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

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**REPORT**

Review No. 18-5206

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on August 3, 2018, 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 Jim Renacci

**NATURE OF THE ALLEGED VIOLATION:** Representative Jim Renacci’s campaign social media accounts may have posted videos and photos that were photographed or filmed from official House buildings, rooms, and offices. Rep. Renacci also may have permitted official staff to perform campaign work in official buildings and during official staff time, and may have permitted impermissible coordination with Rep. Renacci’s campaign. If Rep. Renacci misused official resources for campaign or political purposes, then he may have violated House rules, standards of conduct, and federal law.

Rep. Renacci may have used his campaign social media accounts to promote official events and appearances. If Rep. Renacci used campaign funds to defray official expenses, then he may have violated House rules, standards of conduct, and federal law.

**RECOMMENDATION:** The Board recommends that the Committee further review the above allegations concerning political use of photos and videos photographed or filmed from official buildings, performance of campaign work in official buildings and during official staff time, and impermissible coordination because there is substantial reason to believe that Rep. Renacci misused official resources for campaign or political purposes.

The Board recommends that the Committee further review the above allegations concerning use of campaign social media accounts to promote official events because there is substantial reason to believe that Rep. Renacci used campaign funds to defray official expenses.

**VOTES IN THE AFFIRMATIVE:** 6

**VOTES IN THE NEGATIVE:** 0

**ABSTENTIONS:** 0

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

**FINDINGS OF FACT AND CITATIONS TO LAW**

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OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 18-5206

On August 3, 2018, 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. Representative Jim Renacci’s campaign social media accounts may have posted videos and photos that were photographed or filmed from official House buildings, rooms, and offices. Rep. Renacci also may have permitted official staff to perform campaign work in official buildings and during official staff time, and may have permitted impermissible coordination with Rep. Renacci’s campaign.
2. If Rep. Renacci misused official resources for campaign or political purposes, then he may have violated House rules, standards of conduct, and federal law.
3. Rep. Renacci may have used his campaign social media accounts to promote official events and appearances. If Rep. Renacci used campaign funds to defray official expenses, then he may have violated House rules, standards of conduct, and federal law.
4. The Board recommends that the Committee further review the above allegations concerning Rep. Renacci because there is substantial reason to believe that Rep. Renacci misused official resources for campaign or political purposes.
5. The Board recommends that the Committee further review the above allegations concerning Rep. Renacci because there is substantial reason to believe that Rep. Renacci used campaign funds to defray official expenses.

**B. Jurisdiction Statement**

6. The allegations that were the subject of this review concern Rep. Renacci, a Member of the United States House of Representatives from the 16th District of Ohio. 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.”<sup>1</sup> The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

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

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**C. Procedural History**

7. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on April 10, 2018. The preliminary review commenced on April 11, 2018.<sup>2</sup>
8. On April 12, 2018, the OCE notified Rep. Renacci 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.<sup>3</sup>
9. At least three members of the Board voted to initiate a second-phase review in this matter on May 10, 2018. The second-phase review commenced on May 11, 2018.<sup>4</sup> The second-phase review was scheduled to end on June 24, 2018.
10. On May 10, 2018, the OCE notified Rep. Renacci 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.<sup>5</sup>
11. The Board voted to extend the second-phase review by an additional period of fourteen days on June 8, 2018. The additional period ended on July 8, 2018.
12. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on August 3, 2018.
13. The report and its findings in this matter were transmitted to the Committee on Ethics on August 9, 2018.

**D. Summary of Investigative Activity**

14. The OCE requested documentary and in some cases testimonial information from the following sources:
  - (1) Rep. Renacci;
  - (2) Rep. Renacci's Chief of Staff ("Chief of Staff");
  - (3) Rep. Renacci's Legislative Director ("Legislative Director");
  - (4) Rep. Renacci's Communications Director ("Communications Director");
  - (5) Rep. Renacci's Digital Director ("Digital Director");
  - (6) Rep. Renacci's Campaign Consultant ("Campaign Consultant");

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<sup>2</sup> 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.

<sup>3</sup> Letter from Omar S. Ashmawy, Chief Counsel and Staff Director, Office of Congressional Ethics, to Rep. Renacci, Apr. 11, 2018.

<sup>4</sup> 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.

<sup>5</sup> Letter from Omar S. Ashmawy, Chief Counsel and Staff Director, Office of Congressional Ethics, to Rep. Renacci, May 10, 2018.

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- (7) Harlan Hill, Managing Partner, Logan Circle Group; and
- (8) Renae Eze, Former Press Secretary, Renacci for Ohio.

15. The following individuals refused to cooperate with the OCE's review:

- (1) Harlan Hill; and
- (2) Renae Eze.

## II. REP. RENACCI MAY HAVE MISUSED OFFICIAL RESOURCES FOR CAMPAIGN OR POLITICAL PURPOSES

### A. Applicable Law, Rules, and Standards of Conduct

#### 16. Federal Statutes

*31 U.S.C. § 1301(a) states, "[a]ppropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."*

#### 17. House Rules

*House Rule 11, clause 4(b) states, regarding audio and visual coverage of committee proceedings that, "it is the intent of this clause that radio and television tapes and television film of any coverage under this clause may not be used for any partisan political campaign purpose or be made available for such use."*

#### 18. House Ethics Manual and House Ethics Committee Reports

*The House Ethics Manual provides that, "official resources of the House must, as a general rule, be used for the performance of official business of the House, and hence those resources may **not** be used for campaign or political purposes."*<sup>6</sup>

*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 . . . operates in compliance with applicable law."*<sup>7</sup>

*"The misuse of the funds and other resources that the House of Representatives entrusts to Members for the conduct of official House business is a very serious matter. . . . Moreover, while any House employee who makes improper use of House resources is subject to disciplinary action by the Standards Committee, each Member should be aware that he or she may be held responsible for any improper use of resources that occurs in a Member's office. The Standards Committee has long taken the position that each Member is responsible for assuring that the Member's employees are aware of and adhere to the rules, and for assuring that House resources are used for proper purposes."*<sup>8</sup>

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<sup>6</sup> House Ethics Manual (2008) at 123 (emphasis in original).

<sup>7</sup> *Id.* at 122-123 (internal citations omitted).

<sup>8</sup> *Id.* at 124 (internal citations omitted).

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*The House Ethics Manual further instructs that, “House buildings, and House rooms and offices – including district offices – are supported with official funds and hence are considered official resources. Accordingly, as a general rule, they may not be used for the conduct of campaign or political activities. Thus, for example, a Member may not film a campaign commercial or have campaign photos taken in a congressional office.”*<sup>9</sup>

*The House Ethics Manual states, “[t]he House Office Building Commission, comprised of the Speaker, the Majority Leader, and the Minority Leader, has issued regulations governing the use of House facilities. These regulations generally ban solicitation and commercial activity, limit photography, [and] restrict use of meeting rooms to congressionally related purposes. . . .”*<sup>10</sup>

*According to the House Ethics Manual, “[a]mong the specific activities that clearly may **not** be undertaken in a congressional office or using House resources (including official staff time) are . . . the drafting of campaign speeches, statements, press releases or literature; . . . and the holding of a campaign meeting.”*<sup>11</sup>

*The House Ethics Manual further elaborates in an example, which states, “Member D is planning to film a campaign commercial. D may **not** film in her congressional office because that would be using an official resource for a campaign purpose. She may film her commercial outside the Capitol in the areas designated by the Sergeant-at-Arms as part of the public space.”*<sup>12</sup>

*According to the House Ethics Manual, “under House Rule 11, clause 4(b), radio and television tapes and film of any coverage of House committee proceedings may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for public office.”*<sup>13</sup>

*In the Matter of Allegations Relating to Representative Ben Ray Luján, the Committee found that even if Rep. Luján had no knowledge that his staff used a photo in campaign materials that was originally sourced from the House Broadcast network, that “[t]he Committee has long held that Members of the House are responsible for ensuring that individuals speaking on their behalf comply with applicable House rules.”*<sup>14</sup>

*Discussing the Matter of Representative E.G. “Bud” Shuster, the House Ethics Manual explains, “[t]he rules governing campaign work by House employees were implicated in a Standards Committee disciplinary case that was completed in the 106th Congress. In that case the Committee determined that a Member had violated the House Code of Official Conduct in that his staff members worked for his campaign during regular office hours without taking annual leave or going on Leave Without Pay status, or taking any other steps to ensure that those*

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<sup>9</sup> *Id.* at 127.

<sup>10</sup> *Id.* at 325.

<sup>11</sup> *Id.* at 124 (emphasis in original).

<sup>12</sup> *Id.* at 325 (emphasis in original).

<sup>13</sup> *Id.* at 128 (emphasis omitted).

<sup>14</sup> Report of the House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Ben Ray Luján*, H. Rep. 115-272, 115th Cong., 1st Sess. (2017), at 12.

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*services were rendered during time that was properly deemed the employee's own time. The employees in that office took administrative leave whenever they performed campaign work. However, they were paid their full congressional salary while on administrative leave, and the office had no system in place to ensure that time spent in that status was recorded and was either made up at alternate times or charged as vacation time."*<sup>15</sup>

*According to a Committee Advisory Opinion, "employees are expected to fulfill the clerical work the Member requires during the hours he requires and generally are free at other periods. If, during the periods employees are free and they voluntarily engage in campaign activity, there is no bar to this."*<sup>16</sup>

*The House Ethics Manual explains, "[w]hat constitutes a staff member's own time is determined by the personnel policies that are in place in the employing office. Time that is available to a staff member, under those policies, to engage in personal or other outside activities may instead be used to do campaign work, if the individual so chooses. This free time may include, for example, a lunch period, time after the end of the business day, and annual leave. However, a Member may not adjust the work requirements of the congressional office, or add unpaid interns during the campaign, in order to create more free time for staff to do campaign work. To help ensure compliance with the rules, office policies on employee leave and other free time should be in writing and distributed to all employees."*<sup>17</sup> *"In addition to engaging in campaign activity while on annual leave or during other free time, employees may do so by – Reducing their employment in the congressional office to part-time status, with a corresponding reduction in salary . . . ."*<sup>18</sup> *"Employees who do campaign work while remaining on the House payroll should keep careful records of the time they spend on official activities and, separately, on campaign activities, and demonstrate that campaign work was not done on official time. There is no set format for maintaining such time records."*<sup>19</sup>

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<sup>15</sup> House Ethics Manual at 137 (citing Report of the House Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. "Bud" Shuster*, H. Rep. 106-979, 106th Cong., 2d Sess. (2000)). See also, *id.* at 64 (the Committee's Report states, "[t]he congressional employees kept no records to reflect the amount of time they devoted to completing FEC reports in the congressional office. Although there was no direct evidence that Representative Shuster was aware that this activity was taking place, the Investigative Subcommittee determined that he was responsible for permitting this practice to occur for such a protracted period of time.").

<sup>16</sup> House Comm. on Standards of Official Conduct, *Advisory Opinion No. 2* (July 11, 1973) (reproduced at House Ethics Manual at 359-360) (including a correction of the word "free" from a transcription error stating "fee").

<sup>17</sup> House Ethics Manual at 136. See also Report of the House Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. "Bud" Shuster*, H. Rep. 106-979, 106th Cong., 2d Sess. (2000), at 63 ("The Investigative Subcommittee found that Representative Shuster failed to establish a comprehensive and comprehensible policy for his congressional staff to record the annual, sick and administrative leave taken by each employee in his congressional office. Several employees from Representative Shuster's congressional office testified that they had personally performed services for the [campaign committee] during regular business hours when they should have been devoting their attention purely to congressional business.").

<sup>18</sup> House Ethics Manual at 136.

<sup>19</sup> *Id.* at 137.

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### 19. House Ethics Committee Campaign Activity Memoranda

*In 2014, the Committee published a “Campaign Activity Guidance” memorandum that the Committee later updated in 2018.<sup>20</sup> The guidance memoranda are structured in a question and answer format.*

*In response to the posed question, “How do I determine what is ‘campaign activity,’ as opposed to official activity” the 2014 and 2018 memoranda explain, “Members are in the best position to determine whether an activity is campaign or official in nature. In making this determination, Members may consider the purpose of the activity, who is hosting the activity (if not the Member), and the subject matter. Once an event is designated as campaign or official, only the appropriate resources may be used for that event. You may not combine funds for an activity unless you are specifically permitted to use campaign funds for an official activity (see number 4, below).”<sup>21</sup>*

*In response to the posed question, “What do you mean by official buildings?” the 2018 memorandum explains, “Official buildings (also called official office space) encompass any federal building; House office buildings, including Members’ personal offices, and all other House facilities; district office space; any Senate office building; the Capitol; the Library of Congress, and any federal building. TIP: If you need to send an email or make a phone call to the campaign on your own time using your own device or a device paid for by the campaign, you may do so from campaign headquarters, at home, at a political party office, from a Member’s home, or any other non-official location (for example, the coffee shop down the street from your office).”<sup>22</sup>*

*In response to the posed question, “May I use my personal phone to post to a campaign’s social media page while inside a House building or the Capitol?” the 2018 memorandum explains, “No, even if you are using a personal device, you may not engage in any campaign-related activities while in House buildings or the Capitol.”<sup>23</sup>*

*On the topic of whether House employees have their “own time” the 2014 and 2018 memoranda explain, “A. Yes. What constitutes a staff member’s ‘own time’ is determined by the personnel policies that are in place in the employing office. Time that is available to a staff member under those policies to engage in personal or other outside activities may instead be used to do*

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<sup>20</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (Aug. 15, 2014); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018).

<sup>21</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (Aug. 15, 2014), at 3 (emphasis omitted); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 3 (emphasis omitted).

<sup>22</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 3 (emphasis omitted); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (Aug. 15, 2014) (the 2014 memorandum provides an identical “Tip” and a slightly shorter answer to the question: “Official buildings (also called official office space) include not only any House office building, but also all district office space, any Senate office building, the Capitol, the Library of Congress, and any federal building.”).

<sup>23</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 6 (emphasis omitted).

