 and paid off all charges remaining from the December 2008 and January 2009 invoices. *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0744); *see also* Duncan for Congress, April 2009 Quarterly Report of Receipts and Disbursements, filed April 14, 2009 at 27.

²¹⁴ *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0821); Rep. Duncan Banquet Event Order Form, July 18, 2015 (Exhibit 67 at 17-2646_0894-0896).

²¹⁵ The \$1,068.80 in charges are itemized on Rep. Duncan’s July 2015 Invoice Summary. *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0821). The July 2015 invoice also has several other charges and a balance carried forward from the prior month. *Id*. In total, the July 2015 invoice included a \$3,145.60 balance. *Id*. In August 2015, the campaign committee wrote a check to Club LeConte for \$2,003.10, and this payment is reflected on Rep. Duncan’s August 2015 invoice. *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0822); Duncan for Congress Check, Aug. 14, 2015 (Exhibit 68 at 17-2646_0898); *see also* Duncan for Congress, October 2015 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2015 at 41-42 (reporting four disbursements by the campaign committee to Club LeConte for \$1,655.10, \$116.00, \$116.00, and \$116.00, totaling \$2,003.10). The August 14, 2015 check did not cover the total amount due on the July statement, and additional charges were incurred in August. *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017

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110. Rep. Duncan's Spouse identified Ms. Greaves as a former congressional intern and the daughter of two of the Rep. Duncan's "biggest supporters."²¹⁶ When asked if she had a personal relationship with the Greaves family, Rep. Duncan's Spouse told the OCE "[w]e're friends with their whole family."²¹⁷ Rep. Duncan's Spouse also told the OCE that her daughter and Ms. Greaves are friends and indicated that she occasionally has lunch with Ms. Greaves' mother.²¹⁸
111. Rep. Duncan's Spouse also hosted an engagement party for Cyndie Whitt and John Wall at Club LeConte on October 25, 2013.²¹⁹ Approximately 80 guests attended the \$3,055.48 party.²²⁰
112. Rep. Duncan's Spouse described Ms. Whitt as "one of my husband's biggest supporters."²²¹ Rep. Duncan's Spouse also acknowledged that she and Ms. Whitt have known each other for approximately twenty-five years and regularly interact.²²²
113. The campaign committee also paid for a surprise 90th birthday party for Ms. Nancy Walls in February 2013.²²³ Eighteen guests attended this \$911.13 dinner.²²⁴ The Banquet Event

(Exhibit 53 at 17-2646_0822). In September 2015, the campaign committee paid off its balance, including any remaining balances from the July and August invoices. *See id.* (Exhibit 53 at 17-2646_0823); Duncan for Congress Check, Sept. 11, 2015 (Exhibit 69 at 17-2646_0900) (representing a \$1,288.50 payment to Club LeConte); Duncan for Congress, October 2015 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2015 at 42-43 (containing two disbursements to Club LeConte for \$1,172.50 and \$116.00, totaling \$1,288.50). As such, the campaign committee paid the entire \$1,068.00 for the baby shower.

²¹⁶ Rep. Duncan's Spouse Transcript (Exhibit 33 at 17-2646_0469-0470).

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0800); Rep. Duncan Banquet Event Order Form, Oct. 25, 2013 (Exhibit 70 at 17-2646_0902-0904); Rep. Duncan Banquet Event Order Form Annotated, Oct. 25, 2013 (Exhibit 71 at 17-2646_0906); Rep. Duncan Club LeConte Receipt, Oct. 25, 2013 (Exhibit 72 at 17-2646_0908).

²²⁰ *See id.* The Campaign Committee produced a December 3, 2013 check for \$3,192.48 with a memo line indicating the check was for "Dues & Banquet." Duncan for Congress Check, Dec. 3, 2013 (Exhibit 73 at 17-2646_0910). This check was overlaid on top of a copy of the October 2013 invoice from Club LeConte which included the \$3,055.48 charge for the engagement party, a \$107.00 charge for club dues, and a \$30.00 charge for the Holiday Fund. *See id.* These three figures total \$3,192.48. Additionally, FEC disbursement records indicate that the campaign committee made a \$3,085.48 disbursement on December 3, 2013 for a "banquet expense." Duncan for Congress, 2013 Year End Report of Receipts and Disbursements, filed July 25, 2014 at 30. This \$3,085.48 disbursement appears to represent a compilation of the engagement party charge and the Holiday Fund charge.

²²¹ Rep. Duncan's Spouse Transcript (Exhibit 33 at 17-2646_0481).

²²² *Id.*

²²³ *See* Rep. Duncan Club LeConte Membership Invoices, September 2008 – October 2017 (Exhibit 53 at 17-2646_0792); Rep. Duncan Banquet Event Order Form, Feb. 15, 2013 (Exhibit 74 at 17-2646_0912-0913); Rep. Duncan Banquet Receipts, Feb 15, 2013 (Exhibit 75 at 17-2646_0915-0916). An FEC disbursement record from March 20, 2013 for a \$1,018.35 "reception expense" appears to be a compilation of the \$911.35 surprise party and a \$107.00 dues expense. Duncan for Congress, July 2013 Quarterly Report of Receipts and Disbursements, filed July 12, 2013 at 18.

²²⁴ Rep. Duncan Banquet Event Order Form, Feb. 15, 2013 (Exhibit 74 at 17-2646_0912-0913).

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Order form indicates Rep. Duncan's Spouse organized the event, but that Rep. Duncan and his spouse "may not be in attendance, this is an elderly lady they care for."²²⁵

114. Rep. Duncan's Spouse described Ms. Walls as her husband's "biggest supporter in the whole world."²²⁶ However, Rep. Duncan's Spouse also acknowledged a personal relationship with Ms. Walls. Specifically, Rep. Duncan's Spouse indicated that she and Ms. Walls frequently talked on the phone, and Rep. Duncan's Spouse sometimes took Ms. Walls to the doctor and has helped organize her closet.²²⁷
115. During her interview, Rep. Duncan's Spouse acknowledged that several of the other expenditures identified in the chart above were also paid for by the campaign committee.²²⁸
116. Rep. Duncan told the OCE that his spouse organized some baby showers, wedding showers, and other events "for various women who had supported us in campaigns, which I always thought that was a good thing to do because . . . I relied on my wife to help me with women."²²⁹ When asked why the campaign committee paid for such events, Rep. Duncan stated that it was "in part, appreciation for people who had helped me in campaigns, and in part to help me get votes from women."²³⁰ Rep. Duncan told the OCE that he did not attend the various wedding and baby showers that his spouse threw at the Club, and he had no role in planning them.²³¹
117. Between September 2008 and the present, the campaign committee spent approximately \$11,917.32 to maintain Rep. Duncan's personal membership at a private social club, and approximately \$11,996.48 on parties organized by Rep. Duncan's Spouse, that may not have been bona fide campaign or political expenses.

2. \$1,820.00 for Knoxville Quarterback Club Expenses

118. Between 2008 and 2012, the campaign committee spent \$1,400.00 on "dues" or "membership" expenses for the Knoxville Quarterback Club,²³² a non-profit organization "comprised of fans that love the game of college football" and who gather "[e]ach Monday during football season" at a local BBQ restaurant to "hear from college football celebrities."²³³ Members in the Club pay annual dues, and they also separately pay for lunch expenses associated with each Monday's speaking event.²³⁴ Speakers at the Monday

²²⁵ *Id.*

²²⁶ Rep. Duncan's Spouse Transcript (Exhibit 33 at 17-2646_0483).

²²⁷ *Id.*

²²⁸ *Id.* (Exhibit 33 at 17-2646_0477-0478, 0480).

²²⁹ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0167).

²³⁰ *Id.*

²³¹ *Id.*

²³² See Duncan for Congress, Quarterly Reports of Receipts and Disbursements, Calendar Years 2008 – 2012.

²³³ Knoxville Quarterback Club, <http://knoxqbclub.com/> (last visited Dec. 12, 2017); see also Knoxville Quarterback Club, *About Us*, http://knoxqbclub.com/?page_id=17 (last visited Dec. 15, 2017).

²³⁴ See Duncan for Congress, Quarterly Reports of Receipts and Disbursements, Calendar Years 2008 – 2012; Duncan for Congress Check to Knoxville Quarterback Club, Sept. 26, 2011 (Exhibit 79 at 17-2646_0924); Duncan for Congress Check to Knoxville Quarterback Club, Nov. 7, 2011 (Exhibit 80 at 17-2646_0926); Duncan for Congress Check to Knoxville Quarterback Club, Oct. 21, 2013 (Exhibit 81 at 17-2646_0928); Duncan for Congress Check to Knoxville Quarterback Club, Nov. 23 (Exhibit 82 at 17-2646_0930).

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luncheons have included University of Tennessee coaches and administrators, head football coaches from other programs, and local and national sports commentators.²³⁵

119. The \$1,400.00 in membership payments encompassed five separate disbursements to maintain membership for both Rep. Duncan and Chief of Staff.²³⁶
120. In addition to dues payments, the campaign committee also spent \$420.00 on “lunch meeting”, “event ticket”, or “dining” expenses associated with the Knoxville Quarterback Club.²³⁷ These expenditures appear to be the luncheon fees associated with Rep. Duncan, Chief of Staff, and other individuals that attended the Club’s Monday speaking series with Rep. Duncan or Chief of Staff.²³⁸
121. When asked how often he would attend Knoxville Quarterback Club events, Rep. Duncan told the OCE that it was “[n]ot as often as I would've liked . . . but I would go whenever I could. I've been to many, many of their meetings.”²³⁹ Chief of Staff confirmed that the campaign committee paid his membership dues for the Club, and told the OCE that, “the Congressman felt like it was one of the best things we could go to politically. I mean, the people who come to that Quarterback Club, they’re all very active in the community.”^{240, 241}

²³⁵ Knoxville Quarterback Club 2012 Speakers (Exhibit 76 at 17-2646_0918); Knoxville Quarterback Club Prospective Speakers 2011 (Exhibit 77 at 17-2646_0920); Knoxville Quarterback Club 2010 Speakers (Exhibit 78 at 17-2646_0922).

