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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 22-8826

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on June 17, 2022, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Rep. Carolyn Maloney

NATURE OF THE ALLEGED VIOLATION: Representative Carolyn Maloney may have solicited or accepted impermissible gifts associated with her attendance at the Met Gala. If Rep. Maloney solicited or accepted impermissible gifts, then she may have violated House rules, standards of conduct and federal law.

RECOMMENDATION: The Board recommends that the Committee further review the above allegation concerning Rep. Maloney because there is substantial reason to believe that she solicited or accepted impermissible gifts associated with her attendance at the Met Gala.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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

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FINDINGS OF FACT AND CITATIONS TO LAW

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 22-8826

On June 17, 2022, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*). The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. Rep. Maloney has frequently attended the Metropolitan Museum of Art’s Costume Institute Benefit (commonly known as the “Met Gala”). Below are the specific issues considered in this review and the Board’s recommendations.
2. Rep. Maloney may have solicited or accepted impermissible gifts associated with her attendance at the Met Gala. If Rep. Maloney solicited or accepted impermissible gifts, then she may have violated House rules, standards of conduct, and federal law.
3. The Board recommends that the Committee further review the above allegation concerning Rep. Maloney because there is substantial reason to believe that she solicited or accepted impermissible gifts associated with her attendance at the Met Gala.

B. Jurisdictional Statement

4. The allegations that were the subject of this review concern Rep. Maloney, who represents New York’s 12th Congressional District. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (“OCE”) directs that, “[n]o review shall be undertaken ... by the [B]oard of any alleged violation that occurred before the date of adoption of this resolution.”¹ The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

5. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on February 18, 2022. The preliminary review commenced on February 19, 2022.²

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

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

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6. On February 22, 2022, the OCE notified Rep. Maloney of the initiation of the preliminary review, provided her with a statement of the nature of the review, notified her of her right to be represented by counsel in this matter, and notified her that invoking her right to counsel would not be held negatively against her.³
7. At least three members of the Board voted to initiate a second-phase review in this matter on March 18, 2022. The second-phase review commenced on March 21, 2022.⁴ The second-phase review was scheduled to end on May 4, 2022.
8. On March 21, 2022, the OCE notified Rep. Maloney of the initiation of the second-phase review in this matter, and again notified her of her right to be represented by counsel in this matter, and that invoking that right would not be held negatively against her.⁵
9. The Board voted to extend the second-phase review by an additional period of fourteen days on April 19, 2022. The additional period ended on May 18, 2022.
10. The Board voted to refer the matter to the Committee for further review and adopted these findings on June 17, 2022.
11. The report and its findings in this matter were transmitted to the Committee on June 23, 2022.

D. Summary of Investigative Activity

12. The OCE requested documentary and in some cases testimonial information from the following sources:
 - (1) Rep. Maloney;
 - (2) The Metropolitan Museum of Art;
 - (3) Witness A - Former Metropolitan Museum of Art President;
 - (4) Witness B - Former Metropolitan Museum of Art Chief Government Relations Officer;
 - (5) Witness C - Former Director & CEO of the Met; and
 - (6) Witness D - Met Trustee/Board Member;

³ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Maloney (Feb. 22, 2022).

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

⁵ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Maloney (Mar. 21, 2022).

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II. REP. MALONEY MAY HAVE SOLICITED OR ACCEPTED IMPERMISSIBLE GIFTS

A. Applicable Law, Rules, and Standards of Conduct

13. Federal Statutes

Under 5 U.S.C. § 7353(a), “no Member of Congress . . . shall solicit or accept anything of value from a person— (1) seeking official action from, doing business with, or (in the case of executive branch officers and employees) conducting activities regulated by, the individual’s employing entity; or (2) whose interests may be substantially affected by the performance or nonperformance of the individual’s official duties.”

14. House Rules

House Rule XXIII, clause 4 states that “[a] Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept gifts except as provided by clause 5 of Rule XXV.”

Under House Rule XXV, clause 5 “the term ‘gift’ means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.”

House Rule XXV, clause 5(a)(1)(A) states: “(i) A Member . . . of the House may not knowingly accept a gift except as provided in this clause. (ii) A Member . . . of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraph (3) of this paragraph.”