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*campaign work, if the individual so chooses. This free time may include, for example, a lunch period, time after the end of the business day, and annual leave. Please note, this does not include the use of sick time. TIP: If you work for the House and for a campaign, keep a log of when you participate in campaign activities on your own time (e.g. nights, weekends, annual leave). This way, if you are ever challenged about whether you did campaign work on House time, you have a document ready to show that you did not.*"<sup>24</sup>

*Regarding the official scheduler, the 2014 and 2018 memoranda state, "[t]he official scheduler is permitted to use official resources to have limited communications with the Member's campaign in order to coordinate the Member's official and campaign activities. However, there are specific rules for how and what you may coordinate for your employing Member's schedule."*<sup>25</sup>

*Regarding what the official scheduler can share with the campaign, the 2014 memorandum explains, "[t]he official scheduler may share information about the Member's availability for any given time. The official scheduler may not provide the campaign with details of the Member's official activities, however the campaign is permitted to access information available to the general public, e.g. the Member hosting a town hall event. Also, the official scheduler may not use official resources to actually schedule campaign events. He or she may only provide information to the campaign concerning a Member's availability and receive information about confirmed campaign events. The official scheduler may not confirm attendance at campaign events or schedule travel or other logistics for a Member's attendance at a campaign event."*<sup>26</sup>

*On the topic of shared schedules, the 2014 and 2018 memoranda provide the following: "TIP: Treat the campaign like any other constituent. If you would not share the details of the activity with a constituent, then you should not share that information with the campaign. Maintain one point of contact for the official schedule and one point of contact for the campaign schedule to avoid miscommunications. Forward all campaign-related scheduling requests to the campaign point of contact. Consider keeping a log of all referrals to document compliance with this requirement."*<sup>27</sup>

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<sup>24</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (Aug. 15, 2014), at 4; House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 4 (the 2018 version added the sentence "Please note, this does not include the use of sick time.").

<sup>25</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (Aug. 15, 2014), at 2; House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 2.

<sup>26</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 13 (emphasis omitted); see also House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 13 (explaining "[t]he official scheduler may share information about the Member's availability for any given time and may share details of the Member's official activities that are available to the general public, e.g. the Member hosting a town hall event. However, the official scheduler may not use official resources to actually schedule campaign events. The official scheduler may not confirm attendance at campaign events or schedule travel or other logistics for a Member's attendance at a campaign event.").

<sup>27</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 13; House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 13.

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*The 2014 and 2018 memoranda also address the question, “If the campaign does not have a good picture for something and there are no official photographs that have exhausted their official use, can the campaign take photographs at official events to use in campaign materials?”<sup>28</sup> The memoranda explain, “Yes, if the event is held outside of official House space and is open to other constituents, the campaign may attend just like any other constituent. However, the campaign staff must not engage in overt campaign or political activity while at an official event.”<sup>29</sup>*

*Regarding the use of footage of committee proceedings, the 2014 and 2018 memoranda explain, “House rules specifically prohibit the use of footage of House Floor activities and committee proceedings for any partisan political purpose. The ‘exhaust its official use’ standard does not apply to footage of House Floor footage or committee proceedings. If such footage is embedded in a third party article or news clip, the campaign may use the article or clip if otherwise appropriate, but must first remove the prohibited footage. TIP: Educate campaign staff about the prohibition on the use of footage of committee proceedings and House Floor activities to avoid any inadvertent impermissible use.”<sup>30</sup>*

**B. Rep. Renacci May Have Misused Official Resources for Campaign or Political Purposes**

20. On March 20, 2017, Rep. Renacci filed paperwork to run for Governor of Ohio.<sup>31</sup> In January 2018, Rep. Renacci ended his campaign for Governor and announced a campaign for Senate in Ohio.<sup>32</sup> As of the date of these findings, Rep. Renacci continues to run for Senate and the Senate election will take place in November 2018. For the purposes of these findings, the gubernatorial and Senate campaign will be referred to collectively as the “campaign.”
21. Rep. Renacci’s campaign maintains an active presence on social media through Twitter, Facebook, Instagram, and YouTube accounts.<sup>33</sup> The campaign often posts to the Facebook and Twitter accounts multiple times per day. The campaign’s Facebook and Twitter accounts remained the same during the transition from the gubernatorial to the Senate race.

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<sup>28</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 15 (emphasis omitted); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 16 (emphasis omitted).

<sup>29</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 15-16 (emphasis omitted); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 16 (emphasis omitted).

<sup>30</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 16; House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 16.

<sup>31</sup> Ohio Secretary of State, Ohio Campaign Committee Information for Renacci for Ohio, Electronic Filing Registration, Mar. 20, 2017.

<sup>32</sup> Renacci for Senate, FEC Statement of Organization, filed Jan. 17, 2018; *see also* Simone Pathé, *Renacci Ending Gubernatorial Campaign for Ohio Senate Bid*, ROLL CALL (Jan. 11, 2018), available at <https://www.rollcall.com/news/politics/renacci-ending-gubernatorial-campaign-for-ohio-senate-bid>.

<sup>33</sup> Jim Renacci (@JimRenacci), Twitter, <https://twitter.com/JimRenacci/> (last visited Aug. 3, 2018); Jim Renacci (@JimRenacci), Facebook, <https://www.facebook.com/JimRenacci/> (last visited Aug. 3, 2018); Jim Renacci, Instagram, <https://www.instagram.com/jimrenacci/> (last visited Aug. 3, 2018); Renacci for Senate, YouTube, <https://www.youtube.com/channel/UCAUDXw1AiyTQqXs4mSIAGBw> (last visited Aug. 3, 2018).

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22. Rep. Renacci's official office also maintains active social media accounts through Twitter, Facebook, Instagram, and YouTube.<sup>34</sup>
23. Finally, Rep. Renacci maintains a Facebook account in his personal capacity, which is fully accessible to the public without privacy restrictions.<sup>35</sup>
24. In this review, the OCE focused on posts to Rep. Renacci's campaign Facebook and campaign Twitter accounts. The OCE reviewed the content on these accounts, in addition to examining the process by which staff creates information for and posts content to the accounts. The OCE also analyzed interactions between official staff and campaign staff, and the physical locations where official staff performed campaign work.
25. Through this review of Rep. Renacci's campaign activities, the OCE found a pattern of use of official resources for campaign purposes. This includes: (1) the repeated use by the campaign of photographs and videos taken in or from the Capitol and official buildings; (2) the performance of campaign work in official buildings; (3) the performance of campaign work during official staff time; and (4) detailed coordination between the official office and the campaign.
26. In addition, the OCE notes that following the initiation of this review and a series of interviews between the OCE and Rep. Renacci, campaign staff, and official staff, the campaign social media accounts continued to use official resources for campaign purposes.

- i. Rep. Renacci's Campaign Social Media Accounts

- a. *Rep. Renacci's Use of Campaign Social Media Accounts and Staff Responsibilities*

27. The OCE found that early in the gubernatorial race, the campaign decided that it needed to improve its social media visibility.<sup>36</sup>
28. The OCE spoke to Campaign Consultant who served as Rep. Renacci's official Chief of Staff from January 2011 until February 2014, and has previously served as a campaign manager and consultant to Rep. Renacci's congressional campaigns.<sup>37</sup>
29. Campaign Consultant explained that beginning with the recent gubernatorial campaign, "I was basically just kind of a senior advisor, primarily focusing on messaging, communications, media relations, and then I became the general consultant of that campaign. I think in October of '17, which then turned into a Senate campaign in January of '18. So I'm

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<sup>34</sup> Rep. Jim Renacci (@RepJimRenacci), Twitter, <https://twitter.com/RepJimRenacci> (last visited Aug. 3, 2018); Congressman Jim Renacci (@repjimrenacci), Facebook, <https://www.facebook.com/repjimrenacci/> (last visited Aug. 3, 2018); Rep. Jim Renacci, Instagram, <https://www.instagram.com/repjimrenacci/> (last visited Aug. 3, 2018); Congressman Jim Renacci, YouTube, <https://www.youtube.com/channel/UCKCDB-RrpAJI7ufh5wIFvGA> (last visited Aug. 3, 2018).

<sup>35</sup> Jim Renacci, Facebook, <https://www.facebook.com/jim.renacci.5> (last visited Aug. 3, 2018); Transcript of Interview of Rep. Jim Renacci ("Rep. Renacci Transcript"), June 27, 2018 (Exhibit 3 at 18-5206\_0079-0080).

<sup>36</sup> Transcript of Interview of Rep. Renacci's Campaign Consultant ("Campaign Consultant Transcript"), June 26, 2018 (Exhibit 4 at 18-5206\_0120).

<sup>37</sup> *Id.* (Exhibit 4 at 18-5206\_0109-0111).

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the general consultant for his Senate campaign.”<sup>38</sup> In his role as general consultant to the Senate campaign, he told the OCE that he does not have “direct report” relationships with most campaign staffers.<sup>39</sup> However, Campaign Consultant oversees the campaign manager directly and reviews what is “happening at a broad level” for the campaign.<sup>40</sup> In his role, he reports directly to Rep. Renacci and speaks to him about campaign-related matters several times a day.<sup>41</sup>

30. Campaign Consultant is a partner at a political consulting firm.<sup>42</sup> He also has a general consulting business, which is the entity through which he is compensated by Rep. Renacci’s campaign.<sup>43</sup>
31. According to Campaign Consultant, in the summer of 2017, the campaign decided “just to be way more engaged on social media. Posting more and being more interactive with things that were happening...”<sup>44</sup> Thereafter, the campaign hired Renae Eze to work primarily on social media.<sup>45</sup> Rep. Renacci also told the OCE that Ms. Eze’s role was “[c]ampaign social media.”<sup>46</sup>
32. Ms. Eze refused to participate in an interview with the OCE and therefore could not corroborate information about her role in the campaign’s social media strategy or posts.
33. Ms. Eze worked for the gubernatorial campaign from approximately the summer of 2017 until around the period of time that Rep. Renacci announced his candidacy for Senate.<sup>47</sup> As the campaign transitioned to a Senate run, Ms. Eze eventually left the campaign and the campaign hired new communications staff.<sup>48</sup>
34. In her work for the campaign, Ms. Eze worked directly with Communications Director and Digital Director.

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<sup>38</sup> *Id.* (Exhibit 4 at 18-5206\_0111).

<sup>39</sup> *Id.* (Exhibit 4 at 18-5206\_0112).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.* (Exhibit 4 at 18-5206\_0109).

<sup>43</sup> *Id.* (Exhibit 4 at 18-5206\_0111); Renacci for Senate, FEC July 2018 Quarterly Report of Receipts and Disbursements, filed July 18, 2018, at 1801-1802; Renacci for Senate, FEC Apr. 2018 Quarterly Report of Receipts and Disbursements, filed Apr. 14, 2018, at 87, 99, 126; Renacci for Senate, FEC Apr. 2017 Quarterly Report of Receipts and Disbursements, filed Apr. 14, 2017, at 81-82; Renacci for Ohio, Ohio Secretary of State 2018 Pre-Primary Report, filed Apr. 26, 2018; Renacci for Ohio, Ohio Secretary of State 2017 Annual Report, filed Jan. 31, 2018; Renacci for Ohio, Ohio Secretary of State 2017 Semi-Annual Report, filed July 31, 2017.

<sup>44</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0120).

<sup>45</sup> *Id.* (Exhibit 4 at 18-5206\_0118-0120). Renae Eze received payroll disbursements from Renacci for Senate, Rep. Renacci’s federal campaign committee. Renacci for Senate, FEC Apr. 2018 Quarterly Report of Receipts and Disbursements, filed Apr. 14, 2018, at 80, 94. The OCE could not find any direct disbursements to Ms. Eze through Renacci for Ohio, the gubernatorial campaign committee. Ms. Eze may have been compensated through a consulting business.

<sup>46</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0077).

<sup>47</sup> Transcript of Interview of Rep. Renacci’s Communications Director (“Communications Director Transcript”), June 26, 2018 (Exhibit 5 at 18-5206\_0153-0154).

<sup>48</sup> *Id.* (Exhibit 5 at 18-5206\_0155).

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35. Communications Director has served as the Communications Director in Rep. Renacci's official office in Washington, DC since August 2016.<sup>49</sup> In this role, she oversees the official congressional office's social media accounts.<sup>50</sup>
36. Communications Director told the OCE that she served as a Senior Advisor to the Senate campaign from January 2018 through May 2018.<sup>51</sup> Based on a review of campaign filings with the Federal Election Commission ("FEC"), Communications Director appears to have received her last salary disbursement from the campaign on June 13, 2018.<sup>52</sup> Prior to her salaried position, during the gubernatorial campaign, Communications Director worked with Ms. Eze on a volunteer basis to identify content for the campaign social media accounts.<sup>53</sup>
37. In the official office, Communications Director manages Digital Director.<sup>54</sup> Digital Director was hired as a paid intern in Rep. Renacci's official office in Washington, DC in August 2017.<sup>55</sup> In January 2018, he was hired into the permanent position of Digital Director in the congressional office.<sup>56</sup> Part of his role is to "provide content for the Congressman's social media."<sup>57</sup> Communications Director explained to the OCE that Digital Director assists her with creating content for the official social media accounts and noted that he is skilled at creating graphics.<sup>58</sup>
38. Digital Director also performed occasional work on a volunteer basis for the gubernatorial campaign during his time as a paid intern in the congressional office, which was prior to Rep. Renacci's Senate campaign announcement.<sup>59</sup> Digital Director was hired as a Digital Director

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<sup>49</sup> *Id.* (Exhibit 5 at 18-5206\_0143); House of Representatives Chief Administrative Officer, Statement of Disbursements of the House (July 1, 2016 – Sept. 30, 2016), at 1598.

<sup>50</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0149).

<sup>51</sup> *Id.* (Exhibit 5 at 18-5206\_0144); Renacci for Senate, FEC July 2018 Quarterly Report of Receipts and Disbursements, filed July 18, 2018, at 1796-1797; Renacci for Senate, FEC 2018 Pre-Primary Report of Receipts and Disbursements, filed Apr. 26, 2018, at 83; Renacci for Senate, FEC Apr. 2018 Quarterly Report of Receipts and Disbursements, filed Apr. 14, 2018, at 124.