²³⁶ See e.g., Rep. Duncan Knoxville Quarterback Club Membership Application 2010 (Exhibit 109 at 17-2646_1115); Rep. Duncan Knoxville Quarterback Club Membership Application 2012 (Exhibit 110 at 17-2646_1117). The expenditures for dues also appear to have included membership in a University of Tennessee men’s basketball organization of a similar nature.

²³⁷ See Duncan for Congress, Quarterly Reports of Receipts and Disbursements, Calendar Years 2008 – 2012.

²³⁸ See Duncan for Congress Check to Knoxville Quarterback Club, Sept. 26, 2011 (Exhibit 79 at 17-2646_0924); Duncan for Congress Check to Knoxville Quarterback Club, Nov. 7, 2011 (Exhibit 80 at 17-2646_0926); Duncan for Congress Check to Knoxville Quarterback Club, Oct. 21, 2013 (Exhibit 81 at 17-2646_0928); Duncan for Congress Check to Knoxville Quarterback Club, Nov. 23 (Exhibit 82 at 17-2646_0930).

²³⁹ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0169).

²⁴⁰ Chief of Staff Transcript (Exhibit 6 at 17-2646_0120).

²⁴¹ The OCE also found that in 2012, the campaign committee paid \$50.00 for Rep. Duncan’s Spouse’s membership in the Knoxville Symphony League. See Duncan for Congress, October 2012 Quarterly Report of Receipts and Disbursements, filed Dec. 6, 2012 at 45. The campaign committee also produced an October 7, 2011 check for \$50.00, along with a Knoxville Symphony League membership application from Rep. Duncan’s Spouse. See Duncan for Congress Check to Knoxville Symphony League, Oct. 7, 2011 and Membership Application (Exhibit 83 at 17-2646_0932). While this is suggestive of the campaign committee paying for earlier membership dues, because the League’s handbook denotes Rep. Duncan as a new Member in 2012, the OCE does not making a finding regarding this earlier \$50.00 payment. Knoxville Symphony League Handbook, Calendar Years 2012-2013 (Exhibit 84 at 17-2646_0964). The Knoxville Symphony League describes itself as an organization with the following purpose: “to support, encourage, and promote the growth and development of the Knoxville Symphony Orchestra; to assist in its activities; [and] to work for the expansion of interest and support for the orchestra while providing members of the League with activities and projects which will be of personal value and enjoyment.” *Id.* (Exhibit 84 at 17-2646_0945). The League, which is comprised primarily of women, holds a variety of annual events, such as social hours, luncheons, new member teas, galas, balls, and an elegant dining series. *Id.* (Exhibit 84 at 17-2646_0980-0981). Rep. Duncan’s Spouse described the League as “a branch of the Knoxville Symphony Orchestra,” and told the OCE that she “would go to different luncheons and things that [the League] provided.” Rep. Duncan’s Spouse Transcript (Exhibit 33 at 17-2646_0484). When asked why the campaign committee paid for

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d. Son A's Credit Card Expenditures for Personal Cell Phone and Meals

122. In this review, the OCE found that Son A may have misused the campaign funded credit card account to pay for personal meal and telephone expenditures. In addition, the OCE determined that Rep. Duncan likely was aware of Son A's personal use of the campaign credit card.
123. As detailed further below, Rep. Duncan's counsel, who represented multiple witnesses in this review, informed Rep. Duncan of specific areas of questioning that the OCE planned to discuss during his interview. Rep. Duncan's counsel's decision to share this information undermined the OCE's ability to assess Rep. Duncan's independent knowledge of issues related to Son A's use of the campaign credit card.
124. As previously discussed, Son A first started working for the campaign committee in July 2013 and at that time Rep. Duncan made him the authorized user of the second credit card listed on the American Express account statements.²⁴² As such, Son A's credit card purchases appeared on the American Express statements that were sent to the campaign P.O. Box each month, and which Chief of Staff approved, often times in coordination with Rep. Duncan.²⁴³
125. Chief of Staff told the OCE that typically Campaign Treasurer communicates with Son A about Son A's credit card expenditures.²⁴⁴ Chief of Staff implied that he relied on Campaign Treasurer to review Son A's credit card expenses because Campaign Treasurer saw Son A more often.²⁴⁵
126. As part of the process of reviewing the credit card statements, Campaign Treasurer told the OCE that he asks Son A for receipts for restaurant charges, but typically does not ask Rep. Duncan for receipts.²⁴⁶
127. Regarding why he asked Son A for receipts but not Rep. Duncan, Campaign Treasurer initially explained that Son A kept more receipts than Rep. Duncan.²⁴⁷ Later, following a question about whether Campaign Treasurer would have asked Son A about an expense that appeared on Rep. Duncan's credit card, Campaign Treasurer told the OCE:

No, I think, since this was on [Rep. Duncan's] card, I typically didn't ask [Rep. Duncan]. I mean, [Rep. Duncan] I think, in my opinion, he's got more integrity than any person I know. And he's the most trustworthy person. So, anytime he charged anything, it wasn't for me to question because he's very by-the-book. So

her League dues, Rep. Duncan's Spouse told the OCE that her "husband thought it would be good [to] get to know some new people." *Id.*

²⁴² Son A Transcript (Exhibit 9 at 17-2646_0253); Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0194-0195).

²⁴³ Chief of Staff Transcript (Exhibit 6 at 17-2646_0105-0108); Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0041-0045).

²⁴⁴ Chief of Staff Transcript (Exhibit 6 at 17-2646_0107-0109).

²⁴⁵ *Id.* (Exhibit 6 at 17-2646_0108-0109).

²⁴⁶ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0045-0046).

²⁴⁷ *Id.* (Exhibit 5 at 17-2646_0046).

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I didn't question his charges. And not that [Son A] was not by-the-book. I just didn't question [Rep. Duncan's] ever. So, once that came through his card, I just, I didn't think twice of it, I think.²⁴⁸

128. During her interview with the OCE, Assist. Campaign Treasurer explained that she raised questions directly with Chief of Staff and Son A about Son A's expenditures for gas and meals.²⁴⁹ She told the OCE that she has asked Son A for receipts for his credit card purchases every few months for the past few years and she has never received them.²⁵⁰
129. Campaign Treasurer told the OCE that Chief of Staff asked him every month to speak to Son A about making sure to get receipts related to restaurant expenditures.²⁵¹
130. Chief of Staff confirmed that he remembered Assist. Campaign Treasurer calling him to ask about Son A's receipts, and that he relayed these requests to Campaign Treasurer.²⁵² Chief of Staff said he also had mentioned to Rep. Duncan that Son A needed to keep his receipts.²⁵³
131. Son A told the OCE that, "my kind of weak spot has been hanging onto receipts and documenting everything."²⁵⁴ In his interview, Son A said that he had conversations with Assist. Campaign Treasurer during which she would ask questions about "what a specific charge might be."²⁵⁵ He did not know if Assist. Campaign Treasurer had ever asked him to provide a receipt to prove that a charge was campaign related.²⁵⁶
132. During his interview, Son A told the OCE that he provides his receipts to Campaign Treasurer rather than Assist. Campaign Treasurer.²⁵⁷ Campaign Treasurer told the OCE that when he asks Son A for receipts, he typically receives some of the requested receipts, but not all of the receipts.²⁵⁸

1. Approximately \$13,525.40 for Son A's Campaign Funded Personal Phone Account

133. The OCE found that starting on September 18, 2013, Son A began charging a monthly AT&T expense to his campaign credit card, which was paid for by the campaign committee.²⁵⁹ From September 2013 through August 2017, the campaign committee

²⁴⁸ *Id.* (Exhibit 5 at 17-2646_0073-0074).

²⁴⁹ Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0219-0220).

²⁵⁰ *Id.* (Exhibit 8 at 17-2646_0223); Campaign Assist. Treasurer and Son A have, at least on one occasion, had email communications about particular campaign committee expenditures. In that communication, Son A provided a written description of the charges and said he would get copies of the receipts. Emails between Son A and Campaign Assist. Treasurer, Oct. 6, 2014 (Exhibit 85 at 17-2646_0983-0984).

²⁵¹ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0050).

²⁵² Chief of Staff Transcript (Exhibit 6 at 17-2646_0109-0110).

²⁵³ *Id.*

²⁵⁴ Son A Transcript (Exhibit 9 at 17-2646_0254).

²⁵⁵ *Id.*

²⁵⁶ *Id.* (Exhibit 9 at 17-2646_0255).

²⁵⁷ *Id.*

²⁵⁸ *Id.*

²⁵⁹ Rep. Duncan American Express Statement Closing September 2013 (Exhibit 86 at 17-2646_0989); Duncan for Congress, 2013 Year-End Report of Receipts and Disbursements, filed July 25, 2014 at 21.

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disbursed \$13,525.40 to AT&T for what was reported to the FEC as “Campaign Office Phone Expense,” “Campaign Office Telephone Expense,” “Campaign Office Equipment Expense,” “Telephone Expense,” and “Phone Expense.”²⁶⁰

134. Campaign Treasurer told the OCE that he did not ask Son A for receipts or bills for office expenses or other recurring payments, such as to AT&T.²⁶¹ He told that OCE he thought that the AT&T payments were for phone and internet at the campaign office.²⁶²
135. Chief of Staff could not remember if anyone had a campaign funded cell phone or if there was a campaign funded office telephone.²⁶³ He said that if the campaign received invoices from a telephone company, that Campaign Treasurer would have reviewed them.²⁶⁴
136. Son A told the OCE that the campaign committee’s office location from July 2013 until August 2014, where Son A first worked in his campaign management role, had several phone lines.²⁶⁵ When the office moved to its new address, the office ceased having a land line, but paid for an internet hotspot as part of the AT&T service.²⁶⁶
137. In addition to the hotspot, the campaign committee’s AT&T account includes two cell phones held by Son A and Son A’s wife.²⁶⁷ Son A told the OCE that he uses his campaign funded phone for campaign related calls, but that he and his wife also use these phone numbers as their personal cell phones.²⁶⁸ Son A said that this campaign funded account is where he receives the majority of his personal calls.²⁶⁹
138. Son A also told the OCE that he receives calls on his campaign funded cell phone related to his work as a realtor.²⁷⁰ He told the OCE that he has been trying to switch over these calls to a separate cell phone number, but that he knows the campaign funded number “did get put on a few things here and there.”²⁷¹
139. The OCE reviewed Son A’s realtor profiles and real estate listings, and found that Son A used the campaign funded phone number as his contact information in numerous locations related to his business as a real estate agent.²⁷²

²⁶⁰ See Duncan for Congress, Quarterly Reports of Receipts and Disbursements, Calendar Years 2013 – 2017.

