

CONFIDENTIAL

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. 15-1671

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on February 26, 2016, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Mark Meadows

NATURE OF THE ALLEGED VIOLATION: After a series of personnel issues in October 2014, Representative Meadows’ Chief of Staff, Kenny West was not present in either Representative Meadows’ district or Washington, DC offices. In April 2015, Representative Meadows informed his staff that Mr. West was no longer Chief of Staff and made representations that he was no longer an employee of the office. Mr. West did not appear to perform any official work after April 2015, yet Representative Meadows continued to authorize compensation to Kenny West until August 15, 2015.

If Representative Meadows retained an employee who did not perform duties commensurate with the compensation the employee received, and certified that the compensation met applicable House standards, then he may have violated House rules and standards of conduct.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the above allegations because there is substantial reason to believe that Representative Meadows retained an employee who did not perform duties commensurate with the compensation the employee received, and certified that the compensation met applicable House standards, in violation of House rules and standards of conduct.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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

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FINDINGS OF FACT AND CITATIONS TO LAW

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 15-1671

On February 26, 2016, 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. After a series of personnel issues in October 2014, Representative Meadows’ Chief of Staff, Kenny West was not present in either Representative Meadows’ district or Washington, DC offices. In April 2015, Representative Meadows informed his staff that Mr. West was no longer Chief of Staff and made representations that he was no longer an employee of the office. Mr. West did not appear to perform any official work after April 2015, yet Representative Meadows continued to authorize compensation to Kenny West until August 15, 2015.
2. If Representative Meadows retained an employee who did not perform duties commensurate with the compensation the employee received, and certified that the compensation met applicable House standards, then he may have violated House rules and standards of conduct.
3. The Board recommends that the Committee on Ethics further review the above allegations because there is substantial reason to believe that Representative Meadows retained an employee who did not perform duties commensurate with the compensation the employee received, and certified that the compensation met applicable House standards, in violation of House rules and standards of conduct.

B. Jurisdiction Statement

4. The allegations that were the subject of this review concern Representative Mark Meadows, a Member of the United States House of Representatives from the 11th District of North Carolina. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (hereafter “OCE”) directs that, “[n]o review shall be undertaken... by the board of any alleged violation that occurred before the date of adoption of this resolution.”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.

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

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C. Procedural History

5. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on October 23, 2015. The preliminary review commenced on October 24, 2015.² The preliminary review was scheduled to end on November 22, 2015.
6. On October 27, 2015, the OCE notified Representative Meadows of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.³
7. At least three members of the Board voted to initiate a second-phase review in this matter on November 20, 2015. The second-phase review commenced on November 23, 2015. The second-phase review was scheduled to end on January 6, 2016.
8. On November 23, 2015, the OCE notified Representative Meadows of the initiation of the second-phase 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.⁴
9. The Board voted to extend the 45-day second-phase review by an additional fourteen days on December 18, 2015. The additional period ended on January 20, 2016.⁵
10. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on February 26, 2016.
11. The report and its findings in this matter were transmitted to the Committee on Ethics on March 18, 2016.

D. Summary of Investigative Activity

12. The OCE requested testimonial and in some cases documentary information from the following sources:
 - (1) Witness A;
 - (2) Witness B; and
 - (3) Witness C.

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 H. Res. 895 of the 110th Congress, as amended (hereafter “the Resolution”), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

³ Letter from the OCE Chief Counsel to Representative Meadows, dated Oct. 26, 2015.

⁴ Letter from the OCE Chief Counsel to Representative Meadows, dated Nov. 23, 2015.

⁵ The 14-day extension begins after the 45-day second-phase review ends. The 14-day extension does not begin on the date of the Board vote.

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13. The following individuals refused to provide any information in response to the OCE's requests and were determined to be non-cooperative witnesses:

- (1) Representative Meadows;
- (2) Kenny West, former Chief of Staff;
- (3) Wayne King, District Director/Deputy Chief of Staff;
- (4) Pamela Ward, District Office Manager;
- (5) Eliza Thurston, Scheduler;
- (6) Alyssa Farah, Communications Director;
- (7) Martha Van Lieshout, Legislative Assistant; and
- (8) Patrick Fleming, former Legislative Assistant.