<sup>52</sup> Renacci for Senate, FEC July 2018 Quarterly Report of Receipts and Disbursements, filed July 18, 2018, at 1797.

<sup>53</sup> *See* Communications Director Transcript (Exhibit 5 at 18-5206\_0142-0191) (discussing occasions when Communications Director conducted campaign communications work and prepared social media content for the campaign prior to January 2018); Transcript of Interview of Rep. Renacci's Chief of Staff ("Chief of Staff Transcript"), June 26, 2018 (Exhibit 6 at 18-5206\_0204) (explaining that when Communications Director was hired to work for the Senate campaign, Communications Director continued to perform work that she already had been performing for the campaign).

<sup>54</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0149).

<sup>55</sup> Transcript of Interview of Rep. Renacci's Digital Director ("Digital Director Transcript"), June 26, 2018 (Exhibit 7 at 18-5206\_0231); House of Representatives Chief Administrative Officer, Statement of Disbursements of the House (July 1, 2017 – Sept. 30, 2017), at 1691; House of Representatives Chief Administrative Officer, Statement of Disbursements of the House (Oct. 1, 2017 – Dec. 31, 2017), at 1619.

<sup>56</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0231); Chief of Staff Transcript (Exhibit 6 at 18-5206\_0206-0209); House of Representatives Chief Administrative Officer, Statement of Disbursements of the House (Jan. 1, 2018 – Mar. 31, 2018), at 1997. While Digital Director described himself to the OCE as Digital Director, his initial payroll forms described his position as Press Assistant. Digital Director House Payroll Authorization Form, Jan. 10, 2018 (Exhibit 8 at 18-5206\_0264). In a payroll form from April 2018, his position title changed to Digital Director.

<sup>57</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0231); Digital Director House Payroll Authorization Form, Apr. 13, 2018 (Exhibit 9 at 18-5206\_0266).

<sup>58</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0149).

<sup>59</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0232).

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for the Senate campaign in February 2018.<sup>60</sup> He told the OCE that he is “split 50/50. Half of my pay is official related and half of it is campaign related.”<sup>61</sup>

39. Through their campaign roles, Communications Director and Digital Director assisted Ms. Eze to develop social media content for the campaign.<sup>62</sup> Although Communications Director and Digital Director had login credentials to the campaign’s social media accounts, Ms. Eze typically posted the materials to social media herself.<sup>63</sup>
40. Communications Director and Digital Director also participated in morning calls each weekday with Ms. Eze, and occasionally Campaign Consultant, to discuss the media for the day and consistency of messaging.<sup>64</sup>
41. Starting during part of the time that Ms. Eze worked on the campaign’s social media and until May 2018, the campaign also paid Harlan Hill of the Logan Circle Group to assist with the campaign’s social media visibility.<sup>65</sup> The Logan Circle Group is a public relations and political consulting firm.<sup>66</sup>
42. Mr. Hill refused to participate in an interview with the OCE to discuss his role in the campaign’s social media activities.
43. According to Campaign Consultant, in November or December of 2017, “the campaign felt like it needed more of a presence in terms of engaging with [social media] . . . when trying to build Twitter followers and Facebook followers and maybe engaging when one candidate attacks another one, having other people respond. So Harlan has a firm that helps really build followers and things like that, so he came on board as a vendor and worked with the campaign, I think, until the primary. Until May of this year. So his firm, on a weekly basis, I believe, would send out kind of a package of things that they intended on posting for the week.”<sup>67</sup>
44. When Ms. Eze left the campaign after the transition to the Senate race, the campaign eventually hired a new communications staff.<sup>68</sup> On March 13, 2018, Rep. Renacci announced through his campaign Twitter account that he had hired Brittany Martinez as

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<sup>60</sup> *Id.* (Exhibit 7 at 18-5206\_0232); Renacci for Senate, FEC July 2018 Quarterly Report of Receipts and Disbursements, filed July 18, 2018, at 1813, 1819, 1824, 1830, 1835; Renacci for Senate, FEC 2018 Pre-Primary Report of Receipts and Disbursements, filed Apr. 26, 2018, at 95; Renacci for Senate, FEC Apr. 2018 Quarterly Report of Receipts and Disbursements, filed Apr. 14, 2018, at 112, 143.

<sup>61</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0233).

<sup>62</sup> *Id.* (Exhibit 7 at 18-5206\_0258-0259); Communications Director Transcript (Exhibit 5 at 18-5206\_0168-0169, 0172-0173, 0179-0180).

<sup>63</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0157-0158, 0169); Digital Director Transcript (Exhibit 7 at 18-5206\_0246).

<sup>64</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0153); Digital Director Transcript (Exhibit 7 at 18-5206\_0243-0245); Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0114-0115).

<sup>65</sup> Renacci for Ohio, Ohio Secretary of State 2018 Pre-Primary Report, filed Apr. 26, 2018; Renacci for Senate, FEC Apr. 2018 Quarterly Report of Receipts and Disbursements, filed Apr. 14, 2018, at 89, 100; Renacci for Senate, FEC July 2018 Quarterly Report of Receipts and Disbursements, filed July 18, 2018, at 1875.

<sup>66</sup> Logan Circle Group, <https://logancirclegroup.com/> (last visited Aug. 3, 2018).

<sup>67</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0129).

<sup>68</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0153-0154).

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Communications Director for the Senate campaign.<sup>69</sup> In May or June 2018, the campaign hired another communications staffer named Leslie Shedd, who oversees Ms. Martinez.<sup>70</sup>

45. Digital Director continued his dual role working for both the official office and the campaign,<sup>71</sup> however Communications Director left the campaign staff in May 2018.<sup>72</sup>
46. Currently, Ms. Martinez is responsible for posting content to the campaign's social media accounts.<sup>73</sup> Additionally, Ms. Shedd sends out a weekly messaging calendar every weekend that includes a social media plan.<sup>74</sup>

*b. Rep. Renacci's Knowledge of Campaign Social Media Activities and Posts*

47. Rep. Renacci told the OCE, and his staff confirmed, that Rep. Renacci does not post or create content for his official or campaign social media accounts.<sup>75</sup> Rep. Renacci also does not play a role in approving content that is posted to the accounts.<sup>76</sup> Campaign Consultant told the OCE, regarding social media, "[Rep. Renacci's] not involved in the creation of these things at all, and never has been."<sup>77</sup>
48. When the OCE showed Rep. Renacci certain representative posts from his campaign social media accounts, he stated multiple times that he had not seen the posts before preparation for the OCE review and that he did not know who posted them.<sup>78</sup>
49. The OCE found that Rep. Renacci did not approve, post, or create content for his campaign social media accounts. However, Rep. Renacci likely had some direct knowledge of content posted to those accounts.
50. On December 19, 2017, Ms. Eze sent an e-mail to Rep. Renacci's personal e-mail address (in addition to e-mail addresses for other campaign employees) with a detailed attachment

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<sup>69</sup> Jim Renacci (@JimRenacci), Twitter (Mar. 13, 2018, 3:00 PM), <https://twitter.com/JimRenacci/status/973634821527343105>.

<sup>70</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0121, 0138); Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0074); Communications Director Transcript (Exhibit 5 at 18-5206\_0145).

<sup>71</sup> In an e-mail communication from Digital Director's counsel after the conclusion of the review, counsel told the OCE that Digital Director is no longer working for the campaign as of June 30, 2018. E-mail from William J. Farah, Counsel to Rep. Renacci, to Helen Eisner, Investigative Counsel, July 27, 2018. Digital Director received a payroll disbursement from the Senate campaign on June 29, 2018. Renacci for Senate, FEC July 2018 Quarterly Report of Receipts and Disbursements, filed July 18, 2018, at 1835.

<sup>72</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0232-0233, 0240); Communications Director Transcript (Exhibit 5 at 18-5206\_0144).

<sup>73</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0155); Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0121, 0138).

<sup>74</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0243).

<sup>75</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0129); Digital Director Transcript (Exhibit 7 at 18-5206\_0246); Communications Director Transcript (Exhibit 5 at 18-5206\_0159); Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0077-0079).

<sup>76</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0159).

<sup>77</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0129).

<sup>78</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0095-0097).

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containing image captures of the campaign's social media posts for the day.<sup>79</sup> This included one campaign post containing a picture of Rep. Renacci in Statuary Hall.<sup>80</sup> Rep. Renacci told the OCE that he is the only person with access to that personal e-mail account.<sup>81</sup> He did not recall receiving the December 19, 2017 e-mail, or ever receiving e-mails from Ms. Eze.<sup>82</sup>

51. Campaign Consultant told the OCE that there was a period of time when Ms. Eze sent these e-mail summaries on either a daily or weekly basis.<sup>83</sup> He could not remember when it started or when it ended.<sup>84</sup> Campaign Consultant did not know how common it was for Ms. Eze to send such e-mails to Rep. Renacci, but did not think "Renae or a lot of other staffers would have emailed with him all that much."<sup>85</sup>
52. Digital Director told the OCE that Rep. Renacci did not have access to the campaign social media accounts.<sup>86</sup> However, Digital Director recalled that, in the past – once every three weeks or once a month – Rep. Renacci might communicate to him or Ms. Martinez that something was not posted promptly enough.<sup>87</sup>
53. When asked about his role in suggesting content for the campaign social media accounts and how he interacted with the accounts, Rep. Renacci explained, "I have no role there. Things get posted sometimes. It's usually after the fact, if I see something. A lot of times I always say, 'We need to get things up quickly because stale content is stale content,' but that's on both sides. That's just my business background."<sup>88</sup>
54. Finally, Rep. Renacci told the OCE that he maintains a personal Facebook account, which he monitors himself.<sup>89</sup> Rep. Renacci explained that his personal account "is connected to all these accounts, so in the feeds, I see some of these things."<sup>90</sup> He explained that he does not "100% follow" the other accounts, but that "[t]here's times on my personal account that when I look on it, I'll see something pop up, but I don't monitor the stuff on a regular basis."<sup>91</sup>
55. The OCE reviewed Rep. Renacci's personal Facebook account and found that he "follows" his campaign Facebook account.<sup>92</sup> While it is impossible to determine which campaign Facebook posts Rep. Renacci personally viewed in his personal Facebook news feed,

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<sup>79</sup> E-mail from Renae Eze to Rep. Renacci and Campaign Staff with Attachment, Dec. 19, 2017 (Exhibit 10 at 18-5206\_0269-0270).

<sup>80</sup> *Id.*

<sup>81</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0084).

<sup>82</sup> *Id.* (Exhibit 3 at 18-5206\_0084-0085).

<sup>83</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0127-0128).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.* (Exhibit 4 at 18-5206\_0128).

<sup>86</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0246).

<sup>87</sup> *Id.*

<sup>88</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0083-0084).

<sup>89</sup> *Id.* (Exhibit 3 at 18-5206\_0078); Jim Renacci, Facebook, <https://www.facebook.com/jim.renacci.5> (last visited Aug. 3, 2018).

<sup>90</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0078).

<sup>91</sup> *Id.*

<sup>92</sup> Jim Renacci, Facebook, <https://www.facebook.com/jim.renacci.5> (Image Capture of "Following", Archived June 27, 2018) (Exhibit 11 at 18-5206\_0271).

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campaign Facebook posts would have appeared in his personal feed because he “follows” the account.

56. Additionally, Rep. Renacci directly engaged with the campaign’s Facebook and Twitter accounts through his personal Facebook account. For example, on June 18, 2018, Rep. Renacci shared a post on his personal account that originally was posted to his campaign Facebook account.<sup>93</sup> Additionally, on June 4, 2018, Rep. Renacci shared a post from his personal Facebook account that originally was posted to his campaign Twitter account.<sup>94</sup>
57. Based on his interactions with campaign staff and his own social media activity, it is clear that Rep. Renacci had some direct knowledge of the content posted to his campaign social media accounts.

*c. Social Media Account Policies and Oversight*

58. Rep. Renacci told the OCE that Campaign Consultant “who’s been doing social media for probably 10 years, who’s overseeing the entire campaign” was responsible for the campaign’s social media practices.<sup>95</sup> Rep. Renacci told the OCE that Campaign Consultant supervises any policies and practices concerning campaign use of photos taken from official office buildings, and that Campaign Consultant reviewed Ms. Eze’s social media posts.<sup>96</sup>
59. Rep. Renacci explained that he held ultimate hiring and firing authority for the campaign, but that he delegated decisions to Campaign Consultant.<sup>97</sup>
60. Campaign Consultant sometimes asked Ms. Eze and Mr. Hill to run social media content by him for approval.<sup>98</sup> Early in her time working for the campaign, Campaign Consultant asked Ms. Eze to run policy-related posts by him for approval.<sup>99</sup> There was a period of time from November 2017 through December 2017 when Campaign Consultant took a leave of absence from the campaign, and after that period of time he rarely approved posts for Ms. Eze.<sup>100</sup> Campaign Consultant provided some direct feedback to Mr. Hill about planned social media posts in situations when Mr. Hill’s messaging on policy issues did not align with the campaign’s positions.<sup>101</sup>

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<sup>93</sup> Jim Renacci, Facebook, <https://www.facebook.com/jim.renacci.5> (Image Capture of June 18, 2018 Post, Archived June 27, 2018) (Exhibit 12 at 18-5206\_0273); Jim Renacci, Facebook (June 18, 2018), <https://www.facebook.com/JimRenacci/photos/a.307728585922.192446.217695830922/10156149161470923/?type=3&theater>.

<sup>94</sup> Jim Renacci, Facebook, <https://www.facebook.com/jim.renacci.5> (Image Capture of June 4, 2018 Post, Archived June 27, 2018) (Exhibit 13 at 18-5206\_0275); Jim Renacci (@JimRenacci), Twitter (June 4, 2018, 10:40 AM), <https://twitter.com/JimRenacci/status/1003647568612651008>.

<sup>95</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0086).

<sup>96</sup> *Id.* (Exhibit 3 at 18-5206\_0083, 0086-0087).

<sup>97</sup> *Id.* (Exhibit 3 at 18-5206\_0087).

<sup>98</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0122-0123, 0129-0130).