²⁶¹ Campaign Treasurer Transcript (Exhibit 5 at 17-2646_0045).

²⁶² *Id.*

²⁶³ Chief of Staff Transcript (Exhibit 6 at 17-2646_0112-0113).

²⁶⁴ *Id.* (Exhibit 6 at 17-2646_0113).

²⁶⁵ Duncan for Congress Lease with Keenland Heights LLC, (Exhibit 13 at 17-2646_0290-0298); Son A Transcript (Exhibit 9 at 17-2646_0251).

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ *Id.* (Exhibit 9 at 17-2646_0252).

²⁶⁹ *Id.*

²⁷⁰ *Id.*

²⁷¹ *Id.*

²⁷² See, e.g. The Village at Saddlebrooke, <https://www.johnjduncan.com/2017/03/16/the-village-at-saddlebrooke/> (last visited Dec. 12, 2017) (using Son A’s campaign committee funded cell phone number as his contact information for a real estate listing); Find Knoxville Area Houses, <http://www.findknoxvilleareahouses.com/about> (last visited Nov. 9, 2017) (listing Son A as a featured agent using his campaign committee funded cell phone

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140. Campaign Assist. Treasurer told the OCE that she had asked someone from the campaign, who she could not remember, about Son A's campaign credit card charges for a cell phone and was told "[t]hat he uses it for the campaign."²⁷³
141. Rep. Duncan told the OCE that his counsel had informed him a few days prior to his interview about the fact that Son A and his wife used campaign funded cell phones, but he said that he had no knowledge of the campaign funded phones prior to his conversation with counsel.²⁷⁴
142. The OCE interviewed Son A two days before the OCE interviewed Rep. Duncan. Son A told the OCE that Rep. Duncan was aware that Son A had an AT&T account that was paid for by the campaign committee.²⁷⁵

2. Son A's Campaign Credit Card Funded Meals

143. The OCE found that Son A also uses the campaign credit card for private meals at restaurants attended by only him, or him and his wife.
144. Campaign Assist. Treasurer told the OCE that she was concerned about the number of food expenses she observed on Son A's credit card and asked Son A and Chief of Staff about the expenditures during phone conversations.²⁷⁶ She said that both Son A and Chief of Staff told her they were "business meetings," but they did not elaborate further.²⁷⁷
145. On two separate occasions, Campaign Assist. Treasurer saw charges on Son A's credit card bill that she described as "red flags" because she "had observed that they were used for personal use."²⁷⁸
146. Campaign Assist. Treasurer explained, "[o]ne night I was out and saw [Son A] and his wife at dinner, and then that charge ended up on the credit card statement."²⁷⁹ She told the OCE that this meal, where she personally observed the couple, took place at a restaurant called Aubrey's.²⁸⁰
147. On a different occasion, Campaign Assist. Treasurer explained that she saw pictures of Son A on Facebook at an anniversary dinner at Ruth's Chris Steak House.²⁸¹ She later found a

number); Exit Glenn Jacobs Realty, Sales Agent Profile, <http://exitrealty.com/agent-details/2751:227383> (last visited Nov. 9, 2017) (profiling Son A and listing his campaign funded cell phone number as contact information). After the OCE interviewed Son A, some of the real estate websites containing the campaign funded cell phone number appear to have been amended.

²⁷³ Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0225-0226)

²⁷⁴ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0159).

²⁷⁵ Son A Transcript (Exhibit 9 at 17-2646_0261).

²⁷⁶ Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0220).

²⁷⁷ *Id.*

²⁷⁸ *Id.* (Exhibit 8 at 17-2646_0221).

²⁷⁹ *Id.*

²⁸⁰ *Id.*

²⁸¹ *Id.* (Exhibit 8 at 17-2646_0222).

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charge on the American Express statement for Son A's campaign credit card that was from Ruth's Chris on the same date as the photos.²⁸²

148. Campaign Assist. Treasurer said that these two incidents caused her to question all of Son A's credit card charges.²⁸³ She told the OCE that she spoke with Chief of Staff about the two charges and that he told her that "they won't happen again."²⁸⁴ In contrast, Chief of Staff told the OCE that Campaign Assist. Treasurer did not raise any concerns with or even discuss with him charges by Son A for meals between Son A and his wife at Aubrey's or at Ruth's Chris.²⁸⁵
149. Son A told the OCE that he purchases meals with the campaign credit "pretty often."²⁸⁶ The OCE reviewed Son A's campaign credit card records and found hundreds of meal expenses of varying amounts.
150. According to Son A, Rep. Duncan encouraged him to, on occasion, go out to dinner with his wife and use the campaign credit card with the expectation that "we're going to be either talking to different people about the campaign or about the political issues and building relationships that way."²⁸⁷ According to Son A, Rep. Duncan told him that it was fine to occasionally go out to dinner with the expectation that they would be "making connections or having conversations about politics."²⁸⁸ Son A confirmed that he would not know in advance who he was going to run into at the restaurants when he dined with his wife at the campaign's expense.²⁸⁹
151. Son A told the OCE it was rare for him to use the campaign credit card to dine with just his wife with the expectation that they would run into constituents during the meal.²⁹⁰ While he did not know the number of times it occurred, he said it has happened more than ten times.²⁹¹ He told the OCE that he frequently dines at the restaurant Aubrey's.²⁹²
152. The OCE found that between July 2013 and the present, Son A's campaign committee credit card accrued \$5,962.61 at Aubrey's restaurant in 111 separate charges.²⁹³
153. Son A told the OCE that during the same week as the 2014 primary, he had a birthday dinner at Ruth's Chris restaurant.²⁹⁴ He explained that he and his wife "were driving around taking up all the yard signs for the days after the election. And my dad had said, 'well take her to

²⁸² *Id.*

²⁸³ *Id.*

²⁸⁴ *Id.*

²⁸⁵ Chief of Staff Transcript (Exhibit 6 at 17-2646_0111).

²⁸⁶ Son A Transcript (Exhibit 9 at 17-2646_0258).

²⁸⁷ *Id.*

²⁸⁸ *Id.* (Exhibit 9 at 17-2646_0259).

²⁸⁹ *Id.*

²⁹⁰ *Id.*

²⁹¹ *Id.*

²⁹² *Id.*

²⁹³ The OCE reviewed the campaign's American Express credit card statements from January 2009 until August 2017, and provided the complete statements to the Committee on Ethics.

²⁹⁴ Son A Transcript (Exhibit 9 at 17-2646_0260).

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Ruth's Chris as a thank you.' And so we thought well [sic] wait a couple of days and just make that the birthday."²⁹⁵ Son A said that the meal at Ruth's Chris was the only time he could remember going out for a campaign funded special occasion meal with the expectation that he might also run into other constituents.²⁹⁶

154. The OCE found that an August 11, 2014 charge to Ruth's Chris Steak House for \$179.03 may have corresponded with the meal Son A described and with Son A's August birthday.²⁹⁷
155. The OCE asked Rep. Duncan if he had ever told Son A to use the campaign credit card to purchase a meal that was only for Son A, Son A's wife, or other members of the family.²⁹⁸ Rep. Duncan explained, "[w]ell, I haven't told him to do something like that but it would've been all right with me because I wouldn't have expected him to do that often. But I know too that his wife helped out when he was out putting up yard signs or doing some of those things. She was helping too, so if she got an occasional meal out of it, then that would've been fine with me cause it would've been real cheap pay."²⁹⁹ The OCE again asked Rep. Duncan about meals attended by just Son A and his wife.³⁰⁰ Rep. Duncan said, "[w]ell, I don't know. I don't see the charge card so I don't know how often that would've been."³⁰¹ Rep. Duncan thought it was possible that such a meal could have occurred after a campaign event or when they were meeting somebody else, such as a local official.³⁰²
156. The OCE asked Rep. Duncan about any campaign funded meals between Son A and his wife when there was no third party present and the meal did not follow a scheduled campaign event.³⁰³ Rep. Duncan said that in the last two days prior to the interview, his lawyer, who was also the lawyer for Son A and Campaign Assist. Treasurer during their interviews, had told him about dinners at Aubrey's and Ruth's Chris.³⁰⁴ Apparently, Rep. Duncan had since been told that the dinner at Ruth's Chris may have followed or preceded a meeting with a political official.³⁰⁵
157. Rep. Duncan confirmed that his lawyer had told him that Campaign Assist. Treasurer raised concerns about these dinners, likely relaying information from the OCE's prior interview with Campaign Assist. Treasurer.³⁰⁶ Rep. Duncan then clarified that he may have heard something about a dinner at Aubrey's after the meal occurred.³⁰⁷ He did not remember from whom he had heard previously that [Campaign Assist. Treasurer] may have raised concerns

²⁹⁵ *Id.*

²⁹⁶ *Id.*

²⁹⁷ *Id.*; Duncan for Congress, October 2014 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2014 at 47; Rep. Duncan American Express Statement Closing August 2014 (Exhibit 87 at 17-2646_1005).

²⁹⁸ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0155-0156).

²⁹⁹ *Id.*

³⁰⁰ *Id.* (Exhibit 7 at 17-2646_0156).

³⁰¹ *Id.*

³⁰² *Id.*

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ *Id.*

³⁰⁶ *Id.* (Exhibit 7 at 17-2646_0156-0158).