II. REPRESENTATIVE MEADOWS MAY HAVE VIOLATED HOUSE RULES AND STANDARDS OF CONDUCT BY AUTHORIZING COMPENSATION TO KENNY WEST DURING A TIME WHEN MR. WEST DID NOT PERFORM OFFICIAL WORK

A. Applicable Law, Rules, and Standards of Conduct

14. House Rule 23, Clause 8

*"A Member, Delegate, Resident Commissioner, or officer of the House may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation such employee receives."*⁶

15. House Ethics Manual

*"The regulations of the Committee on House Administration require employing Members to provide monthly salary certifications for their staff. A salary may be disbursed to an employee only upon submission of a signed statement by the appropriate Member certifying that the Office of Human Resources has correctly listed the name and salary of each employee, and that the employees have certified that they have no relationship to any current Member of Congress, unless specifically noted. Compensation may be received only for duties performed within the preceding month."*⁷

*"The underlying standard for the receipt of compensation by an employee of the House is that the employee has regularly performed official duties commensurate with the compensation received."*⁸

⁶ House Rule 23, Clause 8(a).

⁷ House Ethics Manual (2008) at 277-78.

⁸ *Id.* at 279.

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B. Employees in Representative Meadows' Congressional Offices Reported Misconduct by Kenny West in October 2014

16. Kenny West was hired as Representative Meadows' Chief of Staff in January 2013, when Representative Meadows assumed office.⁹ He was based in Washington, DC but had management responsibilities over both the district office in North Carolina and the Washington, DC office.¹⁰ According to witnesses interviewed by the OCE, no other employee shared Chief of Staff duties with Mr. West, or was named Chief of Staff, during the time when Mr. West was present in Representative Meadows' congressional offices.¹¹
17. In October 2014, a group of employees in Representative Meadows' Washington, DC office reported to the then-Deputy Chief of Staff that they were uncomfortable with Mr. West's inappropriate behavior towards them.¹²
18. Witness A, a staff member in the Washington, DC office, stated that, in response to the reports, Representative Meadows had a conversation with the staff members in the Washington, DC office, in or around January 2015.¹³ During that conversation, Representative Meadows told the staffers that he did not want anyone in the office made to feel uncomfortable and that he would "take care of it."¹⁴ Representative Meadows did not specify what actions he would take at the time.¹⁵
19. Witness B, a staff member in the Washington, DC office, corroborated Witness A's statements, differing on the timing of the first reports made to the then-Deputy Chief of Staff and the timing of Representative Meadows' response. Witness B told the OCE that in late October 2014, after experiencing uncomfortable interactions with Mr. West, she and other staffers alerted the then-Deputy Chief of Staff about Mr. West's actions so that he would present them to Representative Meadows.¹⁶ They did so in writing.¹⁷ According to Witness B, when made aware, Representative Meadows seemed "surprised" by the information and told the staffers he would "address it."¹⁸

⁹ Kenneth D. West Payroll Authorization Forms, dated Jan. 4, 2013 (Exhibit 1 at 15-1671_0002)

¹⁰ Transcript of Interview of Witness A, Dec. 15, 2015 ("Witness A Transcript") (Exhibit 2 at 15-1671_0020); Transcript of Interview of Witness B, Jan. 7, 2016 ("Witness B Transcript") (Exhibit 3 at 15-1671_0047); Transcript of Interview of Witness C, Jan. 14, 2016 ("Witness C Transcript") (Exhibit 4 at 15-1671_0075). Witnesses interviewed by the OCE confirmed that Mr. West was the Washington, DC Chief of Staff but did not maintain a residence in Washington, DC.

¹¹ Witness A Transcript (Exhibit 2 at 15-1671_0002); Witness B Transcript (Exhibit 3 at 15-1671_0046); Witness C Transcript (Exhibit 4 at 15-1671_0076).

¹² Witness A Transcript (Exhibit 2 at 15-1671_0021-22); Witness B Transcript (Exhibit 3 at 15-1671_0048, 51).

¹³ *Id.* at 15-1671_0022-23.

¹⁴ *Id.*

¹⁵ *Id.* at 15-1671_0023.

¹⁶ Witness B Transcript (Exhibit 3 at 15-1671_0048, 50).

¹⁷ *Id.* at 15-1671_0051. The OCE also obtained evidence of the written reports to the then-Deputy Chief of Staff. However, certain documents are not included as exhibits to these findings. They will be provided to the Committee on Ethics as supplemental information. They will be referenced as "Supplemental Information."