Pursuant to Rule XXV, clause 5(a)(3): “The restrictions of [House Rule XXV, clause 5(a)(1)] do not apply to the following . . . (Q) free attendance at an event permitted under [House Rule XXV, clause 5(a)(4)].”

Pursuant to House Rule XXV, clause 5(a)(4)(C): “A Member . . . of the House, or the spouse or dependent thereof, may accept a sponsor’s unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event unless— (i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; (ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and (iii) the offer of free attendance at the event is made by such organization.”

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15. House Gift Guidance

Consistent with House Rules, the Committee’s Gift Guidance defines a gift in a broad manner: “[a] gift is something with monetary value for which you do not have to pay.”⁶

The House Gift Guidance emphasizes that solicitation of a gift is impermissible: “[y]ou may not ask for a gift for yourself or someone else. Even if you would otherwise be able to accept the gift, you may not accept the gift if you or someone else asked for it. This restriction applies to anything that may benefit the office or you, personally.”⁷

Regarding valuation of gifts, the Committee’s Gift Guidance indicates that “[t]angible gifts are generally valued at the item’s fair market value, even if the item is not typically for sale. Fair market value is the item’s retail price, not the wholesale price, or the reasonable estimate of an item’s cost if it were available for sale.”⁸

*The House Gift Guidance explains that, “[t]he Gift Rule starts with the premise that you may not accept a gift **unless** it meets an exception to the Gift Rule.”⁹ The House Gift Guidance outlines several permissible gift exceptions, including an exception for charitable events.*

Under the charitable events exception, “[y]ou may accept an unsolicited offer of free attendance for a charity fundraising event for you and a spouse or dependent child. ‘Free attendance’ includes all or part of the cost of admission; local transportation to and from the event; and the food, refreshments, entertainment, and instructional materials provided to all event attendees. Free attendance does not include entertainment collateral to the event or food and refreshments outside the group setting of the event, such as giveaways.”¹⁰

“A charity fundraising event must meet the following criteria.

- *You are invited by the event organizer directly, and*
 - *The event organizer is the organization(s) doing the work to put the event on, not a monetary event sponsor or table sponsor.*
- *The event’s primary purpose must be to raise funds to benefit an organization qualified under § 170(c) of the Internal Revenue Code.*
 - *The primary purpose is usually met if at least half of the proceeds are tax-deductible charitable contributions.”¹¹*

⁶ *Gift Guidance*, House Ethics Committee, <https://ethics.house.gov/house-ethics-manual/gifts> (hereinafter “House Gift Guidance”) (citing House Rule XXV) (last visited June 8, 2022). The guidance goes on to explain that “[g]ifts include gratuities, favors, discounts, entertainment, hospitality, loans, forbearances, services, training, travel expenses, in-kind contributions, advanced payments, and reimbursements after the fact.” *Id.*

⁷ *Id.* (footnote omitted).

⁸ *Id.*

⁹ *Id.* (emphasis in original)

¹⁰ *Id.* (footnotes omitted).

¹¹ *Id.* (footnotes omitted). The House Gift Guidance elaborates on the meaning of event organizers and sponsors, explaining in a footnote that “[e]vent organizer’ and ‘event sponsor,’ as those terms relate to events, mean ‘the person, entity, or entities that are primarily responsible for organizing the event. ... [T]here may be more than one

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16. House Ethics Committee Guidance: Committee Reports

In the Matter of Allegations Related to Representative Charles Rangel, the Committee discussed the applicability of 5 U.S.C. § 7353(a) to Congress. Specifically, the Committee stated that “to determine whether a solicitation has occurred, the question is simply whether someone asked, explicitly or implicitly. If a Member asks, then the first element of the solicitation ban has been met. That element is also met where someone asks in the name of a Member, with the knowledge and acquiescence of that Member. Under the solicitation ban, it is impermissible simply to ask.”¹²

According to the Committee in the Rep. Rangel Matter, the language from 5 U.S.C. § 7353 covering persons “seeking official action from” the individual’s employing entity or “whose interests may be substantially affected by the performance or nonperformance of the individual’s official duties” should be interpreted broadly.¹³