³⁰⁷ *Id.*

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about the dinner charge.³⁰⁸ Rep. Duncan said that he “got the impression back then that [Campaign Assist. Treasurer] was a little bit jealous of [Son A and Son A’s wife] for some reason.”³⁰⁹

158. The OCE asked Rep. Duncan if Chief of Staff discussed Son A’s expenditures with the campaign credit card with him.³¹⁰ Rep. Duncan stated, “I don’t remember anything specific. There could have been a time, but I don’t remember a specific time. But there could have been a time that [Chief of Staff] told me that [Son A] had charged a meal or done something, or was charging some meals that he shouldn’t have. If that conversation took place, which I don’t remember, but if it did, then my response would have been that I told [Son A] to use that credit card to take people out for lunches and so forth.”³¹¹

e. Additional Credit Card Expenditures for Approximately \$13,715.83 in Special Occasion Gifts

159. In addition to campaign credit card expenditures on Son A’s credit card and the travel expenses, the OCE also identified other credit card charges that may not have been bona fide campaign or political expenditures.³¹²
160. The OCE reviewed the campaign committee’s credit card statements and found \$13,715.83 in disbursements for gift expenses since February 2009 that may not have been legitimate and verifiable campaign expenditures.³¹³ Many of the gifts, specifically identified in Exhibit

³⁰⁸ *Id.* (Exhibit 7 at 17-2646_0158).

³⁰⁹ *Id.*

³¹⁰ *Id.*

³¹¹ *Id.*

³¹² In addition to the gift expenses discussed in this section, the OCE also found that on September 26, 2010, Rep. Duncan’s campaign credit card included a \$47.49 charge at Chuck E. Cheese in Knoxville. Duncan for Congress Record American Express Statement Closing October 2010 (Exhibit 46 at 17-2646_0661-0666). Rep. Duncan told the OCE that he did not remember the charge. Rep. Duncan Transcript (Exhibit 7 at 17-2646_0174). The charge was part of an aggregate of fourteen separate dining charges reported to the FEC as one single American Express disbursement for “dining expense.” Duncan for Congress, 2010 Post General Election Report of Receipts and Disbursements, filed Dec. 2, 2010 at 19. The FEC filing reports a \$1,065.86 disbursement to American Express for “dining expense.” This \$1,065.86 represents the total of fourteen different meal charges on the October 2010 American Express Statement: \$47.49 at Chuck E. Cheese, \$32.05 to Freedompay, \$44.46 to Pimento’s Cafe, \$128.00 to Kanpai Tokyo, \$189.95 to Calhouns, \$30.64 to Steamboat Sandwiches, \$34.00 to Jim & Nicks, \$125.00 to Chez Guevara, \$56.48 to Jim & Nick’s, \$143.34 to the Chop House, \$142.81 to Littons Market, \$24.39 to Bistro at the Bijou, \$23.19 to Bistro at the Bijou, and \$44.06 to Domino’s Pizza. Duncan for Congress Record American Express Statement Closing October 2010 (Exhibit 46 at 17-2646_0661-0666).

³¹³ As shown in Exhibit 1, the OCE reviewed the campaign committee’s American Express purchases and paired these with corresponding disbursements from the campaign committee’s FEC disbursements where the purpose of disbursement was reported to be a gift expense. *See* Table of Duncan for Congress Special Occasion Gifts (Exhibit 1 at 17-2646_0001-0023). As previously mentioned, the OCE reviewed the campaign’s credit card statements from January 2009 until August 2017. The OCE provided the complete statements to the Committee on Ethics. When the campaign records clearly indicated that a gift purchase was for an item with a nexus to constituent service, such as graduation cards, the OCE excluded such purchases from its accounting of potentially problematic gift expenditures. Unless they were part of an aggregate payment reported to the FEC, the OCE also excluded purchases at the House Gift Shop from its summary of potentially problematic charges in Exhibit 1. The OCE included credit card purchases at stores such as Babies “R” Us in its table of problematic purchases in Exhibit 1, as long as the OCE found that the campaign committee paid for the purchases as part of its disbursements to American Express. In

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1, appear to be purchases in connection with special occasions, like weddings and baby showers, at stores such as Babies “R” US, Williams Sonoma, and Bed Bath & Beyond.

161. According to Rep. Duncan, his spouse “probably would have been in charge” of the campaign committee’s gift purchases for special occasions.³¹⁴ Chief of Staff also confirmed to the OCE that Rep. Duncan’s Spouse made decisions about distributing gifts from the campaign committee.³¹⁵
162. Chief of Staff said that the gifts usually went to someone who was “real active in helping in the campaign or either contributing to the campaign somehow.”³¹⁶
163. Rep. Duncan’s Spouse said that she would usually distribute gifts to “people that’ve helped in political campaigns over the years. And, everything. And if it’s somebody that’s been very active for us, then I say yes.”³¹⁷
164. Rep. Duncan told the OCE that he and his wife would have conversations where she would explain that someone was having a special event like a high school graduation and even though she did not know the graduate personally, they might want to give a gift because the graduate was the child of a community member like the “head of the fire fighters’ union or something like that.”³¹⁸ Rep. Duncan thought his spouse typically would discuss these types of purchases with him, Chief of Staff, or Campaign Treasurer.³¹⁹
165. Rep. Duncan’s Spouse told the OCE that when she wants to make gift purchases, she often asks Rep. Duncan for his campaign credit card.³²⁰ In response to questions from the OCE, Chief of Staff confirmed that, at times, he would ask Rep. Duncan’s Spouse about gift charges on the credit card to confirm the campaign purpose for the charge.³²¹
166. In limited circumstances, the OCE was able to determine the recipient of the gift based on handwritten notes on the campaign committee’s credit card statements or other records. For example, on July 21, 2015 the credit card records include a \$217.97 purchase at Babies “R” Us that was reported to the FEC as a “gift expense.”³²² This corresponds with a \$217.97 purchase on July 20, 2015 at Babies “R” Us for a premium wipes warmer, a bottle warmer, and an infant movement monitor.³²³ According to an email between Son A and Campaign

many cases, the purchase with the credit card to a vendor like Babies “R” Us was under \$200.00 and it was not necessary for the campaign committee to itemize the purchase in the FEC filings, unless the total to the same payee during the election cycle aggregated to over \$200.00. FEC Campaign Guide for Congressional Candidates and Committees (June 2014) at 104.

³¹⁴ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0171).

³¹⁵ Chief of Staff Transcript (Exhibit 6 at 17-2646_0123).

³¹⁶ *Id.*

³¹⁷ Rep. Duncan’s Spouse Transcript (Exhibit 33 at 17-2646_0466-0467).

³¹⁸ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0171).

³¹⁹ *Id.* (Exhibit 7 at 17-2646_0172).

³²⁰ Rep. Duncan’s Spouse Transcript (Exhibit 33 at 17-2646_0467).

³²¹ Chief of Staff Transcript (Exhibit 6 at 17-2646_0123).

³²² Rep. Duncan American Express Statement Closing July 2015 (Exhibit 88 at 17-2646_1014); Duncan for Congress, October 2015 Quarterly Report of Receipts and Disbursements, filed Oct. 15, 2015 at 31.

³²³ Emails between Son A and Campaign Treasurer, Aug. 14, 2015 (Exhibit 89 at 17-2646_1019-1021).

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Treasurer, these items were purchased for a shower Rep. Duncan's Spouse organized for Amber Greaves.³²⁴

167. In addition, on February 24, 2012, the campaign committee spent \$342.72 on a "gift expense" at Personally Yours, which campaign committee handwritten records indicate was for a "Greaves Shower" three years prior to the Babies "R" Us purchase.³²⁵
168. As previously mentioned, Rep. Duncan's Spouse hosted a shower for Ms. Greaves at Club LeConte and Ms. Greaves's parents are political supporters of Rep. Duncan.³²⁶ As also discussed, members of the Duncan family have a personal relationship with members of Rep. Duncan's family. Rep. Duncan's Spouse told the OCE "[w]e're friends with their whole family."³²⁷ For this reason, Rep. Duncan's Spouse likely would have purchased shower gifts for Greaves family members irrespective of Rep. Duncan's campaign or official duties.
169. The OCE could not determine whether all of the additional gifts in Exhibit 1, some of which the handwritten campaign records show went to family members of campaign supporters, would have been purchased irrespective of Rep. Duncan's campaign or official duties. However, it is likely that some of the campaign funded gift purchases went to personal friends of the family.
170. Some of the gifts may have gone to individuals who were not political supporters or friends of the Duncan family. For gift purchases where there is no separate campaign justification for the purchase, the FEC provides some leeway for a candidate to purchase a gift for a constituent without implicating the personal use rules. However, those special occasion gifts to constituents must be of nominal value.³²⁸

f. \$27,584.50 for Season Tickets for Sporting Events and Concerts

171. During this review, the OCE found that between 2009 and 2013, Rep. Duncan's campaign committee routinely purchased season tickets to sporting events and concerts. This practice ended some time in 2013. Nevertheless, between 2009 and 2013, the campaign committee's practice of purchasing events tickets may have violated the prohibition against using campaign funds for admission to a sporting event or concert that is not a part of specific campaign or officeholder activity.³²⁹
172. The campaign committee may have erroneously reported to the FEC that the ticket expenditures from 2009 to 2013 were purchased exclusively for constituents, when they may primarily have been distributed to non-constituents. Even when the tickets occasionally went to constituents, they generally were not part of part of specific campaign or officeholder activity, or associated with a specific scheduled event sponsored by Rep. Duncan's congressional office.

³²⁴ *Id.*

³²⁵ Duncan for Congress Record American Express Statement Closing March 2012 (Exhibit 90 at 17-2646_1027); Duncan for Congress, July 2012 Quarterly Report of Receipts and Disbursements, filed July 21, 2012 at 55.

³²⁶ Rep. Duncan's Spouse Transcript (Exhibit 33 at 17-2646_0470-0471).

³²⁷ *Id.*

³²⁸ 11 C.F.R. § 113.1(g)(4).

³²⁹ 11 C.F.R. § 113.1(g)(1)(i).