<sup>99</sup> *Id.* (Exhibit 4 at 18-5206\_0122-0123).

<sup>100</sup> *Id.* (Exhibit 4 at 18-5206\_0122).

<sup>101</sup> *Id.* (Exhibit 4 at 18-5206\_0129-0130).

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61. Generally, Campaign Consultant said he did not get involved in a lot of posts that “were like pictures of [Rep. Renacci] at an event, or standing next to someone, I really didn’t care about all that much.”<sup>102</sup>
62. Rep. Renacci emphasized that all official employees who start in the congressional office receive an employee handbook, and must sign an acknowledgement form indicating that they have read the handbook.<sup>103</sup> According to Rep. Renacci, Campaign Consultant created the handbook during his time as Chief of Staff in the official office.<sup>104</sup> Rep. Renacci did not know if the campaign had its own policy manual for employees.<sup>105</sup> Rep. Renacci explained that his official staff “know they’re not allowed to use anything related to official property in a campaign picture, and they sign off” on that referring to the employee handbook.<sup>106</sup>
63. The OCE asked Rep. Renacci to provide a copy of the employee handbook.<sup>107</sup> Based on its content, the OCE determined that the handbook was created from a template drafted by the Committee on House Administration.<sup>108</sup> According to Rep. Renacci, the handbook has been amended since it was first created, but it has not been amended since the initiation of the OCE review.<sup>109</sup>
64. The handbook provided to the OCE is undated.<sup>110</sup> While there are some locations where Rep. Renacci’s name is inserted, there are other areas where the handbook appears incomplete. For example, the model handbook from the Committee on House Administration includes a place to “insert effective date” and Rep. Renacci’s handbook fails to include an effective date.<sup>111</sup> The model handbook from the Committee on House Administration also includes sections highlighted in yellow for information to be completed.<sup>112</sup> The handbook provided to the OCE still has some of these yellow highlights.<sup>113</sup> All of this indicates that the handbook provided to the OCE may not have been in final form, and it was unclear whether it ever was finalized or used.
65. The handbook has a section on “Political Activities” that says “[e]mployees of the office may engage in campaign work only on their own time” and states, “official House property,

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<sup>102</sup> *Id.* (Exhibit 4 at 18-5206\_0131).

<sup>103</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0092-0094).

<sup>104</sup> *Id.* (Exhibit 3 at 18-5206\_0094).

<sup>105</sup> *Id.*

<sup>106</sup> *Id.* (Exhibit 3 at 18-5206\_0092).

<sup>107</sup> Rep. Renacci Employee Handbook (Exhibit 14 at 18-5206\_0277-0299); Rep. Renacci Employee Handbook Acknowledgement of Receipt Form (Exhibit 15 at 18-5206\_0301).

<sup>108</sup> Comm. on House Administration, Model Employee Handbook for 115th Cong., *available at* <https://cha.house.gov/member-services/handbooks>. Rep. Renacci’s Employee Handbook largely mirrors the current model handbook, however, based on small differences, it was likely based on a model employee handbook from a prior Congress.

<sup>109</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0093).

<sup>110</sup> Rep. Renacci Employee Handbook (Exhibit 14 at 18-5206\_0277-0299).

<sup>111</sup> Comm. on House Administration, Model Employee Handbook for 115th Cong., *available at* <https://cha.house.gov/member-services/handbooks>; Rep. Renacci Employee Handbook (Exhibit 14 at 18-5206\_0277).

<sup>112</sup> Comm. on House Administration, Model Employee Handbook for 115th Cong., *available at* <https://cha.house.gov/member-services/handbooks>.

<sup>113</sup> Rep. Renacci Employee Handbook (Exhibit 14 at 18-5206\_0281, 0283).

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equipment, and resources may not be used for campaign activities.”<sup>114</sup> The “Misconduct” section also forbids “[p]erforming personal or campaign business during working hours . . . .”<sup>115</sup>

66. No staffers interviewed by the OCE, including Campaign Consultant, mentioned this employee handbook. The OCE could not identify whether this employee manual is routinely provided to official employees.
67. Through this handbook, Rep. Renacci may have had in place some general guidance about conducting political activities in House office buildings. Employees are also informed of these rules through required ethics trainings.

- ii. Campaign Social Media Posts Using Official Resources

68. In reviewing Rep. Renacci’s campaign social media accounts, the OCE found that Rep. Renacci’s campaign has repeatedly posted videos and pictures of Rep. Renacci that were filmed or photographed in or from official buildings. Even after campaign staff acknowledged the problematic nature of such posts, the campaign continued to post media that was filmed or photographed in the United States Capitol Building.
69. Exhibit 1 to these findings, which is identified as Rep. Renacci’s Social Media Posts Set A, contains images and a description of 38 different social media posts, between May 2017 and July 2018, where the campaign social media accounts appear to have posted content using official resources.<sup>116</sup> This includes 28 different occasions when the campaign shared photographs or videos of Rep. Renacci participating in media interviews from Statuary Hall in the Capitol Building. The 38 total social media posts also include photos from other congressional offices, and posts sharing congressional committee hearing video footage and a video created by the House Ways and Means Committee. Screenshots of three representative examples of the campaign Twitter and Facebook accounts using photos and videos from Statuary Hall are reproduced below.

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<sup>114</sup> *Id.* (Exhibit 14 at 18-5206\_0282).

<sup>115</sup> *Id.* (Exhibit 14 at 18-5206\_0291).

<sup>116</sup> *See* Exhibit 1: Rep. Renacci’s Social Media Posts Set A (Exhibit 1 at 18\_5206\_0002-0040) (identifying campaign social media posts from Rep. Renacci’s Twitter and Facebook accounts that may have misused official resources for political purposes).

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 **Jim Renacci**  
@JimRenacci Follow

#ICYMI Yesterday I was on @FoxBusiness talking about how tired Ohioans are of our rising debts and deficits #OHGov [bit.ly/2vLBV4T](http://bit.ly/2vLBV4T)



4:00 PM - 8 Sep 2017

 **Jim Renacci**  
December 13, 2017 · 🌐

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As we fight to reopen the Government after the #SchumerShutdown, I am donating my salary to people in need.



2:45 PM - 22 Jan 2018

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70. The OCE found that the campaign and official staff frequently shared information about media appearances. As previously described, the campaign communications staff participated in daily morning phone calls on weekdays.<sup>117</sup> The staff involved in these calls included Communications Director, Digital Director, Ms. Eze, later Ms. Martinez, and sometimes Campaign Consultant.<sup>118</sup> Communications Director is no longer involved in the calls.<sup>119</sup> During the calls, the campaign staff (including the dual campaign and official staff) would discuss media appearances scheduled for the day.<sup>120</sup>
71. Communications Director explained to the OCE that during every press taping in Statuary Hall, she would take pictures of Rep. Renacci participating in the interview.<sup>121</sup> She did this so that she could post pictures of the appearance to the official social media account.<sup>122</sup> If content came up during the interview that was relevant for the campaign, she would flag the interview for the campaign and send the pictures that she took to the campaign.<sup>123</sup> According to Communications Director, on almost every occasion when Congress was in session and Rep. Renacci had a media appearance, the appearance took place in Statuary Hall.<sup>124</sup>
72. Communications Director told the OCE, “I had no idea we couldn’t take pictures inside the office building. I know that now. It will never happen again.”<sup>125</sup> Campaign Consultant also acknowledged that the Washington, DC-based dual official and campaign staff sent pictures to the campaign of Rep. Renacci participating in interviews from the Capitol and “in [his] estimation, [it] shouldn’t have happened.”<sup>126</sup>
73. Digital Director told the OCE that he likely filmed his own video of Rep. Renacci’s February 6, 2018 press interview from Statuary Hall from a different angle, and edited that video into a clip that the campaign posted.<sup>127</sup>
74. In addition to the 28 posts using photographs and videos from Statuary Hall, the OCE identified other examples of posts using multimedia from official buildings.
75. On November 16, 2017, the campaign Facebook account posted a video containing a clip of Rep. Renacci walking down the steps of the Capitol and also containing an image of Rep. Renacci on the steps of the Capitol.<sup>128</sup> Separately, on November 16, 2017, the campaign Twitter account posted a “GIF” image of Rep. Renacci walking through a corridor inside the

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<sup>117</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0153); Digital Director Transcript (Exhibit 7 at 18-5206\_0242-0245); Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0114-0115).

<sup>118</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0153); Digital Director Transcript (Exhibit 7 at 18-5206\_0243-0245); Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0114-0115).

<sup>119</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0153, 0155).

<sup>120</sup> *Id.* (Exhibit 5 at 18-5206\_0153); Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0114-0115).

<sup>121</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0169).

<sup>122</sup> *Id.*

<sup>123</sup> *Id.* (Exhibit 5 at 18-5206\_0169-0170).

<sup>124</sup> *Id.* (Exhibit 5 at 18-5206\_0148).

<sup>125</sup> *Id.* (Exhibit 5 at 18-5206\_0169).

<sup>126</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0124).

<sup>127</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0189); Digital Director Transcript (Exhibit 7 at 18-5206\_0259); Jim Renacci, Facebook (Feb. 6, 2018),

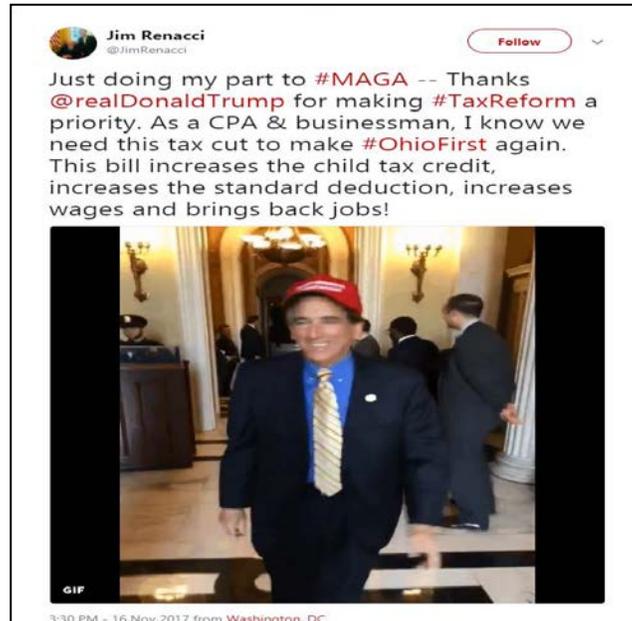
<https://www.facebook.com/JimRenacci/videos/10155821600610923/>.

<sup>128</sup> Jim Renacci, Facebook (Nov. 16, 2017), <https://www.facebook.com/JimRenacci/videos/10155604971765923/>.

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Capitol building.<sup>129</sup> In these images and the video from November 16, 2017, Rep. Renacci is wearing a red hat with the “Make America Great Again” political slogan on it.

76. Communications Director and Digital Director both confirmed that these videos and images of Rep. Renacci, specifically when he was wearing the hat, were filmed and photographed so that they could be used by the campaign.<sup>130</sup> According to Communications Director, she took the photo of Rep. Renacci that was turned into the GIF and Digital Director shot the video of Rep. Renacci walking down the stairs.<sup>131</sup> The completed video and the image in the Capitol corridor were sent to Ms. Eze, who turned the image into a GIF before posting both items to the campaign’s social media accounts.<sup>132</sup>



<sup>129</sup> Jim Renacci (@JimRenacci), Twitter (Nov. 16, 2017, 3:30 PM), <https://twitter.com/JimRenacci/status/931258141936947200>.

<sup>130</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0258); Communications Director Transcript (Exhibit 5 at 18-5206\_0175).

<sup>131</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0176).

<sup>132</sup> *Id.*; E-mail from Communications Director to Renae Eze, Nov. 16, 2017 (Exhibit 16 at 18-5206\_0303).

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77. Rep. Renacci initially told the OCE that he did not recall participating in the November 16, 2017 video or photographs included in the video.<sup>133</sup> Rep. Renacci said that he did not remember whose idea it was to participate in the pictures and videos, and did not know if they were posted to social media.<sup>134</sup>
78. Immediately thereafter, Rep. Renacci told the OCE that he actually did know that the photographs and video were posted to social media because he had seen the posts during the process of preparing materials for the OCE review.<sup>135</sup> He then said he remembered specific details about participating in the photo used for the “GIF.”<sup>136</sup> Rep. Renacci told the OCE that in the picture of him walking through the corridor he “was actually out of the building . . . .”<sup>137</sup> He said that he remembered “clearly [a Capitol police officer] saying, I do remember the officer saying, ‘You need to step out of the building.’”<sup>138</sup>
79. The OCE found that Rep. Renacci was inside a hallway of the Capitol building walking towards the exit during the series of photos used in the “GIF.”
80. Additionally, in the November 16, 2017 campaign Facebook post containing the video and in the November 16, 2017 “GIF” posted to Twitter, Rep. Renacci is captured on Capitol premises. Even when he is walking down the steps outside of the Capitol building, he is still on the Capitol grounds. The video does not appear to have been taken from the areas designated as public space for filming the Capitol.
81. In another example of a campaign post using official resources, on October 24, 2017, Rep. Renacci’s campaign Twitter account shared a photo of a meeting of the Bipartisan Working Group that took place in the Longworth House Office Building.<sup>139</sup>
82. Rep. Renacci’s Legislative Director is responsible for coordinating Rep. Renacci’s attendance at the Bipartisan Working Group meetings, and attended the October 24, 2017 event.<sup>140</sup> The meeting was scheduled for 8 A.M.<sup>141</sup>
83. In a request for information, the OCE asked Rep. Renacci to identify the location where certain representative photos posted to social media were taken, and to identify staffers involved in posting such photos. In a response prepared by Rep. Renacci through counsel,

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<sup>133</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0090-0091).

<sup>134</sup> *Id.* (Exhibit 3 at 18-5206\_0091).

<sup>135</sup> *Id.*

<sup>136</sup> *Id.* (Exhibit 3 at 18-5206\_0092).