Regarding the scope of 5 U.S.C. § 7353’s clause related to who an individual cannot solicit or accept a gift from, the Committee in the Rep. Rangel Matter explained, “[g]iven the breadth of the Solicitation and Gift Ban, the relevant inquiry is not what business or interest or official action was pending at a particular point in time. And it certainly is not which Members of Congress spoke to which employees or lobbyists representing a particular entity about an issue. The relevant inquiry is whether the person solicited had an interest in affecting the legislative process. In some instances, that will be reflected by lobbying on particular pieces of legislation. In other instances, there might be a request from a Member to intervene with a government agency. But it also includes recognizing the fact that most entities, including multi-national corporations and large foundations, will always have some interest in matters within the ambit of Congress. The performance or nonperformance of a Member’s official duties can affect the interests of those entities, and that effect can be substantial.”¹⁴

B. Rep. Maloney May Have Solicited or Accepted Impermissible Gifts Associated With her Attendance at the Met Gala

17. Since becoming a Member of Congress, Representative Carolyn Maloney has been a regular attendee of the Metropolitan Museum of Art’s (“The Met”) Met Gala.¹⁵ As discussed below, Rep. Maloney told the OCE that to her recollection, she has always been invited to attend events at the Met, specifically the Met Gala, and has never requested an invitation to attend the Met Gala.¹⁶

event organizer if those entities ‘play[] significant, active role[s] in organizing the event in a manner that is roughly comparable’ to another event organizer or sponsor.” *Id.*

¹² Comm. on Ethics, *In the Matter of Allegations Relating to Representative Charles Rangel*, 111th Cong., 2nd Sess. (November 29, 2010) at 115.

¹³ *Id.* at 116.

¹⁴ *Id.*

¹⁵ Rebecca Falconer, *AOC and Carolyn Maloney Use Met Gala to Send Political Message*, September 13, 2021, AXIOS, <https://www.axios.com/2021/09/14/met-gala-2021-aoc-maloney-political-message-gowns>.

¹⁶ Transcript of Rep. Carolyn Maloney, (“Rep. Maloney Transcript”), May 10, 2022 (Exhibit 1 at 22-8826_0037 - 0043).

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18. However, a review of documentary evidence and witness testimony contradict Rep. Maloney's assertion that she was always invited to the Met Gala. Specifically, during the week of March 28, 2016, Rep. Maloney made a phone call to Witness A, a former president of the Met, to request an invitation to the Met Gala after the gala organizers had decided not to invite her to that year's event.¹⁷ These efforts to gain free attendance may implicate the prohibition on solicitation of gifts under federal law and House rules and render inapplicable any otherwise applicable gift exception for attendance at charitable events.

i. Background on the Metropolitan Museum of Art and the Met Gala

19. Every year, the Metropolitan Museum of Art ("the Met") hosts an annual Costume Institute Benefit (commonly known as the "Met Gala") in order to raise funds for the museum's Costume Institute.¹⁸
20. Condé Nast, which identifies itself as "a global media company that produces some of the world's leading print, digital, video and social brands," including Vogue,¹⁹ "partners with the [Met] in the organization and execution of the [annual Met Gala]."²⁰ Anna Wintour, who is the Global Chief Content Officer for Condé Nast, Global Editorial Director of Vogue,²¹ a Met Trustee,²² and a Chair of the annual Met Gala,²³ is meaningfully involved with Met Gala planning and invitations.
21. The Costume Institute began as the Museum of Costume Art, an independent entity formed in 1937.²⁴ In 1946, with the financial support of the fashion industry, the Museum of Costume Art merged with the Met as The Costume Institute, and in 1959 became a curatorial department.²⁵ It is the only department within the museum that does not receive financial support from any other source apart from donations and fundraising.²⁶
22. The Met Gala is the main source of annual funding for the department's exhibitions, acquisitions, and capital improvements.²⁷

¹⁷ Witness A memorialized this phone call in an email, and it is discussed in further detail *infra* note 49 and Exhibit 8.