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173. Between 2009 and 2013, the campaign committee spent \$11,455.00 on season tickets for the Washington Redskins, which were reported to the FEC as disbursements for “Entertaining Constituents”, “Entertain Constituents”, or “Athletic Tickets for Constituents”.³³⁰ Between 2009 and 2011, the campaign committee spent \$3,796.00 on Knoxville Ice Bears season tickets, which were reported to the FEC as disbursements for “Entertain Constituents”, “Hockey Tickets for Constituents”, or “Athletic Ticket Expense for Constituents”.³³¹ Between 2009 and 2012, the campaign committee spent \$9,746.00 on event tickets at the University of Tennessee, all of which were reported to the FEC as purchases for constituents.³³² Between 2009 and 2012, the campaign committee spent \$2,587.50 on tickets at the Knoxville Symphony Orchestra reported to the FEC as “Symphony Tickets for Constituents” or “Entertain Constituents”.³³³
174. Deputy Chief of Staff was responsible for distributing the Washington Redskins season tickets.³³⁴ Deputy Chief of Staff told the OCE that the Redskins tickets were used “as a way to thank donors or somebody that’d helped with the campaign or made a contribution as a token of appreciation or a thank you.”³³⁵
175. During his interview, Deputy Chief of Staff told the OCE that he distributed the tickets almost exclusively to lobbyists. Deputy Chief of Staff said that “once or twice” the tickets were given away as part of a raffle at a Capitol Hill Club fundraiser attended by “mostly lobbyists.”³³⁶ On approximately three occasions, single game tickets were given to a

³³⁰Duncan for Congress, FEC April 2009 Quarterly Report of Receipts and Disbursements, filed Feb. 27, 2009 at 41; Duncan for Congress, FEC April 2010 Quarterly Report of Receipts and Disbursements, filed March 9, 2010 at 45; Duncan for Congress, FEC April 2011 Quarterly Report of Receipts and Disbursements, filed Feb. 2, 2011 at 46; Duncan for Congress, FEC April 2012 Quarterly Report of Receipts and Disbursements, filed March 9, 2012 at 63; Duncan for Congress, FEC April 2013 Quarterly Report of Receipts and Disbursements, filed March 22, 2013 at 23.

³³¹Duncan for Congress, FEC July 2009 Quarterly Report of Receipts and Disbursements, filed April 27, 2009 at 64; Duncan for Congress, FEC July 2010 Quarterly Report of Receipts and Disbursements, filed April 1, 2010 at 76; Duncan for Congress, FEC July 2011 Quarterly Report of Receipts and Disbursements, filed April 19, 2011 at 55; Duncan for Congress, FEC July 2012 Quarterly Report of Receipts and Disbursements, filed June 4, 2012 at 52.

³³²Duncan for Congress, FEC July 2009 Quarterly Report of Receipts and Disbursements, filed April 9, 2009 at 69; Duncan for Congress, FEC July 2010 Quarterly Report of Receipts and Disbursements, filed April 26, 2010 at 86; Duncan for Congress, FEC October 2010 Quarterly Report of Receipts and Disbursements, filed August 3, 2010 at 55; Duncan for Congress, FEC July 2011 Quarterly Report of Receipts and Disbursements, filed April 19, 2011 at 60; Duncan for Congress, FEC October 2011 Quarterly Report of Receipts and Disbursements, filed July 27, 2011 at 51; Duncan for Congress, FEC October 2011 Quarterly Report of Receipts and Disbursements, filed August 24, 2011 at 51; Duncan for Congress, FEC Year-End Quarterly Report of Receipts and Disbursements, filed Oct. 26, 2011 at 68; Duncan for Congress, FEC July 2012 Quarterly Report of Receipts and Disbursements, filed April 20, 2012 at 58; Duncan for Congress, FEC October 2012 Quarterly Report of Receipts and Disbursements, filed July 16, 2012 at 54; Duncan for Congress, FEC October 2012 Quarterly Report of Receipts and Disbursements, filed July 16, 2012 at 55; Duncan for Congress, FEC October 2009 Quarterly Report of Receipts and Disbursements, filed July 27, 2009 at 51.

³³³Duncan for Congress, FEC July 2009 Quarterly Report of Receipts and Disbursements, filed June 6, 2009 at 64; Duncan for Congress, FEC 2010 Pre-Primary Report of Receipts and Disbursements, filed July 6, 2010 at 29; Duncan for Congress, FEC July 2011 Quarterly Report of Receipts and Disbursements, filed June 9, 2011 at 55; Duncan for Congress, FEC July 2012 Quarterly Report of Receipts and Disbursements, filed June 4, 2012 at 53.

³³⁴ Deputy Chief of Staff Declaration, Oct. 3, 2017 (Exhibit 91 at 17-2646_1038); Transcript of Interview of Deputy Chief of Staff (“Deputy Chief of Staff Transcript”), Nov. 6, 2017 (Exhibit 92 at 17-2646_1046-1047).

³³⁵ *Id.* (Exhibit 92 at 17-2646_1046).

³³⁶ *Id.* (Exhibit 92 at 17-2646_1049-1050).

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charitable organization as part of an auction, and Deputy Chief of Staff believed that on those occasions the tickets may have gone to constituents.³³⁷ Deputy Chief of Staff could not recall any other ways in which the tickets had been distributed.³³⁸

176. Deputy Chief of Staff was asked by Rep. Duncan’s counsel to write a declaration regarding the ticket distribution.³³⁹ As part of that process he also created a list of individuals who, based on his memory, may have received the tickets.³⁴⁰ All of the individuals he identified were lobbyists with employing organizations or associations that were campaign supporters of Rep. Duncan.³⁴¹ According to Deputy Chief of Staff, Rep. Duncan did not attend the Washington Redskins games with the individuals who received the tickets.³⁴²
177. Deputy Chief of Staff stopped distributing the tickets after he was told that the tickets were not an allowable expense.³⁴³ Deputy Chief of Staff was not involved in distributing the tickets for the Knoxville Ice Bears, the University of Tennessee or the Knoxville Symphony Orchestra.³⁴⁴
178. Chief of Staff told the OCE that the campaign committee gave the Washington Redskins tickets to lobbyists, campaign consultants, and constituents.³⁴⁵ Chief of Staff said that tickets for the Knoxville Ice Bears and the University of Tennessee were provided to constituents and contributors.³⁴⁶ He was not sure how the Knoxville Symphony Orchestra tickets were distributed, and thought it was possible that the expenditures were part of a charitable contribution.³⁴⁷
179. During his interview with the OCE, Rep. Duncan said that, for the Washington Redskins tickets, he would ask Deputy Chief of Staff to “try to find somebody who had contributed to us to offer the tickets to.”³⁴⁸ Rep. Duncan confirmed the Washington Redskins often went to lobbyists.³⁴⁹ He also said that they sometimes distributed the tickets as part of a drawing at a fundraiser, and on at least one occasion a member of his congressional staff used the tickets.³⁵⁰ Rep. Duncan did not think that there was a “certain way” that the Knoxville Ice Bears or University of Tennessee tickets were distributed, although he recalled they he attended some of those games and had given tickets away to others in the community.³⁵¹

³³⁷ *Id.* (Exhibit 92 at 17-2646_1050).

³³⁸ *Id.* (Exhibit 92 at 17-2646_1050).

³³⁹ *Id.* (Exhibit 92 at 17-2646_1045); Deputy Chief of Staff Declaration, Oct. 3, 2017 (Exhibit 91 at _1038).

³⁴⁰ Deputy Chief of Staff List of Recollected Recipients of Washington Redskins Tickets, Oct. 3, 2017 (Exhibit 93 at 17-2646_1060); Deputy Chief of Staff Transcript (Exhibit 92 at 17-2646_1051-1052)

³⁴¹ *Id.* (Exhibit 92 at 17-2646_1051-1053).

³⁴² *Id.* (Exhibit 92 at 17-2646_1053).

³⁴³ *Id.* (Exhibit 92 at 17-2646_1046).

³⁴⁴ *Id.* (Exhibit 92 at 17-2646_1051).

³⁴⁵ Chief of Staff Transcript (Exhibit 6 at 17-2646_0121).

³⁴⁶ *Id.* (Exhibit 6 at 17-2646_0122-0123).

³⁴⁷ *Id.* (Exhibit 6 at 17-2646_0123).

³⁴⁸ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0172).

³⁴⁹ *Id.*

³⁵⁰ *Id.*

³⁵¹ *Id.* (Exhibit 7 at 17-2646_0174).

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180. Rep. Duncan told the OCE that the campaign committee stopped distributing the tickets after Chief of Staff informed him of a “ruling that we couldn’t pay for sports tickets out of the campaign”³⁵² The OCE could not identify any recent FEC policy change that would have affected the FEC’s personal use rules, adopted in 1995, against using campaign funds for admission to a sporting event, concert, theater or other form of entertainment, unless part of a specific campaign or officeholder activity.³⁵³

g. \$812.24 for Miscellaneous Golf With Constituents Expenditures

181. The OCE found that on several occasions, the campaign committee reported disbursements to the FEC as “Golf Expense for Constituents.” In reviewing the campaign committee’s expenditures, the OCE identified multiple golf club disbursements described as expenses for constituents, which did not appear to be part of a campaign fundraiser or a potentially permissible meal with constituents. These expenditures likely paid for the cost of playing a round of golf and may implicate the per se personal use prohibition against admission to a sporting event or other form of entertainment that is not a part of specific campaign or officeholder activity.
182. On June 6, 2012 the campaign committee reported two disbursements to Holston Hills Country Club for \$104.88 reported as “golf expense for constituents” and \$43.81 reported as “dining expense.”³⁵⁴ The campaign committee provided the OCE with a copy of the check for \$148.69, the combined total of the FEC disbursements, and an invoice for the expenses.³⁵⁵ The invoice shows that the \$43.81 was a dining expense that may have been a meal with constituents.³⁵⁶ However, the \$104.88 expense consisted of \$39.33 for “club cart rentals” and \$65.55 in “greens fees.”³⁵⁷
183. On September 30, 2011, the campaign committee reported a \$181.36 expense as “Golf Expense for Constituents” at Holston Hills Country Club.³⁵⁸ The campaign committee provided the OCE with a check for the amount of the purchase, but did not produce any receipts or invoices to identify the reason for the \$181.36 expense.³⁵⁹ Rep. Duncan is a member of Holston Hills Country Club.³⁶⁰ Rep. Duncan told the OCE that he “paid all dues and food for me personally, but sometimes paid for food or fees for constituents out of the campaign.”³⁶¹ The OCE found that the \$181.36 golf expense for constituents may have been

³⁵² *Id.* (Exhibit 7 at 17-2646_0173).