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> Renacci, J Outlook Scheduling Invitation for Bipartisan Working Group Meeting, Oct. 24, 2017 (Exhibit 17 at 18-5206\_0305). In a request for information, the OCE asked Rep. Renacci to describe the location where a selection of photos and videos used by the campaign social media accounts were photographed or filmed, and for information about staffers involved in capturing and posting the multimedia. Rep. Renacci’s Response to OCE Request for Information Set A Table, Produced May 14, 2018 (Exhibit 18 at 18-5206\_0307); Rep. Renacci’s Amended Response to OCE Request for Information Set A Table, Produced July 12, 2018 (Exhibit 19 at 18-5206\_0309).

<sup>140</sup> Transcript of Interview of Rep. Renacci’s Legislative Director (“Legislative Director Transcript”), June 26, 2018 (Exhibit 20 at 18-5206\_0322).

<sup>141</sup> Renacci, J Outlook Scheduling Invitation for Bipartisan Working Group Meeting, Oct. 24, 2017 (Exhibit 17 at 18-5206\_0305).

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Rep. Renacci told the OCE that Legislative Director attended this Bipartisan Working Group meeting “before office hours.”<sup>142</sup> In an amended response submitted after the OCE conducted witness interviews, the description of Legislative Director’s attendance “before office hours” was stricken.<sup>143</sup>

84. Legislative Director told the OCE that his work hours typically start at 8:15 or 8 A.M., and confirmed that attending the meeting was part of his official responsibilities.<sup>144</sup>
85. During the October 24, 2017 meeting, Communications Director texted Legislative Director asking him to send her a picture of the meeting.<sup>145</sup> After receiving the image from Legislative Director via text, Communications Director then sent the images to Ms. Eze who posted one of the pictures to social media.<sup>146</sup> Communications Director told the OCE that she, “had no idea this was something I couldn’t do” and said she would never do it again.<sup>147</sup> Legislative Director told that OCE that, when he sent the photo, he did not know that it would be used by the campaign.<sup>148</sup> Legislative Director has never held a position for the campaign, although he has performed occasional volunteer work.<sup>149</sup>
86. The OCE identified multiple other occasions on which the campaign posted photos of Rep. Renacci to social media that were taken within congressional offices.<sup>150</sup>
87. Additionally, the campaign social media accounts shared congressional committee hearing footage, committee materials, and photographs from committee hearings. On July 27, 2017, the campaign shared a video clip of Rep. Renacci’s statement during a Ways and Means Committee hearing.<sup>151</sup> The post linked to a video of the statement that was on Rep.

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<sup>142</sup> Rep. Renacci’s Response to OCE Request for Information Set A Table, Produced May 14, 2018 (Exhibit 18 at 18-5206\_0307).

<sup>143</sup> Rep. Renacci’s Amended Response to OCE Request for Information Set A Table, Produced July 12, 2018 (Exhibit 19 at 18-5206\_0309).

<sup>144</sup> Legislative Director Transcript (Exhibit 20 at 18-5206\_0323).

<sup>145</sup> Text Messages between Communications Director and Legislative Director, Oct. 24, 2017 (Exhibit 21 at 18-5206\_0335-0336); Communications Director Transcript (Exhibit 5 at 18-5206\_0171-0172); Legislative Director Transcript (Exhibit 20 at 18-5206\_0323-0324).

<sup>146</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0172).

<sup>147</sup> *Id.* (Exhibit 5 at 18-5206\_0172).

<sup>148</sup> Legislative Director Transcript (Exhibit 20 at 18-5206\_0325).

<sup>149</sup> *Id.* (Exhibit 20 at 18-5206\_0313-0314).

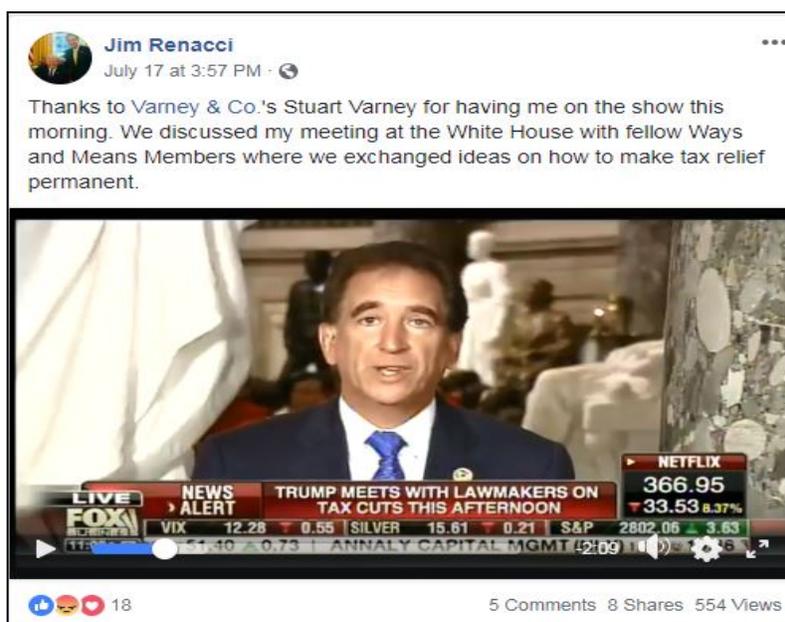
<sup>150</sup> Jim Renacci (@JimRenacci), Twitter (Jan. 1, 2018, 12:35 PM), <https://twitter.com/JimRenacci/status/947883890773037058>; Jim Renacci (@JimRenacci), Twitter (Feb. 8, 2018, 2:50 PM), <https://twitter.com/JimRenacci/status/961688627846795267>; Jim Renacci, Facebook (Feb. 8, 2018), <https://www.facebook.com/JimRenacci/photos/10155827267685923/>. *See also* Getty Images, Stock Photos of Rep. Renacci, *available at* <https://www.gettyimages.com/photos/rep.-james-renacci?mediatype=photography&phrase=rep.%20james%20renacci&sort=mostpopular> (including additional photographs of Rep. Renacci from the same photo session when the photograph used in the February 8, 2018 posts was taken and providing additional vantage points to establish that that photo was taken in a congressional office building). *See also* Rep. Renacci’s Response to OCE Request for Information Set A Table, Produced May 14, 2018 (Exhibit 18 at 18-5206\_0307); Rep. Renacci’s Amended Response to OCE Request for Information Set A Table, Produced July 12, 2018 (Exhibit 19 at 18-5206\_0309-0310); Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0135-0136).

<sup>151</sup> Jim Renacci, Facebook (July 27, 2017), <https://www.facebook.com/JimRenacci/posts/10155310477260923>.

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Renacci's official YouTube account.<sup>152</sup> As another example, on April 24, 2018, the campaign Twitter account shared an article and a video about Rep. Renacci's experience with identity theft.<sup>153</sup> The video was created by the House Ways and Means Committee, and the video shared on the account clearly displays that committee's official seal.<sup>154</sup>

88. Finally, even after extensive conversation with Rep. Renacci about use of images and videos filmed in Statuary Hall during his June 27, 2018 interview with the OCE, the campaign shared four posts to social media that included footage of Rep. Renacci in Statuary Hall on July 17 and July 18, 2018.<sup>155</sup> Additionally, after the conclusion of this review, on July 19, 2018, the campaign posted an article to Twitter and Facebook, and in the same posts included a photo of a congressional committee room.<sup>156</sup>



89. The 38 posts identified in Exhibit 1 span a time period from May 27, 2017 through July 19, 2018. Therefore, the potentially problematic use of official resources for political purposes endured through the gubernatorial campaign, the current Senate campaign, across multiple

<sup>152</sup> Congressman Jim Renacci, YouTube (May 23, 2017), <https://www.youtube.com/watch?v=RQsXLf3kQeM>.

<sup>153</sup> Jim Renacci (@JimRenacci), Twitter (Apr. 24, 2018, 12:01 PM), <https://twitter.com/JimRenacci/status/988810178236698624>.

<sup>154</sup> House Ways and Means Committee, *Rep. Renacci Shares Personal Story on Tax-Related Identity Theft: Committee to Examine Ways to Protect American Taxpayers at Upcoming Hearing*, Apr. 18, 2016, available at <https://waysandmeans.house.gov/renacci-identity-theft/>.

<sup>155</sup> Jim Renacci, Facebook (July 17, 2018), <https://www.facebook.com/JimRenacci/videos/10156216918725923/>; Jim Renacci (@JimRenacci), Twitter (July 17, 2018, 3:58PM), <https://twitter.com/JimRenacci/status/1019310381511139328>; Jim Renacci, Facebook (July 18, 2018), <https://www.facebook.com/JimRenacci/videos/10156219282675923/>; Jim Renacci (@JimRenacci), Twitter (July 18, 2018, 5:20PM), <https://twitter.com/JimRenacci/status/1019693478379474944>.

<sup>156</sup> Jim Renacci, Facebook (July 19, 2018), <https://www.facebook.com/JimRenacci/posts/10156221007940923/>; Jim Renacci (@JimRenacci), Twitter (July 19, 2018, 12:08PM), <https://twitter.com/JimRenacci/status/1019977274576293888>.

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iii. Performance of Campaign Work from Official Buildings on Official Staff Time

90. In addition to posting pictures and videos of Rep. Renacci in which he physically was located in official buildings or at the Capitol, the OCE found that Rep. Renacci permitted campaign staff to perform campaign work in official office buildings during official staff time.
91. As described above, Communications Director and Digital Director took pictures and videos for political purposes from official office buildings. In these instances, it was not just staff who directly participated in such activities. For example, Rep. Renacci wore the hat with a political slogan and allowed himself to be filmed while in the Capitol.
92. As a separate matter, the OCE found that, for a period of time, members of Rep. Renacci's official and campaign staff consistently performed campaign work in official buildings.
93. Digital Director has software on his personal computer that allows him to edit videos and add graphics to photos.<sup>157</sup> Digital Director told the OCE that, for a period of months, he performed work preparing videos or graphics for the campaign's social media accounts, while in Rep. Renacci's congressional office, "every day during the week."<sup>158</sup> He said that he performed campaign work in the congressional office less frequently when he was a paid intern, but when he became Digital Director in February 2018 the frequency increased.<sup>159</sup>
94. Digital Director explained to the OCE that every day, "[i]f there was a news story that related to us or that was President Trump's or something relating to [Rep. Renacci] I would make a quick graphic and then write a short caption and then send it to [Communications Director]."<sup>160</sup>
95. Digital Director told the OCE that the campaign work performed in the official office often occurred when the posting was time sensitive, and was often an assignment from Communications Director.<sup>161</sup>
96. Communications Director confirmed that Digital Director sometimes performed work preparing multimedia for the campaign social media accounts from the official congressional office.<sup>162</sup> Digital Director sent finished products to Communications Director's personal e-mail, for them to be sent to Ms. Eze to post.<sup>163</sup> Digital Director also sometimes shared content through Facebook or set up scheduled posts to the campaign Facebook account.<sup>164</sup>

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<sup>157</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0251-0253); Communications Director Transcript (Exhibit 5 at 18-5206\_0168-0169).

<sup>158</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0253).

<sup>159</sup> *Id.*

<sup>160</sup> *Id.* (Exhibit 7 at 18-5206\_0253).

<sup>161</sup> *Id.*

<sup>162</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0168-0169).

<sup>163</sup> *Id.*; Digital Director Transcript (Exhibit 7 at 18-5206\_0253).

<sup>164</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0168-0169).

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97. For assignments that required more time, Digital Director routinely performed graphic and editing work from home and outside of the congressional office.<sup>165</sup> Digital Director also performed campaign work from coffee shops outside of official buildings.<sup>166</sup> Communications Director told the OCE that in response to the OCE review, Digital Director now routinely performs work from coffee shops.<sup>167</sup>
98. With regards to the November 16, 2017 post to Facebook including a video of Rep. Renacci walking down the steps of the Capitol and an image of him at the Capitol, Digital Director recalled that Communications Director asked him “to record [Rep. Renacci] walking out of the stairs, and then when it concluded after the tax reform vote then we went into the office and she asked me to cut up the video for her.”<sup>168</sup>
99. Regarding his performance of campaign work from the official office, Digital Director told the OCE that he believed that Chief of Staff knew that he was performing work for the campaign from the official office.<sup>169</sup> Digital Director explained, “because she’s constantly around, but I don’t think I ever spoke to her about it.”<sup>170</sup>
100. Chief of Staff told the OCE that she had no knowledge of Digital Director performing campaign work from the official office.<sup>171</sup> She told the OCE that she assumed that he was performing any campaign work from home or a coffee shop.<sup>172</sup>
101. As previously discussed, when Communications Director was still employed by the campaign, she participated in morning calls with Digital Director and other campaign staff to discuss messaging consistency and media appearances.<sup>173</sup> Communications Director told the OCE that she and Digital Director participated in these calls from home, or sometimes while driving into work together since they lived near each other.<sup>174</sup>
102. Legislative Director told the OCE that on approximately 10 to 15 occasions, he heard Communications Director or Digital Director participating in morning campaign calls in the official office.<sup>175</sup> In his interview, Legislative Director explained that he knew they were campaign calls because of the content of the conversations that he overheard.<sup>176</sup>
103. During their interviews with the OCE, Communications Director and Digital Director communicated genuine remorse for their participation in campaign activities from

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<sup>165</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0255).

<sup>166</sup> *Id.* (Exhibit 7 at 18-5206\_0233).

<sup>167</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0168).

<sup>168</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0256).

<sup>169</sup> *Id.* (Exhibit 7 at 18-5206\_0254).

<sup>170</sup> *Id.*

<sup>171</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0211-0212).

<sup>172</sup> *Id.* (Exhibit 6 at 18-5206\_0206, 0212).

<sup>173</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0153, 0158, 0170).

<sup>174</sup> *Id.* (Exhibit 5 at 18-5206\_0155).

<sup>175</sup> Legislative Director Transcript (Exhibit 20 at 18-5206\_0318-0319).