¹⁸ See 2021 Met Gala Announcement (Exhibit 2 at 22-8826_0057-60).

¹⁹ Condé Nast, *About*, <https://www.condenast.com/about> (last visited June 7, 2022).

²⁰ Condé Nast Declaration Re. Met Gala Activities, April 29, 2022 (Exhibit 3 at 22-8826_0062).

²¹ See Press Release, Condé Nast, *Condé Nast Unveils New Global Content Strategy* (Dec. 15, 2020).

²² See Press Release, The Met, *Anna Wintour Becomes an Elective Trustee of The Metropolitan Museum of Art* (May 10, 2011); The Met, Board of Trustees (as of Nov. 2018), <https://www.metmuseum.org/-/media/files/about-the-met/annual-reports/2017-2018/annual-report-2017-18-the-board-of-trustees.pdf> (last visited June 22, 2022) (identifying Anna Wintour as an Elective Trustee).

²³ See Press Release, The Met, *Costume Institute's Spring 2019 Exhibition to Focus on Camp in Fashion* (Oct. 9, 2018) (identifying Anna Wintour as a chair of the 2019 Met Gala); Press Release, The Met, *Costume Institute To-Part Exhibition to Focus on American Fashion* (Sept. 7, 2021) (identifying Anna Wintour as a chair of the 2021 Met Gala).

²⁴ The Costume Institute, *The Benefit*, The Metropolitan Museum, <https://www.metmuseum.org/about-the-met/collection-areas/the-costume-institute> (last visited June 8, 2022).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

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23. The Met is located on the border of New York's 10th and 12th congressional district (Rep. Maloney's district).²⁸ However, at present, the Met sits within New York's 10th congressional district.²⁹
24. Despite this, Rep. Maloney has long considered the Met to be a part of her congressional district. When asked about the relationship between the Met and Rep. Maloney, Witness A, a former president of the Met, stated that Rep. Maloney always saw her district as including the Met and therefore the Met frequently worked with Rep. Maloney in her capacity as a government official.³⁰
25. Due to its status as a nonprofit organization, the Met has historically made efforts to establish and maintain relationships with local government officials.³¹ In doing so, the Met hosts a variety of events, including the Met Gala, to which New York City government officials are invited.
26. When making the determination as to which government officials to invite, Witness B, the Met's former Chief Government Relations Officer stated, "generally we usually just invited our local officials that represented the museum at various levels of government."³² Additionally, the former President of the Met, stated, that the Met "always invited the key people that were...the people we worked with in the city."³³
27. During interviews conducted by the OCE, former Met employees detailed how government officials are invited to Met events.³⁴ Witness B explained that he, along with a team in the Met's government affairs office, create a list of local government officials and then send the list to staff in the development department overseeing the event for finalization.³⁵ Once the list of government officials is finalized, the Met sends official invitations to each government official signed by the president of the Met.³⁶

²⁸ The Met is located at 1000 Fifth Avenue, New York, NY 10028, which is within New York's 10th congressional district. Fifth Avenue shares a border with both the 10th and 12th congressional districts, with the 12th sitting to the right of Fifth Ave and the 10th sitting to the left. However, due to recent redistricting, the Met will now officially be a part of the 12th congressional district. See U.S House of Representatives, *Find Your Representative*, https://ziplook.house.gov/htbin/findrep_house (last visited June 22, 2022); see also, Melissa Holzberg Depalo, *New York Court Releases New Congressional Map After Democratic-drawn Lines Were Blocked*, CNN, May 21, 2022, <https://www.cnn.com/2022/05/21/politics/new-york-court-congressional-map/index.html>.

²⁹ See U.S House of Representatives, *Find Your Representative*, https://ziplook.house.gov/htbin/findrep_house (last visited June 22, 2022). Additionally, the building the Met occupies is owned by the City of New York. The Met is part of the Cultural Institutions Group ("CIG"), which is comprised of 34 nonprofit museums in New York City. The city's relationship with the CIG's is based on the premise that the CIG's are privately managed organizations operating in public facilities established and maintained for the provision of cultural services and programs to the people of New York City. In return, the city supports the CIG's operations, capital, and utilities, among other areas. See also New York City, Cultural Institutions Group, <https://www.cignyc.org/> (last visited, June 1, 2022).