³⁵³ Personal Use of Campaign Funds, 60 Fed. Reg. 7861, 7866 (Feb. 9, 1995); 11 C.F.R. § 113.1(g)(1)(i)(F).

³⁵⁴ Duncan for Congress, July 2012 Quarterly Report of Receipts and Disbursements, filed July 21, 2012 at 49-50.

³⁵⁵ Holston Hills Country Club Invoice and Payment, May 25, 2012 and June 6, 2012 (Exhibit 94 at 17-2646_1062). The OCE requested a complete version of the invoice without the check overlaying additional relevant information. The OCE was informed by the campaign committee’s counsel that the record that the committee produced was the only version in the campaign committee’s records, and that the records were produced as they were maintained. Email from Heidi K. Abegg, Counsel to Duncan for Congress, to Helen Eisner, Investigative Counsel, Office of Congressional Ethics, Oct. 17, 2017.

³⁵⁶ Holston Hills Country Club Invoice and Payment, May 25, 2012 and June 6, 2012 (Exhibit 94 at 17-2646_1062).

³⁵⁷ *Id.*

³⁵⁸ Duncan for Congress, October 2011 Quarterly Report of Receipts and Disbursements, filed Jan. 29, 2012 at 41.

³⁵⁹ Duncan for Congress Holston Hills Check, Sept. 30, 2011 (Exhibit 95 at 17-2646_1064).

³⁶⁰ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0170).

³⁶¹ *Id.* (Exhibit 7 at 17-2646_0182).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended another occasion during where the campaign committee purchased green fees for constituents.

184. On January 12, 2013, the campaign committee reported a \$318.00 disbursement as “Golf Expense for Constituents” at the Greenbrier Resort.³⁶² The campaign committee provided a copy of the credit card statement corresponding with this charge, but did not provide any additional information about the expense.³⁶³ The OCE found that the \$318.00 charge was for green fees during a trip to the Greenbrier attended by Rep. Duncan, Rep. Duncan’s Spouse, Son B, and Campaign Treasurer.³⁶⁴ This trip is distinct from the previously discussed December 2014 trip to the Greenbrier. Based on this information, the January 2013 golf expense may have been green fees for members of Rep. Duncan’s family at the resort in West Virginia.
185. Finally, on May 8, 2012 the campaign committee disbursed \$208.00 to Willow Creek Golf Course for a “Golf Expense for Constituents.”³⁶⁵ This disbursement corresponded to a March 24, 2012 charge on Rep. Duncan’s credit card for the same amount.³⁶⁶ The campaign committee provided the credit card record, but did not provide any receipts or invoices further detailing the golf charge. Again, the campaign committee provided no additional information identifying the charge as part of a fundraiser or specific officeholder activity.

ii. Road to Victory PAC and Personal Use of Leadership PAC Funds

186. In June 2015, Rep. Duncan’s leadership PAC made a \$37,727.93 cash correction to its cash-on-hand amount and submitted a report to the FEC describing a variance between the leadership PAC’s bank account balance and FEC reported cash-on-hand that resulted in the cash correction.³⁶⁷
187. The OCE found that the leadership PAC’s public reporting of the variance misrepresented the scale of the disclosure errors. The leadership PAC failed to publicly disclose more than 150 unreported or misreported disbursements and receipts totaling nearly \$200,000.00, of which the leadership PAC had detailed knowledge at the time of the 2015 FEC variance explanation filing.³⁶⁸

³⁶² Duncan for Congress, April 2013 Quarterly Report of Receipts and Disbursements, filed July 13, 2013 at 14.

³⁶³ Duncan for Congress Record American Express Statement Closing January 2013 (Exhibit 96 at 17-2646_1068).

³⁶⁴ The Greenbrier Check Detail, Jan. 12, 2013 (Exhibit 97 at 17-2646_1079); The Greenbrier Response to Office of Congressional Ethics, Sept. 7, 2017 (Exhibit 27 at 17-2646_0410-0411).

³⁶⁵ Duncan for Congress, July 2012 Quarterly Report of Receipts and Disbursements, filed July 21, 2012 at 59.

³⁶⁶ Duncan for Congress Record American Express Statement Closing April 2012 (Exhibit 98 at 17-2646_1087).

³⁶⁷ Road to Victory PAC June 2015 Monthly Report of Receipts and Disbursements, filed June 19, 2015, at 8; Road to Victory PAC, Miscellaneous Text Report (FEC Form 99), filed June 19, 2015.

³⁶⁸ Email between Rodefer Moss Senior Audit Associate and Son B, April 17, 2012 (Exhibit 2 at 17-2646_0025); Rodefer Moss, Road to Victory PAC Detail of Variances Between FEC Report and Bank Account Activities, 2005-2011 (Exhibit 3 at 17-2646_0026-0030); Rodefer Moss, Road to Victory PAC Balance Sheets (Exhibit 4 at 17-2646_0035).

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188. In this review, the OCE focused on the veracity and completeness of the June 2015 FEC variance explanation, and the reporting omissions that led to the cash-on-hand correction.³⁶⁹
189. The FEC variance explanation filing states, “[d]uring an external audit completed during the first half of 2015, an outside certified public accounting firm discovered a variance between the bank account balance and the FEC reported cash on hand. The auditors determined that the variance was caused by an aggregation of unreported contributions and disbursements dating back prior to January 2009.”³⁷⁰
190. The FEC variance explanation states that prior to March 2011, three separate individuals performed the leadership PAC’s treasurer responsibilities and, “failed to communicate at times with each other.”³⁷¹ The explanation goes on to describe that those responsibilities have since been consolidated into the work of a “new treasurer.”³⁷² Son B served as this “new treasurer” from March 2011 until December 2015.³⁷³ In early 2016, Son B’s wife, PAC Treasurer, took over as the leadership PAC’s treasurer.³⁷⁴
191. Prior to March 2011, the PAC Treasurer was Christopher Hogin.³⁷⁵ Son A told that OCE that from approximately 2005 or 2006 until 2010, he was in charge of filing FEC reports for the leadership PAC.³⁷⁶
192. The FEC variance explanation states that, “[a] cash-on-hand adjustment . . . is being made to correct the variance of \$37,727.93. Due to the age of some of the unreported transactions, the PAC cannot provide itemization for all of them. However, the PAC has made a good faith effort and can provide itemized information for the following transactions.”³⁷⁷ The explanation goes on to list three \$2,500.00 “[c]ontributions reported prior to receipt – and never [r]eceived.”³⁷⁸ The explanation also says that the “auditors found nothing to suggest that the PAC incurred expenses, disbursed funds, or received contributions that were not in accordance with FEC regulations.”³⁷⁹
193. Son B told the OCE that he wrote the FEC variance explanation with assistance from one of the lawyers who represented him in this OCE review.³⁸⁰ Son B said an accounting firm,

³⁶⁹ While some of these reporting omissions occurred before the OCE March 11, 2008 jurisdictional limitation, others occurred after March 11, 2008. This referral describes the omissions that occurred prior to March 11, 2008 to provide a complete explanation of the June 2015 variance explanation.

³⁷⁰ Road to Victory PAC, Miscellaneous Text Report (FEC Form 99), filed June 19, 2015.

³⁷¹ *Id.*

³⁷² *Id.*

³⁷³ Road to Victory PAC, FEC Form 1 Statement of Organization, filed March 20, 2011; Road to Victory PAC, FEC Form 1 Statement of Organization, filed January 26, 2016.

³⁷⁴ *Id.*

³⁷⁵ Road to Victory PAC, FEC Form 1 Statement of Organization, filed March 31, 2009.

³⁷⁶ Son A Transcript (Exhibit 9 at 17-2646_0238).

³⁷⁷ Road to Victory PAC, Miscellaneous Text Report (FEC Form 99), filed June 19, 2015.

³⁷⁸ *Id.*

³⁷⁹ *Id.*

³⁸⁰ Son B Transcript (Exhibit 34 at 17-2646_0510-0511).

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Rodefer Moss, provided the information to allow them to submit the explanation to the OCE.³⁸¹ Son B said that Jimmy Rodefer, of Rodefer Moss, was a family friend.³⁸²

194. In contrast to the statement in the FEC variance explanation that the outside certified public accounting firm discovered the variance during an external audit completed during the first half of 2015, the OCE found that Son B was first informed of the variance as early as April 2012.³⁸³ Son B told the OCE that the wording in the explanation to the FEC should have been different, but that the audit was completed in 2015.³⁸⁴ He told the OCE that he first learned of the variance in 2012.³⁸⁵
195. Son B said that the leadership PAC hired Rodefer Moss to start the auditing process, and that it took three years to complete the audit due to a change in accountants.³⁸⁶
196. Son B explained that the leadership PAC self-reported the variance to the FEC, although he could not remember when the self-reporting occurred.³⁸⁷ Son B told the OCE that his lawyer had a conversation with the FEC and that the FEC requested a mass reporting of the variance, meaning the total amount of funds that constituted the variance.³⁸⁸
197. According to Son B, the FEC variance explanation filing was the only document that the leadership PAC submitted to the FEC.³⁸⁹
198. As such, the leadership PAC provided the FEC with an explanation representing that there was a \$37,727.93 variance and a “good faith” itemization of three \$2,500.00 contributions that it explained were reported, but never received.³⁹⁰
199. However, as of May 31, 2013, Rodefer Moss had provided the leadership PAC with a detailed accounting of more than 150 unreported or misreported disbursements and receipts.³⁹¹ The May 31, 2013 reconciliation summary, created by Rodefer Moss and reproduced below, shows \$107,920.93 in non-reported disbursements, \$77,698.00 in non-reported deposits, and \$7,500.00 in deposits reported but not made.³⁹² When balanced

³⁸¹ *Id.*

³⁸² *Id.* (Exhibit 34 at 17-2646_0510).

³⁸³ Email between Rodefer Moss Senior Audit Associate and Son B, April 17, 2012 (Exhibit 2 at 17-2646_0025).