<sup>176</sup> *Id.*

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congressional offices.<sup>177</sup> Communications Director is no longer working for the campaign and repeatedly expressed a lack of understanding of the rules and a commitment to not misusing congressional resources in the future.<sup>178</sup> She also took responsibility for her role in directing Digital Director to perform campaign work.<sup>179</sup>

104. After learning that they were witnesses to the OCE review, Digital Director and Communications Director discussed changing the locations where Digital Director performs campaign work and spoke about being “more cautious” about campaign social media content.<sup>180</sup> As discussed in the next section, Digital Director has also changed his work schedule to adapt to his dual responsibilities for the campaign and official office.<sup>181</sup>
105. The OCE notes that Communications Director and Digital Director are just two of many campaign employees or consultants who are involved in the campaign’s social media account. Leslie Shedd and Brittany Martinez now oversee the campaign social media accounts, and the problematic posts identified in Exhibit 1 include posts during their time working for the campaign.<sup>182</sup>
106. Additionally, Ms. Eze and Mr. Hill both refused to speak with the OCE. For many months, including most of the gubernatorial campaign, Ms. Eze posted most of the content to the accounts, including a large body of the content at issue in this review.
107. Mr. Hill also had direct access to the campaign social media accounts during this time, and refused to speak to the OCE.<sup>183</sup>
108. During his interview, Rep. Renacci told the OCE that, “[w]e have two distinct staff” and explained, “we have a campaign staff that handles campaign, we have an official staff that handles official.”<sup>184</sup>
109. Rep. Renacci appeared unaware that Communications Director worked for the campaign as a paid employee from January 2018 until May or June 2018.<sup>185</sup> Rep. Renacci told the OCE that Communications Director had made calls during her personal time for the campaign, but had “not played any role” in the campaign’s communications.<sup>186</sup> When the OCE explained that Communications Director and Digital Director had “campaign roles involving

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<sup>177</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0165-0167); Digital Director Transcript (Exhibit 7 at 18-5206\_0255).

<sup>178</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0169, 0172-0173, 0191).

<sup>179</sup> *Id.* (Exhibit 5 at 18-5206\_0189).

<sup>180</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0250, 0254-0255, 0260).

<sup>181</sup> See discussion *infra* Section II.B.iv. In an e-mail communication from Digital Director’s counsel after the conclusion of the review, counsel told the OCE that Digital Director is no longer working for the campaign as of June 30, 2018. E-mail from William J. Farah, Counsel to Rep. Renacci, to Helen Eisner, Investigative Counsel, July 27, 2018.

<sup>182</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0119, 0138).

<sup>183</sup> *Id.* (Exhibit 4 at 18-5206\_0130); Digital Director Transcript (Exhibit 7 at 18-5206\_0246).

<sup>184</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0097-0100).

<sup>185</sup> *Id.* (Exhibit 3 at 18-5206\_0075, 0098).

<sup>186</sup> *Id.* (Exhibit 3 at 18-5206\_0075).

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developing content for the campaign social media accounts,” Rep. Renacci responded “I’m not sure [Communications Director] has ever, that’s not the case.”<sup>187</sup>

110. When the OCE explained to Rep. Renacci that certain official staff had performed campaign work in the official office, Rep. Renacci said “I didn’t know about it . . . that would be a violation of policy and would be handled appropriately.”<sup>188</sup>
111. Chief of Staff told the OCE that there was now a clear message for official staff not to send photos to the campaign.<sup>189</sup>
112. Since the initiation of this review, campaign and official staffers told the OCE that Rep. Renacci had not yet provided them with updated guidance about how to use social media.<sup>190</sup> Chief of Staff explained that she may have told Communications Director and Digital Director to stop sharing pictures with the campaign side, but had not discussed the issue of sharing photos taken in official House office buildings with Rep. Renacci besides to prepare materials for this review.<sup>191</sup>
113. Rep. Renacci participated in the photos and videos shared by official staff with the campaign that eventually ended up on social media. According to Communications Director, she asked Rep. Renacci to wear the hat with the political slogan while on congressional premises, which at least in that instance, should have been a clear signal to Rep. Renacci of crossing the threshold between official and campaign.<sup>192</sup>
114. The OCE found that Rep. Renacci failed to exercise proper oversight over the conduct of his official staff to ensure their compliance with applicable laws and House rules.

iv. Adjustments to Congressional Work Requirements to Facilitate Campaign Work

115. The OCE found that Rep. Renacci may have adjusted the work requirements of a congressional staffer in order to create more time for that staffer to perform campaign work.
116. In approximately May 2018, after learning that he would be a witness to the OCE review, Digital Director decided to discuss with Communications Director the possibility of him working from home on a consistent basis.<sup>193</sup> The impetus was to avoid performing campaign work in the official office.<sup>194</sup> Digital Director told the OCE that he now works from home Monday and Friday mornings.<sup>195</sup> On those mornings when he works from home, he

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<sup>187</sup> *Id.* (Exhibit 3 at 18-5206\_0098).

<sup>188</sup> *Id.* (Exhibit 3 at 18-5206\_0101).

<sup>189</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0221-0222).

<sup>190</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0173-0174); Digital Director Transcript (Exhibit 7 at 18-5206\_0260-0261); Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0137-0138).

<sup>191</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0221-0222).

<sup>192</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0176).

<sup>193</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0254).

<sup>194</sup> *Id.* (Exhibit 7 at 18-5206\_0254-0255).

<sup>195</sup> *Id.* (Exhibit 7 at 18-5206\_0233).

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performs both campaign and official responsibilities, depending on what tasks are necessary on any given morning.<sup>196</sup>

117. During their interviews with the OCE, Digital Director and Chief of Staff described Digital Director as a full-time employee in the congressional office.<sup>197</sup> The OCE asked Chief of Staff if Digital Director had been a full-time employee in the official office since he concluded his paid internship position, and she confirmed that he had been a full-time employee since that time.<sup>198</sup> Chief of Staff also told the OCE that Digital Director currently receives the benefits of a full-time employee from the official office.<sup>199</sup>
118. Digital Director explained to the OCE that, when he was hired to work for the campaign in mid-February 2018, it was determined that “[h]alf of [his] pay is official related and half of it is campaign related.”<sup>200</sup> Digital Director said that as of February 2018, “it was expected that I’d evenly spend my time.”<sup>201</sup> He told the OCE that Chief of Staff and Communications Director created the expectation that he would be a “50/50” employee.<sup>202</sup>
119. Digital Director told the OCE that he works 25 to 30 hours per week on campaign business and that he also performs campaign work during personal time at lunch and on weekends.<sup>203</sup> The employee handbook that Rep. Renacci provided to the OCE lists official office hours as 9 A.M until 6 P.M, Monday through Friday.<sup>204</sup> Regarding Digital Director’s work in the official office, Chief of Staff told the OCE that there was no expectation that Digital Director would perform 40 hours of work per week Monday through Friday.<sup>205</sup>
120. After Chief of Staff had the opportunity to review the transcript of her interview with the OCE, she submitted an errata sheet without any corrections.<sup>206</sup> After the conclusion of the review, Chief of Staff’s counsel contacted the OCE and stated that Chief of Staff wanted to clarify that Digital Director was considered a “regular” employee rather than a full-time employee.<sup>207</sup> The term “regular” employee is not used anywhere in House payroll authorization forms or guidance.

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<sup>196</sup> *Id.* (Exhibit 7 at 18-5206\_0234).

<sup>197</sup> *Id.* (Exhibit 7 at 18-5206\_0235); Chief of Staff Transcript (Exhibit 6 at 18-5206\_0206-0208).

<sup>198</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0208).

<sup>199</sup> *Id.* (Exhibit 6 at 18-5206\_0207).

<sup>200</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0233). The OCE reviewed campaign filings with the FEC and found that Digital Director likely started performing paid work for the Senate campaign in February 2018 as he indicated, and received his first salary disbursement on March 15, 2018. Renacci for Senate, FEC Apr. 2018 Quarterly Report of Receipts and Disbursements, filed Apr. 14, 2018, at 112.

<sup>201</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0233).

<sup>202</sup> *Id.*

<sup>203</sup> *Id.* (Exhibit 7 at 18-5206\_0235).

<sup>204</sup> Rep. Renacci Employee Handbook (Exhibit 14 at 18-5206\_0281).

<sup>205</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0210).

<sup>206</sup> *Id.* (Exhibit 6 at 18-5206\_0228).

<sup>207</sup> During a July 24, 2018 phone conversation with Chief of Staff’s counsel (who was also Rep. Renacci’s counsel), counsel explained to the OCE that the term “regular” employee refers to an employee who receives full benefits, but who is not expected to work the same hours as a full-time employee. After this discussion with counsel, Rep. Renacci provided the OCE with Digital Director’s payroll authorization forms for 2018.

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121. On January 10, 2018, Digital Director was hired into a permanent position in the congressional office, demonstrating that he was eligible for benefits.<sup>208</sup> On April 13, 2018, a payroll authorization form for Digital Director shows that his salary was reduced by \$4,000.00 and indicates that he was still a permanent employee.<sup>209</sup>
122. The OCE specifically asked Chief of Staff if there had been any other change in Digital Director's employment status during an extended conversation about whether Digital Director served as a full-time employee.<sup>210</sup> Chief of Staff had the opportunity to state that Digital Director's salary had been adjusted in response to his employment for the campaign, and did not say that it had. Similarly, Digital Director never mentioned a reduction in his official salary to adjust for his campaign responsibilities, and explained that in February 2018, his salary from the campaign was set to approximately match his official salary.<sup>211</sup>
123. When Digital Director started working from home on Monday and Friday mornings in approximately May 2018, he spoke with Chief of Staff to get approval.<sup>212</sup> Chief of Staff confirmed that she agreed to allow Digital Director to work from home on Monday and Friday mornings, and said that she knew that this change would allow him to perform some campaign work from home.<sup>213</sup>
124. Chief of Staff told the OCE that she suggested that Digital Director keep track of his hours to log when he is performing official work from home.<sup>214</sup> She said that he has not submitted any logs of his time to her, and that she has not asked him to submit logs to her.<sup>215</sup> Digital Director confirmed that he does not keep a log of campaign or official hours.<sup>216</sup>

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<sup>208</sup> Digital Director House Payroll Authorization Form, Jan. 10, 2018 (Exhibit 8 at 18-5206\_0264).

<sup>209</sup> Digital Director House Payroll Authorization Form, Apr. 13, 2018 (Exhibit 9 at 18-5206\_0266). In a submission from Rep. Renacci and Digital Director's counsel, counsel explained that, "[a]t the time [Digital Director] begin [sic] receiving compensation from the campaign, it was intended that his official salary would be reduced from \$29,000 to \$25,000, but the paperwork for this purpose was not completed until April 13, 2018 . . . so the reduction to his official salary did not take effect until April 1, 2018." E-mail from William J. Farah, Counsel to Rep. Renacci, to Helen Eisner, Investigative Counsel, July 27, 2018. This is a statement from counsel and not from a witness to this review, and therefore the OCE gave appropriate evidentiary value to this information. On July 31, 2018, three days before the OCE Board was scheduled to vote on this matter, Rep. Renacci's counsel provided the OCE with a letter that Rep. Renacci submitted to the House Office of Payroll & Benefits that same day. Letter from Rep. Renacci to James Butler, Director, Office of Payroll & Benefits, July 31, 2018 (Exhibit 22 at 18-5206\_0338). The July 31, 2018 letter requested a retroactive reduction in Digital Director's salary, such that the reduction in his annual salary from \$29,000 to \$25,000 would take effect in March 2018 rather than April 2018. *Id.* The letter states that due to an "administrative error," the April 13, 2018 Payroll Authorization Form for Digital Director, which listed the effective date for the salary reduction as April 1, 2018, should have included an effective date of March 3, 2018. *Id.*

<sup>210</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0208).

<sup>211</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0233).

<sup>212</sup> *Id.* (Exhibit 7 at 18-5206\_0261).

<sup>213</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0208-0210).

<sup>214</sup> *Id.* (Exhibit 6 at 18-5206\_0210-0211).

<sup>215</sup> *Id.* (Exhibit 6 at 18-5206\_0224).

<sup>216</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0235).

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125. Two months after Digital Director started working for the campaign, there was a small reduction in his salary in the official office, however, he remained a permanent employee in the official office and was never reduced to part-time status.<sup>217</sup>
126. Additionally, the change evidenced in the payroll authorization form from April 13, 2018 occurred before Digital Director received approval to work from home Monday and Friday mornings—which occurred in approximately May 2018.<sup>218</sup> No witnesses to the review provided any information about the reasons for the April 13, 2018 payroll change, or linked this to Digital Director’s eventual practice of working from home on Monday and Friday mornings. There was no evidence that the change in Digital Director’s working hours in the official office corresponded with a reduction to part-time status or any further reduction in salary.
127. In attempting to address the performance of campaign work in official buildings, Rep. Renacci’s office may have permitted a change in an employee’s schedule that permitted the misuse of official time for political purposes.
- v. Coordination between Rep. Renacci’s Official Office and Campaign
128. Finally, Rep. Renacci’s official staff and campaign staff may have engaged in improper coordination. The OCE found that, in many instances, the campaign may have had access to details about official events that were not publicly available.
129. It is permissible for the official staff to share scheduling information with relevant individuals on the campaign. While some coordination between the official office and the campaign may be necessary, there are clear prohibitions on using official resources to benefit the campaign. The practice in Rep. Renacci’s official office may have been to share detailed information about Rep. Renacci’s official events with multiple campaign staffers. Additionally, the level of detail included in this shared information may have exceeded the allowable standard. The allowable standard is the level of detail that would have been shared by the official office with a constituent.
130. When Chief of Staff first joined Rep. Renacci’s office, she was hired as a Scheduler.<sup>219</sup> Chief of Staff explained that she still oversees scheduling coordination for the Senate campaign, and also did scheduling coordination for the gubernatorial campaign.<sup>220</sup> There is a new official scheduler who also interacts with the campaign, and who Chief of Staff is helping to train.<sup>221</sup>

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<sup>217</sup> In the House of Representatives, a part-time employee is “an individual who is employed by the Member and whose normally assigned work schedule is not more than the equivalent of 15 full working days per month.” 2 U.S.C. § 92(c)(3).

<sup>218</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0254).

<sup>219</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0196).