³⁰ Transcript of Witness A, ("Witness A Transcript"), May 13, 2022 (Exhibit 4 at 22-8826_0073).

³¹ *Id.* (Exhibit 4 at 22-8826_0073).

³² Transcript of Witness B, ("Witness B Transcript"), May 13, 2022 (Exhibit 5 at 22-8826_0120).

³³ Witness A Transcript (Exhibit 4 at 22-8828_0090).

³⁴ *Id.* (Exhibit 4 at 22-8828_0090-92); Witness B Transcript (Exhibit 5 at 22-8826_0120-0121); Transcript of Witness C, ("Witness C Transcript"), May 18, 2022 (Exhibit 6 at 22-8826_0151-0152).

³⁵ Witness B Transcript (Exhibit 5 at 22-8826_0120).

³⁶ See Rep. Maloney 2018 Met Gala Invitation (Exhibit 7 at 22-8826_0166).

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ii. Rep. Maloney's Historical Relationship with the Met

28. In her official capacity, Rep. Maloney has taken official actions for the benefit of the Met. For example, Rep. Maloney has secured grants and federal funding for NYC nonprofit museums, such as the Met.³⁷ From 2003 through 2011, Rep. Maloney secured \$2.75 million in federal funding for the Met for issues including but not limited to: repairing and restoring the façade of the museum and the expansion of its clinical facilities.³⁸ Most recently, in March 2020, Rep. Maloney led a New York City delegation requesting \$4 billion in federal assistance for nonprofit museums, including The Met, to be used for coronavirus relief.³⁹
29. As mentioned above, the Met borders two congressional districts. However, recent redistricting has created a new 12th congressional district that covers areas in both the 10th and 12th district.⁴⁰ As recently as January of 2022, Rep. Maloney has expressed concerns regarding the location of the Met within the new district lines. In a series of emails provided by Rep. Maloney to the OCE, Rep. Maloney's Chief of Staff drafted a letter on behalf of the former Senior Vice President of Public Affairs at the Met for his review and signature, imploring the redistricting commission to keep the Met under Rep. Maloney's representation.⁴¹

iii. Rep. Maloney's Solicitation of a Met Gala Invitation

30. In an interview, Rep. Maloney told the OCE that from 2015 to present, she did not recall a year in which she was not invited to the Met Gala. Specifically, Rep. Maloney stated, "[a]s I said, I was often invited. I was invited to more events at the Met than I ever went to, because I live in Washington...."⁴²
31. However, a review of documents provided by the Met to the OCE revealed that Rep. Maloney was not invited to the 2016 Met Gala.⁴³ The following internal memorandum shows Rep. Maloney's name crossed out of the 2016 invitation list.

³⁷ See Rep. Carolyn B. Maloney, Accomplishments, Appropriations Obtained, ("Rep. Carolyn Maloney Appropriations") <https://maloney.house.gov/about/accomplishments/appropriations-obtained> (last visited May 24, 2022).

³⁸ *Id.*

³⁹ See Press Release, Representative Carolyn Maloney, *Reps. Maloney and Nadler Lead NYC Delegation Request for \$4B in Federal Assistance for Nonprofit Museums*, (March 21, 2022).

⁴⁰ Erin Durkin, *Nadler, Maloney Could Face Off in Primary with Redrawn District*, POLITICO, May 16, 2022, <https://www.politico.com/news/2022/05/16/maloney-nadler-primary-redrawn-district-00032775>.

⁴¹ See Email from Rep. Maloney Chief of Staff to Former VP of Public Affairs, January 18, 2022 (Exhibit 9 at 22-8826_0170-0172).

⁴² Rep. Maloney Transcript (Exhibit 1 at 22-8826_0038).

⁴³ See Internal Memo from Witness B to Met Staff, July 31, 2015 (Exhibit 10 at 22-8826_0174).