³⁸⁴ Son B Transcript (Exhibit 34 at 17-2646_0510-0512).

³⁸⁵ *Id.* (Exhibit 34 at 17-2646_0512).

³⁸⁶ *Id.* (Exhibit 34 at 17-2646_0510-0512).

³⁸⁷ *Id.* (Exhibit 34 at 17-2646_0511).

³⁸⁸ *Id.* (Exhibit 34 at 17-2646_0514).

³⁸⁹ *Id.* (Exhibit 34 at 17-2646_0511).

³⁹⁰ Road to Victory PAC, Miscellaneous Text Report (FEC Form 99), filed June 19, 2015.

³⁹¹ Rodefer Moss, Road to Victory PAC Detail of Variances Between FEC Report and Bank Account Activities, 2005-2011 (Exhibit 3 at 17-2646_0026-0030); Rodefer Moss, Road to Victory PAC Balance Sheets (Exhibit 4 at 17-2646_0035). The total number changed by \$5.00 from May 31, 2013, when the reconciliation summary was created, to June 19, 2015, when the leadership PAC filed the FEC variance explanation.

³⁹² *Id.*

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against each other, the missing transactions result in a cumulative variance of \$37,722.93.³⁹³
 In total, the leadership PAC misreported or failed to report \$193,118.93.³⁹⁴

	A	B	C	D	E	F	G
1	Road To Victory PAC						
2	Account Reconciliation Summary						
3	As of May 31, 2013						
4							
5							
6							
7	Summary						
8	Balance per May 2013 FEC Report			\$ 309,444.49			
9							
10	Actual Balances:						
11	Cash		76,467.58				
12	Investments (at Cost)		161,400.00				
13				237,867.58			
14							
15	Total Variance			\$ 71,576.91			
16							
17							
18							
19							
20							
21							
22							
23	Year	Non Reported Disbursements	Non Reported Deposits	Deposits Reported But Not Made	Other	Yearly Variance	Cumulative Variance
24	2005	\$ (1,000.00)	\$ 500.00	\$ -	\$ -	\$ (500.00)	\$ (500.00)
25	2006	(75,576.19)	56,950.00	-	-	(18,626.19)	(19,126.19)
26	2007	(14,335.39)	7,500.00	-	-	(6,835.39)	(25,961.58)
27	2008	(7,461.89)	12,500.00	-	-	5,038.11	(20,923.47)
28	2009	(2,295.00)	248.00	-	-	(2,047.00)	(22,970.47)
29	2010	(5,377.46)	-	(7,500.00)	-	(12,877.46)	(35,847.93)
30	2011	(1,875.00)	-	-	-	(1,875.00)	(37,722.93)
31	2012	-	-	-	-	-	(37,722.93)
32	2013	-	-	-	-	-	(37,722.93)
33		\$ (107,920.93)	\$ 77,698.00	\$ (7,500.00)	\$ -	\$ (37,722.93)	\$ (37,722.93)

200. During his interview with the OCE, Rep. Duncan told the OCE that he believed that his OCE interview was the first time he had heard that the leadership PAC account may not have accounted for disbursements and deposits besides the three \$2,500.00 receipts included with the variance explanation.³⁹⁵ The OCE showed Rep. Duncan the report that Rodefer Moss created detailing the specific unreported disbursements and receipts and the reconciliation summary.³⁹⁶ The OCE asked Rep. Duncan about his knowledge of the unreported disbursements.³⁹⁷ Rep. Duncan said, “I don't have knowledge of any of this, of any kind of bookkeeping errors. I relied on the accountant and [his counsel's] law firm handled that for us, and then resolved it to the satisfaction of the FEC, and so I don't know all the elaborate little details.”³⁹⁸
201. Later in the interview, the OCE showed Rep. Duncan an email between Son B and Rodefer Moss, in which Son B discussed an attached report about the variance.³⁹⁹ In the email, Son B said “[t]hat looks good to me I will show it to dad and talk to him about it and get back to

³⁹³ *Id.*

³⁹⁴ *Id.*

³⁹⁵ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0177).

³⁹⁶ *Id.*

³⁹⁷ *Id.*

³⁹⁸ *Id.*

³⁹⁹ Email between Son B and Rodefer Moss Employee, Jan. 20, 2015 (Exhibit 99 at 17-2646_1094).

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you.”⁴⁰⁰ The OCE asked Rep. Duncan if Son B showed him the report, which detailed bookkeeping issues that far surpassed the three misreported receipts.⁴⁰¹ Rep. Duncan explained:

I think he showed me something from the accountant that sounded pretty good to me or something, but we turned it over to [Rep. Duncan’s counsel’s] firm and I thought they did a good job on it. I wasn't happy about it. I was unhappy about it, but I wasn't particularly ... I didn't really fully understand why it happened, and I worried about it until they ... At first, I was real upset, and then when they started getting stuff from the accountant that made it sound like it was not anything all that bad, and it seemed to me that in the end all we had done was just, like I say, cheated our own campaign out of some money that we should've gotten.⁴⁰²

202. Son B told the OCE that Rep. Duncan was aware of the Rodefer Moss audit and that he and Rep. Duncan discussed reporting information to the FEC “during the process and that we needed to make it right.”⁴⁰³
203. During his interview with the OCE, Son A said that he did not know what resulted in the variance during his time working for the leadership PAC, but that he thought the problem was that when he was completing the FEC reports, he did not receive copies of the leadership PAC’s bank statements from the other two individuals involved in the leadership PAC’s finances.⁴⁰⁴ Son A told the OCE that during his time working for the leadership PAC, he was not aware of any receipts not being reported to the FEC.⁴⁰⁵ He said he became aware of unreported disbursements only “years later” when his brother, Son B, informed him.⁴⁰⁶ He said that he did not have any knowledge of misuse of leadership PAC funds for personal gain.⁴⁰⁷
204. The OCE asked Son B why the variance occurred.⁴⁰⁸ He said, “I don’t have specific knowledge of why it occurred, but it had occurred and so we wanted to remedy the situation as best we could and as quickly as possible with the FEC.”⁴⁰⁹ He said that the unreported disbursements were made prior to his time and he did not know who made them.⁴¹⁰ The OCE asked Son B about whether any of the disbursements were for personal use, and he said that through the accounting process he came to the understanding that funds were not misused.⁴¹¹

⁴⁰⁰ *Id.*

⁴⁰¹ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0178).

⁴⁰² *Id.*

⁴⁰³ Son B Transcript (Exhibit 34 at 17-2646_0511).

⁴⁰⁴ Son A Transcript (Exhibit 9 at 17-2646_0275-0276).

⁴⁰⁵ *Id.* (Exhibit 9 at 17-2646_0275).

⁴⁰⁶ *Id.* (Exhibit 9 at 17-2646_0276).

⁴⁰⁷ *Id.*

⁴⁰⁸ Son B Transcript (Exhibit 34 at 17-2646_0509).

⁴⁰⁹ *Id.*

⁴¹⁰ *Id.*

⁴¹¹ *Id.* (Exhibit 34 at 17-2646_0516-0517).

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205. Rep. Duncan told the OCE that while he did not handle the filing with the FEC, “I know this, it was resolved to the satisfaction of the FEC and I can assure that nobody has ever taken personal money from any of these accounts.”⁴¹²
206. Although Son B told the OCE that the FEC requested a mass reporting, and Son B conveyed this request to Rodefer Moss, the OCE could not verify whether the FEC was provided information conveying the full scope of unreported transactions.⁴¹³
207. The leadership PAC included just three of more than 150 known transactions in the public reporting of the variance, which raises questions about whether any of the missing transactions amounted to personal use of leadership PAC funds.
208. The detailed itemization shows that the missing disbursements include \$5,654.62 for eleven separate payments or withdrawals from an American Express account and a \$2,074.50 write off for a check to Best Buy which did not clear.⁴¹⁴ The OCE could not identify how the leadership PAC spent this \$7,729.12 and whether these expenditures were for bona fide campaign or political purposes. The bulk of the additional unreported disbursements appear to have been for bona fide political or campaign expenditures.⁴¹⁵
209. As described above, the OCE found that from late 2008 to the present, Rep. Duncan may have converted more than one hundred thousand dollars from his campaign committee and leadership PAC to personal use. The OCE reviewed credit card, travel, and other purchase records and found multiple instances in which the campaign committee expended funds for the personal benefit of Rep. Duncan’s family and friends.
210. The OCE also reviewed the leadership PAC’s 2015 cash correction and found that some of the leadership PAC’s unreported disbursements may not have been bona fide campaign or political expenditures.
211. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Duncan’s campaign committee and leadership PAC expended funds that were not attributable to bona fide campaign or political purposes.

⁴¹² Rep. Duncan Transcript (Exhibit 7 at 17-2646_0177).

⁴¹³ Son B Transcript (Exhibit 34 at 17-2646_0514); Email between Son A and Rodefer Moss Employee, May 29, 2015 (Exhibit 100 at 17-2646_1096).

⁴¹⁴ Rodefer Moss, Road to Victory PAC Detail of Variances Between FEC Report and Bank Account Activities, 2005-2011 (Exhibit 3 at 17-2646_0026-0030). The unreported disbursements include a \$727.38 check to American Express from June 23, 2000, a \$163.69 check to American Express from January 26, 2007, a \$248.13 check to American Express from April 10, 2007, a \$175.55 check to American Express from June 4, 2007, a \$76.10 check to American Express from July 16, 2007, a \$2,204.42 check to American Express from August 13, 2007, a \$2,074.50 write off for an outstanding check which did not clear at Best Buy from December 31, 2007, a \$68.65 check to American Express from February 11, 2008, a \$95.00 check to American Express from July 10, 2008, a \$298.24 check to American Express from December 8, 2008, a \$95.00 check to American Express from August 19, 2009, and a \$1,502.46 withdrawal from American Express on September 28, 2010. The Details of Variances did not contain any itemization or underlying information regarding the underlying purchases associated with the unreported disbursements to American Express.