<sup>220</sup> *Id.*

<sup>221</sup> *Id.* (Exhibit 6 at 18-5206\_0196-0197).

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131. The OCE showed Chief of Staff a copy of an Outlook calendar invitation for a media appearance that took place on September 15, 2017 so that she could help clarify how scheduling coordination works between the official and campaign offices.<sup>222</sup>
132. According to Chief of Staff, the official office maintains an Outlook calendar titled “Renacci, J” for Rep. Renacci’s schedule.<sup>223</sup> The only people who can make changes to the calendar are Chief of Staff, the new official scheduler, and Rep. Renacci.<sup>224</sup> Since, for example, Communications Director cannot edit the “Renacci, J” calendar to add an event, when she wants to add a media appearance to Rep. Renacci’s schedule, she sends information about the appearance to the new official scheduler.<sup>225</sup> The new official scheduler then adds the event to the Outlook “Renacci, J” calendar.<sup>226</sup>
133. When the campaign has an event to add to the calendar, it sends an e-mail to Chief of Staff or the new official scheduler to place the “pertinent information” on the Outlook “Renacci, J” calendar.<sup>227</sup>
134. Since the campaign does not use the same server that the official office uses for the “Renacci, J” calendar, the campaign cannot view the “Renacci, J” Outlook calendar.<sup>228</sup>
135. The campaign has a Google-based calendar that is linked to Chief of Staff’s old campaign e-mail address.<sup>229</sup> When an event is added to the “Renacci, J” Outlook calendar, the official office also sends a calendar invitation to Chief of Staff’s old campaign e-mail address.<sup>230</sup> In this way, the event from the “Renacci, J” calendar is added to the Google-based calendar.<sup>231</sup> Campaign staff, who have access to the Google-based calendar, can then view, but not edit, Rep. Renacci’s calendar of events to review Rep. Renacci’s availability.<sup>232</sup> Chief of Staff confirmed that, with the exception of certain personal events that are not added to the calendar, Rep. Renacci’s entire official calendar is shared to Chief of Staff’s old e-mail address and therefore to the Google-based calendar.<sup>233</sup>
136. In addition to sharing information to the Google-based calendar, the official office also appears to have shared calendar invitations with multiple campaign staffers like Ms. Eze, Weston McKee (the former campaign manager) and Campaign Consultant.<sup>234</sup> Regarding the

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<sup>222</sup> *Id.* (Exhibit 6 at 18-5206\_0212-0213); Renacci, J Outlook Scheduling Invitation for Stuart Varney Appearance, Sept. 15, 2017 (Exhibit 23 at 18-5206\_0340).

<sup>223</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0213).

<sup>224</sup> *Id.*

<sup>225</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0152).

<sup>226</sup> *Id.*

<sup>227</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0198).

<sup>228</sup> *Id.* (Exhibit 6 at 18-5206\_0213-0214, 0225-0226).

<sup>229</sup> *Id.* (Exhibit 6 at 18-5206\_0225).

<sup>230</sup> *Id.* (Exhibit 6 at 18-5206\_0213, 0225-0226).

<sup>231</sup> *Id.* (Exhibit 6 at 18-5206\_0213-0214, 0225-0226).

<sup>232</sup> *Id.*

<sup>233</sup> *Id.* (Exhibit 6 at 18-5206\_0226).

<sup>234</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0117-0118); Renacci, J Outlook Scheduling Invitation for AIMExpo, Sept. 21, 2017 (Exhibit 24 at 18-5206\_0342); Renacci, J Outlook Scheduling Invitation for Charles Butler Appearance, Sept. 20, 2017 (Exhibit 25 at 18-5206\_0344).

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September 15, 2017 event, Campaign Consultant also received a calendar notification for the event.<sup>235</sup>

137. In some cases, the calendar invitations included detailed attachments about the official events and who Rep. Renacci would be meeting with, and Campaign Consultant told the OCE that he probably would have been able to access those documents as part of the calendar invitation.<sup>236</sup>
138. Communications Director told the OCE that Campaign Consultant, Ms. Eze, and now Brittany Martinez would regularly get Outlook invitations to flag events for them.<sup>237</sup> Communications Directors said, “we had no idea that this was such an issue, so we’ve obviously drawn a very distinct line and we just don’t flag them anymore.”<sup>238</sup> She said, “I hadn’t realized to the extent that we could possibly get in trouble or violate some rule by including the campaign on some of the media appearances.”<sup>239</sup>
139. Regarding the September 15, 2017 media appearance, the OCE also asked Chief of Staff about the level of detail about topics to be discussed during the appearance and whether that was common.<sup>240</sup> Chief of Staff explained that it was common to include that level of detail.<sup>241</sup>
140. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Renacci’s campaign social media accounts posted videos and photos that were photographed or filmed from official buildings, Rep. Renacci permitted official staff to perform campaign work in official buildings and during official staff time, and Rep. Renacci permitted impermissible coordination with Rep. Renacci’s campaign.

### **III. REP. RENACCI MAY HAVE USED CAMPAIGN RESOURCES TO DEFRAY OFFICIAL EXPENSES**

#### **A. Applicable Law, Rules, and Standards of Conduct**

##### **141. Federal Statutes**

*2 U.S.C. § 503(d) states, “[n]o Senator or Member of the House of Representatives may maintain or use, directly or indirectly, an unofficial office account or defray official expenses for franked mail, employee salaries, office space, furniture, or equipment and any associated*

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<sup>235</sup> Renacci, J Outlook Scheduling Invitation for Stuart Varney Appearance, Sept. 15, 2017 (Exhibit 23 at 18-5206\_0340).

<sup>236</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0117-0118); Renacci, J Outlook Scheduling Invitation for AIMExpo, Sept. 21, 2017 (Exhibit 24 at 18-5206\_0342); Attachments to Renacci, J Outlook Scheduling Invitation for AIMExpo, Sept. 21, 2017 (Exhibit 26 at 18-5206\_0346-0348).

<sup>237</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0165).

<sup>238</sup> *Id.* (Exhibit 5 at 18-5206\_0166).

<sup>239</sup> *Id.* (Exhibit 5 at 18-5206\_0167).

<sup>240</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0216-0217); Renacci, J Outlook Scheduling Invitation for Stuart Varney Appearance, Sept. 15, 2017 (Exhibit 23 at 18-5206\_0340).

<sup>241</sup> Chief of Staff Transcript (Exhibit 6 at 18-5206\_0216-0217).

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*information technology services (excluding handheld communications devices) from—(1) funds received from a political committee or derived from a contribution or expenditure . . . .”*

142. House Rules

*House Rule 24, clause 1(a) provides that “a Member . . . may not maintain, or have maintained for the use of such individual, an unofficial office account.”*

*House Rule 24, clause 1(b)(2) states that campaign funds “may not be used to defray official expenses for mail or other communications, compensation for services, office space, office furniture, office equipment, or any associated information technology services . . . .”*

*House Rule 24, clause 3 states that, “the term ‘unofficial office account’ means an account or repository in which funds are received for the purpose of defraying otherwise unreimbursed expenses. . . and necessary in the operation of a congressional office . . . .”*

143. House Ethics Manual and House Ethics Committee Advisories

*According to the House Ethics Manual, “[u]se of campaign funds to pay any expenses of **congressional mail** is prohibited. While the prohibition against use of campaign funds clearly applies to payment of the expenses of franked mail, the rules also prohibit a Member from using campaign funds to pay the expenses of preparing or sending any non-franked mail from his or her congressional office. As a general matter, the forms of congressional ‘communications’ that may not be paid with campaign funds are those set out in the regulations issued by the Committee on House Administration on use of official allowances to pay for communications (e.g., advertisements of a town meeting or other House events, the congressional office website, official stationery, and official audio and video recordings and materials).”<sup>242</sup>*

*Furthermore, the House Ethics Manual advises that “a Member’s campaign website may **not** include a link to the congressional office site; and a congressional office site may **not** be advertised on the Member’s campaign website or on materials issued by the Member’s campaign.”<sup>243</sup>*

*In a 2012 Memorandum, the Committee clarified that Members’ campaign websites could provide a hyperlink to a Member’s official Internet site, accompanied by very specific text directing a user from a campaign site to the official congressional site.<sup>244</sup> The Committee noted that this was an “exception to the general rule that campaign resources may not be used to advertise the contact information, such as the address or telephone number, for the official congressional office.”<sup>245</sup> The Committee also explained that any deviation from the specific disclaimer language would require written approval from the Committee.<sup>246</sup>*

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<sup>242</sup> House Ethics Manual at 177-178 (emphasis in original).

<sup>243</sup> *Id.* at 178 (emphasis in original).

<sup>244</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Change in Rules Regarding Providing a Hyperlink from Campaign Internet Sites to Official Internet Sites* (Mar. 9, 2012), at 1.

<sup>245</sup> *Id.*

<sup>246</sup> *Id.*

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*The House Ethics Manual instructs that, “there are a number of activities that may be either “official” or “political” at the Member’s option.”<sup>247</sup> However, the Manual makes clear that “[o]nce the Member makes his determination [on whether an activity is to be official or political], he is bound by it. A single event cannot, for purposes of the House rules, be treated as both political and official.”<sup>248</sup>*

*In an advisory opinion, the Committee explained that, “[w]hen a Member sends announcements of a town meeting under the frank, he has thereby made the decision that the event is an official one. Under Federal law, the franking privilege may only be used in the conduct of official business. . . Having thus defined the event as an official one, he may not then use campaign funds . . . or any other private funds . . . to conduct, promote, or advertise the event.”<sup>249</sup>*

#### 144. House Ethics Committee Campaign Activity Memoranda

*In 2014, the Committee published a “Campaign Activity Guidance” memorandum that the Committee later updated in 2018.<sup>250</sup> The guidance memoranda are largely structured as questions and answers.*

*In response to the posed question, “Can we use campaign funds to send out an official newsletter?” the 2014 and 2018 memoranda advise, “No, you **may not** use campaign funds to pay for **any** official communication, regardless of the medium. This prohibition is very broad, and encompasses everything from a relatively straightforward communication, like a letter, to items that you might not think of as communication, such as a coin with the Member’s name and district on it. The same prohibition applies equally to traditional and social/new media. As an example, the campaign cannot use any method to promote or advertise a Member’s official event.”<sup>251</sup>*

*In response to the posed question “When has something’s official use been ‘exhausted?’ Once something is in the public domain, is its official use exhausted?” the 2014 and 2018 memoranda explain, “A. Generally, an item’s official use has been exhausted when the official material has been released to the media or public, and the congressional office is no longer using it; the standard is not whether something is in the public domain. Depending on the subject matter, relevance, and where the materials appear, each official product may exhaust its official use at different times. The standard applies to all type of media, including, but not limited to, documents, recordings, and social/new media posts. The key in each case is that the item in*

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<sup>247</sup> House Ethics Manual at 179.

<sup>248</sup> *Id.*

<sup>249</sup> House Comm. on Standards of Official Conduct, *Advisory Opinion No. 6* (Sept. 14, 1982) (reproduced at House Ethics Manual at 375-377).

<sup>250</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (Aug. 15, 2014); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018).

<sup>251</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 9 (emphasis in original and emphasis in question portion omitted); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 9 (emphasis in original and emphasis in question portion omitted).

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*question must no longer appear anywhere on an official site or be used for an official purpose. One exception is official press releases (see Q&A, below).”<sup>252</sup>*

*According to the 2014 and 2018 memoranda, an official press release exhausts its official use either after an event has occurred or 72 hours after the press release is issued, whichever is later.<sup>253</sup> Further, the 2018 memorandum clarifies that, “social media posts follow the standard exhaustion rule and not the 72 hour rule for press releases. Therefore, a social media account of the campaign may not share, like, retweet, etc., a post from an official social media account because that post’s official use has not been exhausted if it is still active on the official social media account.”<sup>254</sup>*

*Regarding discussion of official events while in a campaign capacity, the 2018 memorandum asks, “Can a Member conduct an interview in his or her campaign capacity and discuss an official meeting that was not open to the public?”<sup>255</sup> The memorandum answers, “Yes, as long as the Member does not use any official resources to prepare for that campaign-related appearance. For example, if official House staff prepared talking points for the official meeting, the Member and his or her campaign staff may not rely on those talking points to prepare for the campaign-related appearance, unless the Member is willing to share those talking points with anyone who asks for them and the official office has otherwise exhausted their use. TIP: Although Members have some flexibility to determine whether their appearances are officially-related or campaign-related, always take into consideration what other resources the Member used in connection with those appearances. The use of official office staff on House time would make an appearance an official one.”<sup>256</sup>*

#### 145. Members’ Congressional Handbook

*The Members’ Congressional Handbook instructs that “a Member may not maintain, or have maintained for his use, an unofficial office account for the purpose of defraying or reimbursing ordinary and necessary expenses incurred in support of a Member’s official and representational duties.”<sup>257</sup>*

*In reference to social media sites such as Twitter, the Members’ Congressional Handbook states, “[i]n addition to the official HOUSE.GOV website, a Member may establish profiles, pages, channels or any similar presence on third-party sites that allow individuals or organizations to offer information about themselves to the public (Social Media Accounts). Member-controlled*

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<sup>252</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 14 (emphasis omitted); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 14 (emphasis omitted).

<sup>253</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 15 (the 2014 memorandum used the terminology “three days after the press release is issued”); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 15.

<sup>254</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 15.

<sup>255</sup> *Id.* at 16 (emphasis omitted).

<sup>256</sup> *Id.*

<sup>257</sup> Comm. on House Administration, *Members’ Congressional Handbook* at 2 (2018).