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**THE METROPOLITAN MUSEUM OF ART
INTERDEPARTMENTAL MEMORANDUM**

Revised 9/16/15

TO: Kristin MacDonald
FROM: Tom Schuler
CC: Dan Weiss
Clyde Jones
Nina Diefenbach
SUBJ: Costume Institute – Party of the Year
DATE: July 31, 2015
VIA: email

Below is a list of government officials whom we believe should be invited to next year's Costume Institute Gala. In the past, we sent a number of invitations to government officials with a letter from the President asking them to be our special guests at this event.

Mayor Bill de Blasio and Ms. Chirlane McCray
First Deputy Mayor Anthony Shorris
Deputy Mayor Alicia Glen
Commissioner Tom Finkelpearl
Commissioner Mitchell Silver
Comptroller Scott Stringer
Council Speaker Melissa Mark-Viverito
Council Member Jimmy Van Bramer
Council Member Julissa Ferreras-Copeland
Council Member Dan Garodnick
Council Member Helen Rosenthal
Congresswoman Carolyn Maloney

32. Witness testimony confirms that there was some confusion regarding why Rep. Maloney was not on the invitation list for the 2016 Met Gala. Witness A, a former Met president, stated that government officials such as Members of Congress, the New York Mayor, and the New York Commissioner of Cultural Affairs and Parks never would have been excluded from the guest list.⁴⁴
33. Similarly, Witness C, former Director of Government Affairs at the Met, recalled that Rep. Maloney may not have been invited due to possible downsizing of seats.⁴⁵ Witness C also recalled being surprised, “because I think [Rep. Maloney] was someone who normally would be included.”⁴⁶
34. While witnesses agreed that Rep. Maloney should have been included on the guest list, the same witnesses recalled Rep. Maloney requesting to attend when learning that she was not invited to the event.⁴⁷
35. Witness A, a former president of the Met, did not have an independent recollection of Rep. Maloney requesting an invitation to the 2016 Met gala.⁴⁸ However, after reviewing the following April 2, 2016 email⁴⁹ from Witness A to several Met executives, Witness A recalled that Rep. Maloney had specifically requested an invitation to the Met Gala.⁵⁰

⁴⁴ Witness A Transcript (Exhibit 4 at 22-8826_0028).

⁴⁵ Witness C Transcript (Exhibit 6 at 22-8826_0153).

⁴⁶ *Id.*

⁴⁷ Witness A Transcript (Exhibit 4 at 22-8826_0106-107); Witness B Transcript (Exhibit 5 at 22-8826_0127-0128); Witness C Transcript (Exhibit 6 at 22-8826_0152-0154).

⁴⁸ Witness A Transcript (Exhibit 4 at 22-8826_0099).

⁴⁹ Email from Witness A to Met Executives, April 2, 2016 (Exhibit 8 at 22-8826_0168).

⁵⁰ Witness A Transcript (Exhibit 4 at 22-8826_0106).

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-----Original Message-----

From: emily rafferty [REDACTED]
Sent: Saturday, April 02, 2016 10:44 AM
To: Campbell Tom P. <[REDACTED]>
Cc: Brodsky Dan <[REDACTED]>; Dr. Weiss Daniel H. <[REDACTED]> Jones
Clyde <[REDACTED]>; Schuler Tom <[REDACTED]>; Harold Holzer
[REDACTED]
Subject: Carolyn Maloney

I received a call this past week from Carolyn. She is unhappy to say the least that she is not receiving an invitation to the Party of the Year. She understands from Tom Schuler that only the Mayor is to be included. She went on about how much she does for the Met, always responsive when you call, and proactive re the institution's concerns in DC. She has been coming to the party for years, and it is the one thing she cares about. Somehow she knows that the numbers are not smaller than last year, so that should not be an issue.