⁴¹⁵ *Id.*

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III. REP. DUNCAN MAY HAVE ACCEPTED IMPROPER CAMPAIGN CONTRIBUTIONS FROM HIS CONGRESSIONAL EMPLOYEES

A. Applicable Law, Rules, and Standards of Conduct

212. 18 U.S.C. § 602(a)

“It shall be unlawful for . . . (3) an officer or employee of the United States or any department or agency thereof . . . to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person.”⁴¹⁶

213. 18 U.S.C. § 603(a)

“It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution.”⁴¹⁷

214. House Rules

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

Under House Rule 23 clause 2, Members “shall adhere to the spirit and the letter of the Rules of the House”

215. House Ethics Manual

According to the House Ethics Manual’s discussion of 18 U.S.C. §603 and contributions by staff to their employing Member, “[t]he prohibition against an employee making such a contribution to the individual’s employing Member is absolute. A House employee may not make such a contribution even if the contribution was entirely unsolicited and the employee genuinely wishes to make the contribution.”⁴¹⁸

⁴¹⁶ “The term ‘contribution’ includes (i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A); *see also* 11 CFR § 100.52(a).

⁴¹⁷ Under 18 U.S.C. § 603(b), “a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee.”

⁴¹⁸ House Ethics Manual at 138.

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*“In particular, staff members should be aware that under FEC regulations, most **outlays** that an individual makes on behalf of a campaign are deemed to be a **contribution** to that campaign from that individual. **This is so even if it is intended that the campaign will reimburse the individual promptly.**”⁴¹⁹*

B. Rep. Duncan May Have Accepted Campaign Contributions from His Congressional Employees

216. On five separate occasions, Rep. Duncan may have accepted impermissible contributions to his campaign committee from his congressional employees. The OCE found that the campaign committee reimbursed four congressional staffers on five occasions for non-travel campaign expenditures totaling \$589.90.⁴²⁰
217. The five reimbursed expenses were for small dollar purchases. Congressional Staffer A received one reimbursement for craft supplies and a cake for a fundraiser organized by Rep. Duncan, and received another reimbursement for food purchased during an election night party.⁴²¹ Congressional Staffer B received a reimbursement for a postage expense.⁴²² The campaign committee reimbursed Chief of Staff for purchasing event tickets to attend the “Jeff. County Rep. Women Lunch.”⁴²³
218. Finally, Former Congressional Staffer told the OCE that he purchased as a “gift” a “pair of golf shoes which Congressman Duncan wished to give to House Speaker John Boehner who was speaking at a fund raiser [sic] for the Congressman. I paid for the shoes and was reimbursed by the campaign fund.”⁴²⁴
219. Rep. Duncan told the OCE that the campaign committee did not have any written policies about congressional staffers making personal outlays on behalf of the campaign

⁴¹⁹ *Id.* at 139 (emphasis in original, internal citations omitted).

⁴²⁰ See Duncan for Congress, October 2013 Quarterly Report of Receipts and Disbursements, filed July 25, 2014 at 47 (indicating that on Sept. 27, 2013 Chief of Staff received a \$183.81 reimbursement for event tickets); Duncan for Congress, 2010 Post General Election Report of Receipts and Disbursements, filed Dec. 2, 2010 at 57 (indicating that on October 27, 2010 Congressional Staffer A received a \$168.29 reimbursement for “BBQ Event Craft Expense”); Duncan for Congress, 2016 Post General Election Report of Receipts and Disbursements, filed Dec. 8, 2016 at 25 (indicating that on November 8, 2016, Congressional Staffer A received a \$79.21 reimbursement for “Election Day Food (Chick-Fil-A)”); Duncan for Congress, 2014 Pre General Election Report of Receipts and Disbursements, filed Oct. 23, 2014 at 40 (indicating that on October 15, 2014, Former Congressional Staffer received a \$82.50 reimbursement for a “Gift Expense”); Duncan for Congress, July 2015 Quarterly Report of Receipts and Disbursements, filed July 15, 2015 at 41 (indicating that on June 4, 2015, Congressional Staffer B received a \$75.99 postage expense reimbursement).

⁴²¹ Duncan for Congress Reimbursement Check to Congressional Staffer A, Oct. 27, 2010 (Exhibit 101 at 17-2646_1098); Congressional Staffer A Chick-Fil-A Receipt, Nov. 8, 2016 (Exhibit 102 at 17-2646_1100); Duncan for Congress Reimbursement Check to Congressional Staffer A, Nov. 9, 2016 (Exhibit 103 at 17-2646_1102).

⁴²² Congressional Staffer B Reimbursement Notes for Work Performed in 2015 (Exhibit 104 at 17-2646_1104).

⁴²³ Chief of Staff Captains Galley Receipt, Sept. 23, 2013 (Exhibit 105 at 17-2646_1106).

⁴²⁴ Letter from Former Congressional Staffer to Office of Congressional Ethics, Aug. 23, 2017 (Exhibit 106 at 17-2646_1108); Duncan for Congress Reimbursement Check to Former Congressional Staffer, Oct. 15, 2014 (Exhibit 107 at 17-2646_1110). Former Congressional Staffer worked for Rep. Duncan’s congressional office at the time of the purchase. House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, Oct. 1, 2014 – Dec. 31, 2014 at 622.

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committee.⁴²⁵ He told the OCE that had they not reimbursed, as an example, Congressional Staffer A, he would have been “forcing her to make a campaign contribution.”⁴²⁶

220. Chief of Staff told the OCE that he had “been a little confused” about the reimbursements to congressional staffers for campaign purchases, but he knew “that’s not proper.”⁴²⁷ Chief of Staff said “very seldom has it ever been done that the staff member has been reimbursed, but when it was done, it was totally unintentional doing anything improper”⁴²⁸ According to Chief of Staff, in the situations in which congressional staffers made payments on behalf of the campaign, they “were working in a campaign type situation, and they thought that was proper.”⁴²⁹ Chief of Staff said there was no specific written policy regarding such conduct, but that “I have always told our staff to be very cautious about every single thing we do, to make sure that there’s no connection or whatever from the campaign to official duties.”⁴³⁰
221. The four staffers who made the contributions likely did not know that their payments on behalf of the campaign committee may have violated federal law. In addition, Rep. Duncan may not have had direct knowledge of all the purchases made by the staffers, although he may have requested that Former Congressional Staffer purchase the golf shoes.
222. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Duncan failed to ensure that his campaign committee complied with applicable laws regarding contributions from employees.

IV. CONFLICTS OF INTEREST AND MULTIPLE REPRESENTATION BY REP. DUNCAN’S COUNSEL

223. In this review, Rep. Duncan’s counsel also represented Rep. Duncan’s campaign committee and leadership PAC, American Public Strategies, and nine individual witnesses in addition to Rep. Duncan.⁴³¹
224. On September 29, 2017, the OCE sent counsel a letter regarding their multiple representation of witnesses in the review.⁴³² Enclosed with the letter, the OCE provided a copy of Rule 14(B) of the OCE’s Rules for the Conduct of Investigations, which states that the “Board may limit or prohibit a lawyer or law firm from representing multiple witnesses or subjects if the Board finds a substantial risk that a conflict of interest may prejudice the review, without regard to whether the represented parties waive the possible conflict.”
225. During the course of the review, it became clear to the OCE that the witnesses represented by counsel may have competing interests, and that continued representation of such witnesses

⁴²⁵ Rep. Duncan Transcript (Exhibit 7 at 17-2646_0175).

⁴²⁶ *Id.*

⁴²⁷ Chief of Staff Transcript (Exhibit 6 at 17-2646_0135).

⁴²⁸ *Id.* (Exhibit 6 at 17-2646_0136).

⁴²⁹ *Id.*

⁴³⁰ *Id.*

⁴³¹ Rep. Duncan’s counsel represented the campaign committee (including Campaign Treasurer and Assist Campaign Treasurer), the leadership PAC (including PAC Treasurer), Rep. Duncan’s Spouse, Son A, Son B, Chief of Staff, Deputy Chief of Staff, Congressional Staffer A and American Public Strategies.

⁴³² Letter from Omar S. Ashmawy to David P. Goch and Heidi K. Abegg, Sept. 29, 2017.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended might adversely affect representation of counsel's other clients in the review. The first witness interviewed by the OCE, Assist. Campaign Treasurer, made statements that may have been directly adverse to Rep. Duncan and Son A, who the OCE had not yet interviewed.⁴³³

226. In the OCE's interview with Rep. Duncan, it became apparent that Rep. Duncan's counsel had discussed with Rep. Duncan the specific content of the OCE's prior interviews with the other parties that counsel represented.⁴³⁴ Accordingly, counsel's representation of multiple witnesses may have prejudiced the review by preventing the OCE from determining Rep. Duncan's direct knowledge of the issues in this review. In addition, this sharing of information demonstrates that counsel's principal concern may have been the interests of Rep. Duncan, rather than other third party witnesses to the review.
227. The OCE Board notes serious concern regarding counsel's multiple representation after the OCE provided notice of a potential conflict of interest.

V. CONCLUSION

228. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Duncan's campaign committee and leadership PAC expended funds that were not attributable to bona fide campaign or political purposes.
229. Accordingly, the Board recommends that the Committee on Ethics further review the above allegation that Rep. Duncan converted campaign funds from the campaign committee or the leadership PAC to personal use in violation of House rules, standards of conduct, and federal law.
230. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Duncan failed to ensure that his campaign committee complied with applicable laws regarding contributions from employees.
231. Accordingly, the Board recommends that the Committee on Ethics further review the above allegation that Rep. Duncan accepted campaign contributions from individuals who were employed by his congressional office at the time the contributions were made in the form of individual outlays on behalf of the campaign committee that later were reimbursed by the campaign committee in violation of House rules, standards of conduct, and federal law.

⁴³³ See generally Campaign Assist. Treasurer Transcript (Exhibit 8 at 17-2646_0184-0233).

⁴³⁴ See Rep. Duncan Transcript (Exhibit 7 at 17-2646_0142-0181) (explaining that in the day or two prior to Rep. Duncan's interview with the OCE, his counsel told him about the OCE's questions related to Son A's campaign credit card expenditures for meals, Son A's campaign funded cell phone, expenditures at the Greenbrier, Son A's travel to Montana, and the campaign committee's distribution of Washington Redskins tickets).