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*content on Social Media Accounts is subject to the same requirements as content on Member  
websites.*<sup>258</sup>

**B. Rep. Renacci May Have Used Campaign Resources to Defray Official Expenses for  
Congressional Communications**

146. In this review, the OCE found that Rep. Renacci may have used campaign resources to defray official expenses for congressional communications.<sup>259</sup> Primarily, the OCE focused on the prohibition against using campaign funds to “promote or advertise a Member’s official event.”<sup>260</sup>
147. The House Ethics Manual explains that restrictions against using campaign funds for congressional communications extend beyond the traditional categories of franked mail, to include communications such as advertisements for town meetings or other House events, materials on congressional websites, and official audio and video recordings and materials.<sup>261</sup> Communications is defined broadly to include, “any official communication, regardless of the medium.”<sup>262</sup>
148. The Members’ Congressional Handbook advises that content on official social media accounts is subject to the same requirements as content on Member websites, demonstrating that social media is part of the scope of congressional communications.<sup>263</sup> Additionally, in updated guidance in the 2018 campaign activity memorandum, the Committee specifically confirmed that any official tweet is an official communication of the Member’s congressional office.<sup>264</sup>
149. In this review, the OCE identified 22 different instances in which the campaign may have used campaign resources to defray expenses for official communications. Exhibit 2 to these findings, which is identified as Rep. Renacci Social Media Posts Set B, provides detailed information about each of these 22 social media posts.<sup>265</sup>

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<sup>258</sup> *Id.* at 34.

<sup>259</sup> The campaign’s social media accounts are resources of the campaign that are maintained by campaign employees and consultants who are paid through campaign expenditures. Additionally, campaign resources likely include campaign staff time in the same way that official resources include official staff time. *See* House Ethics Manual at 124 (explaining that House resources include official staff time).

<sup>260</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 9; House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 9.

<sup>261</sup> House Ethics Manual at 177-178.

<sup>262</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 9 (emphasis omitted); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 9.

<sup>263</sup> Comm. on House Administration, *Members’ Congressional Handbook* at 34 (2018).

<sup>264</sup> House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 15.

<sup>265</sup> *See* Exhibit 2: Rep. Renacci Social Media Posts Set B (Exhibit 2 at 18\_5206\_0042-0067) (identifying campaign social media posts to Rep. Renacci’s Twitter and Facebook accounts that may have been used to defray official expenses and identifying official social media posts to Rep. Renacci’s official Twitter and Facebook accounts about the same events ).

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150. In 20 of the 22 posts, which were posted between September 2017 and July 2018, the campaign social media account promoted or advertised an upcoming media interview in which Rep. Renacci would appear in his official capacity.<sup>266</sup> The OCE focused on the promotion of events that had yet to occur because the Committee recently advised that Members can conduct an interview in their campaign capacity and discuss official events that they attended that were not open to the public.<sup>267</sup> As such, the current prohibition appears to apply in a forward-looking manner to promoting or advertising upcoming official events using campaign funds.
151. To determine that the 20 identified media appearances promoted by the campaign were official events, the OCE reviewed factors such as whether the official social media accounts also shared information about the same press appearance, whether Rep. Renacci participated in the appearance in a congressional building, and whether official staffers were involved in scheduling the appearances. The House Ethics Manual explains that, “[a] single event cannot, for purposes of the House rules, be treated as both political and official.”<sup>268</sup> During his interview, Rep. Renacci told the OCE that when he participates in interviews from Statuary Hall, that he is in his official capacity.<sup>269</sup>
152. In all 20 campaign postings identified in Exhibit 2 in which the campaign promoted or advertised an official media appearance, the official office also shared information about the same appearance.<sup>270</sup> Exhibit 2 also identifies posts to the official social media accounts associated with the same events promoted by the campaign social media accounts.<sup>271</sup>
153. In many instances, the official and campaign accounts promoted the events within the same hour and, on a few occasions, within a span of five minutes.<sup>272</sup> The December 22, 2017 posts promoting an appearance on a radio program from official and campaign Twitter accounts were posted at the same exact time.<sup>273</sup>
154. As previously discussed, the campaign and official staff shared information about media appearances through daily phone calls and through a shared calendar. Communications Director told the OCE that the campaign would “always post media appearances” to social media and that the official account often posted such appearances.<sup>274</sup>
155. The OCE asked Campaign Consultant if it was common for the campaign and official offices to post about the same events.<sup>275</sup> Campaign Consultant explained that it was common

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<sup>266</sup> *Id.*

<sup>267</sup> House Comm. on Ethics, Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance (June 7, 2018), at 16.

<sup>268</sup> House Ethics Manual at 179.

<sup>269</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0097).

<sup>270</sup> *See* Exhibit 2: Rep. Renacci Social Media Posts Set B (Exhibit 2 at 18\_5206\_0042-0067).

<sup>271</sup> *Id.*

<sup>272</sup> *Id.*

<sup>273</sup> Jim Renacci (@JimRenacci), Twitter (Dec. 22, 2017, 9:05 AM), <https://twitter.com/JimRenacci/status/944207204034412545>; Rep. Jim Renacci (@RepJimRenacci), Twitter (Dec. 22, 2017, 9:05 AM), <https://twitter.com/RepJimRenacci/status/944207203614982144>.

<sup>274</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0183-0184).

<sup>275</sup> Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0133).

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because it was a way to “let people know.”<sup>276</sup> Campaign Consultant further explained, “[b]ecause he’s got different followers, and as I said, when it comes to media interviews, I think, although it’s been a long time since I was on the Hill, but I think that the general understanding is those things, if he’s going to be out there, and he’s going to be on CNN, that the campaign should promote it or watch it or repost it if there’s things that are helpful.”<sup>277</sup>

156. Even when an event was primarily legislative in nature, there was significant overlap between the events promoted by the campaign’s social media accounts and official social media accounts. The campaign monitored the official social media accounts to review Rep. Renacci’s activities, and may have decided to promote official media appearances after seeing the official side’s posts.<sup>278</sup>
157. Press interviews appeared to sometimes cover both legislative and campaign issues, blurring the lines between an appearance in an official and campaign capacity. The campaign did not draw distinctions, even when the event was scheduled by the official staff or when the official social media accounts separately promoted the appearance identifying it as official in nature.
158. The OCE asked Rep. Renacci and Communications Director about a September 20, 2017 appearance on a radio program where the topics to be covered, as listed in the official scheduling invitation, included: “1. Gubernatorial run; 2. Tax Reform/IRS; and 3. DACA.”<sup>279</sup> Communications Director confirmed that this radio appearance is the type of press interview that she would have shared information about during the campaign’s morning calls.<sup>280</sup> In this instance, the official account promoted Rep. Renacci’s appearance and the campaign promoted the same radio appearance fifty minutes later, both before the interview occurred.<sup>281</sup>
159. The OCE asked Rep. Renacci why the official Twitter account would have promoted this event if one of the planned topics was the gubernatorial run.<sup>282</sup> Rep. Renacci explained that he was “not sure” but that at the time all the interviews he was participating in were “tax reform discussions...but gubernatorial run was a sideline to most of these conversations.”<sup>283</sup>
160. Digital Director told the OCE that the campaign has generally stopped posting “tune in” posts to social media alerting followers of an upcoming interview.<sup>284</sup> When asked why this change had occurred, he explained that the Senate campaign had become more high profile

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<sup>276</sup> *Id.*

<sup>277</sup> *Id.*

<sup>278</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0244).

<sup>279</sup> Renacci, J Outlook Scheduling Invitation for Charles Butler Appearance, Sept. 20, 2017 (Exhibit 25 at 18-5206\_0344); Communications Director Transcript (Exhibit 5 at 18-5206\_0182-0185); Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0094-0096).

<sup>280</sup> Communications Director Transcript (Exhibit 5 at 18-5206\_0183).

<sup>281</sup> Jim Renacci (@JimRenacci), Twitter (Sept. 20, 2017, 4:30 PM), <https://twitter.com/JimRenacci/status/910602025993371648>; Rep. Jim Renacci (@RepJimRenacci), Twitter (Sept. 20, 2017, 3:40 PM), <https://twitter.com/RepJimRenacci/status/910589587579383808>.

<sup>282</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0096).

<sup>283</sup> *Id.*

<sup>284</sup> Digital Director Transcript (Exhibit 7 at 18-5206\_0250).

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and that there was a greater chance that appearances could include official and campaign-related topics.<sup>285</sup>

161. However, in July 2018, after the OCE's interviews with staffers and Rep. Renacci, the campaign still promoted upcoming media appearances on the campaign Twitter account, while also promoting these appearances to the official Twitter account.<sup>286</sup>
162. In addition to the 20 posts promoting information about upcoming official events on the campaign social media accounts, the OCE found that Rep. Renacci's campaign social media accounts shared other forms of congressional communications.
163. On April 22, 2018, the campaign Twitter account provided a link to an "Op-Ed" on Rep. Renacci's official website about the federal tax overhaul.<sup>287</sup> Additionally, on June 28, 2017, the campaign Twitter account retweeted an official post from Rep. Renacci's official Twitter account.<sup>288</sup>
164. In total, the OCE identified 22 different instances where the campaign may have supplemented congressional communications, including 20 different postings where the campaign social media accounts promoted upcoming media appearances by Rep. Renacci in his official capacity.
165. In his interview with the OCE, Rep. Renacci explained that he had almost no knowledge of the subset of posts the OCE discussed with him, besides knowledge gained during the process of responding to the OCE's request for information.<sup>289</sup> Rep. Renacci said that he had

<sup>285</sup> *Id.* (Exhibit 7 at 18-5206\_0250-0251).

<sup>286</sup> See Exhibit 2: Rep. Renacci Social Media Posts Set B (Exhibit 2 at 18\_5206\_0066-0067); Jim Renacci (@JimRenacci), Twitter (July 2, 2018, 9:44AM), <https://twitter.com/JimRenacci/status/1013780463767441409>; Rep. Jim Renacci (@RepJimRenacci), Twitter (July 2, 2018, 10:00AM), <https://twitter.com/RepJimRenacci/status/1013784374746271745>; Jim Renacci (@JimRenacci), Twitter (July 2, 2018, 10:18AM), <https://twitter.com/JimRenacci/status/1013789017832394753>; Rep. Jim Renacci (@RepJimRenacci), Twitter (July 2, 2018, 10:31 AM), <https://twitter.com/RepJimRenacci/status/1013792199073583104>.

<sup>287</sup> Jim Renacci (@JimRenacci), Twitter (Apr. 22, 2018, 12:20 PM), <https://twitter.com/JimRenacci/status/988090069385928705>.

<sup>288</sup> Jim Renacci (@JimRenacci), Twitter (June 28, 2017, 5:05 PM), <https://twitter.com/JimRenacci/status/880170274829864960>; Rep. Jim Renacci (@RepJimRenacci), Twitter (June 28, 2017, 4:09 PM), <https://twitter.com/RepJimRenacci/status/880156172522803201>. The Committee's updated 2018 guidance now explicitly states that such a retweet of an official post is impermissible because the official nature of a social media post exists until the post is deleted. House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 15. This specific guidance about retweets did not exist in 2017, but the 2014 Committee guidance clearly stated that campaign funds could not be used to pay for any official communication, including in the social media context. House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees on Campaign Activity Guidance* (Aug. 15, 2014), at 9. Additionally, the 2014 guidance regarding the exhaustion of an official resource stated that the exhaustion standard applied to social media posts. *Id.* at 14. Communications Director told the OCE that Ms. Eze retweeted the June 28, 2017 post. Communications Director Transcript (Exhibit 5 at 18-5206\_0186-0187). Campaign Consultant did not know who retweeted the post. Campaign Consultant Transcript (Exhibit 4 at 18-5206\_0134).

<sup>289</sup> Rep. Renacci Transcript (Exhibit 3 at 18-5206\_0091-0092).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended not yet asked any of his staff if they had acted in knowing and willful violation of the law, but he did not believe that they did.<sup>290</sup>

166. Rep. Renacci described any problematic posts as “few and far between.”<sup>291</sup> He said he did not believe there was a systemic issue with his campaign’s social media posts.<sup>292</sup> In reaction to a question about campaign posts containing the photos and video of him wearing a hat with a political slogan, Rep. Renacci told the OCE, “what’s the issue when you have one or two posts like this out of thousands.”<sup>293</sup>
167. The OCE found that certain staffers lacked knowledge of applicable rules and have made efforts to adjust their conduct since learning of the pertinent law. However, under the campaign’s new communications staff, the campaign has continued to post potentially problematic content promoting official events and using official resources for campaign purposes.
168. Overall, the OCE found 60 potentially problematic posts over the course of the gubernatorial and Senate campaign. In addition, the OCE found other instances of campaign misconduct related to political activities in official office buildings, misuse of official time, and campaign schedule coordination.
169. The application of federal law and House rules to social media can at times create uncertainty. In some areas, these findings indicate the benefit of additional guidance about the application of House rules and federal law in the social media context.
170. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Renacci used his campaign social media accounts to defray official expenses for congressional communications.

#### **IV. INDIVIDUALS WHO REFUSED TO COOPERATE WITH THE OCE REVIEW**

##### Harlan Hill

171. The OCE requested an interview with Mr. Hill. Mr. Hill first appeared willing to coordinate an interview with the OCE, however he then stopped communicating with the OCE and refused to respond to phone calls and e-mails.

##### Rena Eze

172. The OCE requested an interview with Ms. Eze. Ms. Eze responded to the OCE’s communications via e-mail and declined the OCE’s request for an interview.

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<sup>290</sup> *Id.* (Exhibit 3 at 18-5206\_0100).

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

<sup>292</sup> *Id.* (Exhibit 3 at 18-5206\_0100, 0105).

<sup>293</sup> *Id.* (Exhibit 3 at 18-5206\_0092).

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**V. CONCLUSION**

173. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Renacci's campaign social media accounts posted videos and photos that were photographed or filmed from official buildings, Rep. Renacci permitted official staff to perform campaign work in official buildings and during official staff time, and Rep. Renacci permitted impermissible coordination with Rep. Renacci's campaign.
174. Accordingly, the Board recommends that the Committee further review the above allegations that Rep. Renacci misused official resources for campaign or political purposes in violation of House rules, standards of conduct, and federal law.
175. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Renacci used his campaign social media accounts to promote official events and appearances.
176. Accordingly, the Board recommends that the Committee further review the above allegations that Rep. Renacci used campaign funds to defray official expenses in violation of House rules, standards of conduct, and federal law.

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

177. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE review:
  - a. Harlan Hill; and
  - b. Renae Eze.
178. The Board recommends the issuance of subpoenas to Harlan Hill and Renae Eze.