It is fair to say that no one knows better than I do re the torture of this subject that heightens each year until the last person is in the seat. For what it is worth, I highly recommend you include Carolyn, Scott Stringer and his wife in your 80 allotted spaces. Even with this, there will be unhappy campers, as we know. I told Carolyn I would bring this to your attention, and that I would get back to her next week. I am including Dan B here, as I know she considers him a good friend, and maybe in touch with him as well. Many thanks, Emily

Sent from my iPad

36. Notably, as outlined in the email above, Witness A stated that she received a phone call from Rep. Maloney, who was “unhappy to say the least that she is not receiving an invitation to the party of the year.”⁵¹ Witness A went into further detail of the conversation citing that Rep. Maloney “went on about how much she does for The Met.”⁵²
37. The OCE asked Witness B for examples of how Rep. Maloney has assisted the Met as she declared in the email above.⁵³ Witness B stated, “...all of them [government officials], as I like to say, have been our champions and have really articulated what we do here in terms of education and community outreach with their various colleagues at those levels of government. For us it has been invaluable just like being, I like to say, a cheerleader for the museum.”⁵⁴
38. The OCE reviewed an August 16, 2018 e-mail that suggests that in future years, Rep. Maloney’s 2016 outreach requesting attendance continued to impact her invitation status to the Met Gala.⁵⁵ Witness B, the Met’s former Chief Government Relations Officer, recounted in a 2018 email that “[w]hen [Rep. Maloney] learned she would not be attaining [sic]. . . she actually pushed back.”⁵⁶
39. During Rep. Maloney’s interview with the OCE, after telling the OCE she had never requested to attend the Met Gala, Rep. Maloney was given an opportunity to refresh her

⁵¹ *Id.*

⁵² *Id.*

⁵³ Witness B Transcript (Exhibit 5 at 22-8826_0136).

⁵⁴ *Id.*

⁵⁵ See Email from Witness B, August 16, 2018 (Exhibit 11 at 22-8826_0176-0177). Note that Witness B incorrectly cited the 2015 event in the 2018 email as the Met Gala when Rep. Maloney “pushed back,” whereas the OCE found that Rep. Maloney’s invitation request occurred in 2016 following the 2015 planning decision to exclude Rep. Maloney from the 2016 event.

⁵⁶ *Id.*

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recollection with the August 16, 2018 email, in which Witness B discussed her previous request for an invitation:⁵⁷

From: [REDACTED]
Sent: Thursday, August 16, 2018 11:13 AM EDT
To: Britton, Laurel; Althof, Kyle
CC: Weine, Kenneth; Escano Nunez, Frances
Subject: Fwd: [External] - Background Party of the Year

As promised. Good luck.

Sent from my iPhone

Begin forwarded message:

From: Tom Schuler [REDACTED]
Date: August 16, 2018 at 8:12:21 AM PDT
To: "Tom.schuler" [REDACTED]; Tom Schuler [REDACTED]
Subject: [External] - Background Party of the Year

I'm writing to follow up on the discussion we had on government invites to the Met Gala/PDNY. I wanted to share some history of past years attendees and reiterate the importance of being inclusive as possible when extending invitations to government officials. Prior to 2015 a "wide net" was used to extend tickets to government officials. It was customary to invite: the Mayor, Deputy Mayor (who oversees DCA), City Comptroller, City Council Speaker, Manhattan Borough President, our local Council Members including the representative of The Cloisters, the Commissioners of DCA and Parks as well as the Chair of the City Council's Cultural Affairs Committee. During those years it was not uncommon to extend guest invitations to even our local State Senator and Assembly Member. One year even all the candidates running for NYC Mayor were invited guests.

When we were mandated to reduce Met seats we looked for a rational without offending anyone or bruising egos. This is how we came up with the current configuration --allowing the five officials who sit on our Board of Trustees to attend with a guest. We added Carolyn Maloney to that list even though she does not have a seat on our Board. When she learned she would not be attending that year's gala (2015) she actually pushed back. Carolyn made calls personally to [REDACTED] and even [REDACTED]. We have ultimately secured one seat for her each year.

I do think it is important to note that during the period when we limited/reduced government officials attending we saw a significant drop in any new capital allocation to the Met. In fact during that entire period we only secured \$300,000 from the City Council when \$5, \$7 even \$10 million was earmarked in the past. In fact during budget advocacy when presenting the Museum's request for new funding we were told by one Council Member "get Anna to pay for it".

⁵⁷ *Id.* (Exhibit 11 at 22-8826_0176).

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40. After reviewing the email, Rep. Maloney contended that she did not recall ever calling anyone at the Met regarding her invitation to the Met Gala. Specifically, Rep. Maloney stated:

OCE: Have you ever made a personal phone call to either Witness C, Witness A, or Witness D to inquire about your invitation to the Met Gala?

Rep: Maloney: No, I have not. Not that I recall.⁵⁸

41. Additionally, the OCE found evidence indicating that Rep. Maloney may have requested a Met Gala invitation, as recently as 2020.

42. In an email provided by Rep. Maloney, dated February 22, 2020,⁵⁹ Rep. Maloney asked a congressional staffer whether she was “invited to the met ball this year.”⁶⁰ When the staffer responded with, “[n]ot yet going to invite Witness B to the St. Patrick’s Day breakfast and maybe we can speak to him,” Rep. Maloney asked for a way to contact Witness B.⁶¹

43. When the OCE asked Rep. Maloney about the reason behind her asking about the “met ball,” she stated that she didn’t know why she asked, she was “curious” and didn’t “know when it took place.”⁶² However, the email provided does not include any questions regarding the date, location or time of the Met Gala. When asked if she had any reason to believe she would not be invited, Rep. Maloney stated, “No, just it was covid. People were asking whether things were happening or not.”⁶³

iv. Rep. Maloney’s Acceptance of the Gift of Free Met Gala Attendance

44. Following her 2016 request for a Met Gala invitation, Rep. Maloney appears to have received an invitation to the Met Gala every year thereafter.^{64,65} While House rules allow members to attend charitable events, Members may only accept unsolicited offers of free attendance.⁶⁶

⁵⁸ Rep. Maloney Transcript (Exhibit 1 at 22-8826_0042).

⁵⁹ Email from Rep. Maloney to Congressional Staffer on February 22, 2020 (Exhibit 12 at 22-8826_0179-0181).

⁶⁰ *Id.*

⁶¹ Rep. Maloney Transcript (Exhibit 1 at 22-8826_0046).

⁶² *Id.*

⁶³ *Id.* (Exhibit 1 at 22-8826_0047).

⁶⁴ Email from Witness B, August 16, 2018, (Exhibit 11 at 22-8826_0176-0177); Witness B Transcript (Exhibit 5 at 22-8826_0134).

⁶⁵ After the 2021 Met Gala, Rep. Carolyn Maloney shared on her Instagram account that she wore a custom-designed dress by Antonios Couture. *See* Carolyn Maloney, INSTAGRAM, (@carolynbmaloney), <https://www.instagram.com/p/CTxxY-HvLxR/> (September 13, 2021). In 2019, Rep. Maloney wore a dress custom-designed by designer Vassilis Emmanuel Zoulias. *See* Carolyn Maloney, INSTAGRAM, (@carolynbmaloney), <https://www.instagram.com/p/CTxxY-HvLxR/> (September 13, 2021). There was no publicly available information regarding Rep. Maloney’s 2018 dress. During this review, the OCE sought to gather information on whether Rep. Maloney’s gowns and related services were permissible gifts under House Gift guidance. Rep. Maloney provided the OCE with documents which showed that she paid for both her 2018 and 2019 dresses. Regarding her 2021 gown, Rep. Maloney rented this gown from the designer Ghassan Antonios and provided proof of payment of a rental fee. Additionally, Rep. Maloney provided proof of payment for all services rendered in relation to the 2018, 2019 and 2021 Met Gala, such as hair styling, makeup and transportation.

⁶⁶ House Gift Guidance.

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45. As such, the OCE found that Rep. Maloney likely solicited an invitation to the Met Gala in 2016, and this solicitation appears to have had a continuing impact on her future invitations to the Met Gala. Even if otherwise acceptable under House gift rule exceptions, a gift of free attendance to a charitable event cannot be solicited and the solicitation renders the exception inapplicable. Moreover, federal law and House rules prohibit solicitation of a gift, even if Rep. Maloney never attended the underlying event.

III. CONCLUSION

46. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Maloney may have solicited or accepted impermissible gifts associated with her attendance at the Met Gala.
47. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Maloney may have solicited or accepted impermissible gifts associated with her attendance at the Met Gala.