¹⁸ *Id.* at 15-1671_0048.

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20. Witness B stated that in November or December 2014, after the concerns were presented to Representative Meadows in October 2014, Representative Meadows asked Representative Trey Gowdy's Chief of Staff to interview his female employees about their interactions with Kenny West and to report back to him.¹⁹ Witness B's belief was that Representative Meadows planned the interviews so that he could assess the legal and personnel ramifications of Mr. West's interactions with his employees.²⁰ Witness B and other female employees consented voluntarily to the interviews.²¹
21. Witness C, a staff member in the district office, told the OCE that she reported uncomfortable interactions with Mr. West separately to the District Director/Deputy Chief of Staff, Wayne King, in October 2014 during a performance evaluation.²² Witness C believed at the time that Representative Meadows was aware of her reports made to Mr. King because she received emails from Representative Meadows acknowledging the information.²³ After receiving the emails, Witness C stated that it was her impression that "nothing was altered" in the office and nobody followed up with her about Mr. West or her reports concerning Mr. West.²⁴ Witness B told the OCE that she was generally aware of Witness C's uncomfortable interactions with Kenny West.²⁵

C. Beginning in October 2014, at the Direction of Representative Meadows, Kenny West Was Not Present in Either Congressional Office

22. Multiple witnesses confirmed that due to the personnel issues described above, Representative Meadows took actions to limit or prohibit Kenny West's presence in the Washington, DC and district offices.
23. Witness A explained to the OCE that after the employees made the reports discussed above, Kenny West was asked not to return to the Washington, DC office.²⁶ Witness A did not elaborate on the source of the information or who asked Mr. West not to return.
24. Witness B stated that after the female employees made their reports in October 2014, and were interviewed by Representative Gowdy's Chief of Staff, Kenny West "never came back" to the Washington, DC office.²⁷ She further explained that in November 2014, "[Representative Meadows] told us . . . that Kenny wouldn't be back in the office anymore."²⁸

¹⁹ *Id.* at 15-1671_0048-49.

²⁰ *Id.* at 15-1671_0048.

²¹ *Id.* at 15-1671_0050.

²² Witness C Transcript (Exhibit 4 at 15-1671_0077).

²³ *Id.* at 15-1671_0078-79.

²⁴ *Id.* at 15-1671_0079.

²⁵ Witness B Transcript (Exhibit 3 at 15-1671_0066).

²⁶ Witness A Transcript (Exhibit 2 at 15-1671_0021, 23).

²⁷ Witness B Transcript (Exhibit 3 at 15-1671_0050). The Board notes that Witness B was employed by Rep. Meadows during the entirety of the events described in these findings. *Id.* at 15-1671_0043-44.

²⁸ *Id.* at 15-1671_0047.

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25. Witness B stated that occasionally, after he left the office, Kenny West would email or call the Washington, DC office but those contacts were “sporadic.”²⁹ Witness B further explained that during these calls Mr. West would mention things like: “I’m going to be up there [in Washington, DC] soon.”³⁰ Although Mr. West was not present in the office, and Representative Meadows told the staff Mr. West was not returning, the calls and emails led Witness B to believe that Mr. West was still Chief of Staff and that Representative Meadows had not terminated Mr. West’s employment.³¹
26. After the calls and emails by Mr. West in late 2014, Witness B emailed Representative Gowdy’s Chief of Staff in January 2015, reporting Mr. West’s continued communications with the congressional office.³²
27. Witness B stated: “That week or the following, [Representative Meadows] was very upset” because someone approached him on the House floor and told him that he needed to terminate Mr. West’s employment.³³ At that point, Representative Meadows knew Representative Gowdy’s Chief of Staff had been contacted again, this time without his knowledge.³⁴
28. That same month, in January 2015, Representative Meadows responded to the renewed contact with Representative Gowdy’s Chief of Staff by explaining to his then-Deputy Chief of Staff that “Kenny’s not allowed back into the office so it’s not a problem.”³⁵ Although Witness B did not recall whether Representative Meadows responded to her directly, she confirmed that Representative Meadows informed the then-Deputy Chief of Staff who informed Witness B.³⁶
29. According to Witness B, after the events in January 2015, Mr. West may have made telephone calls to the congressional offices or sent officially-related email.³⁷ She recalled a specific email sent by Mr. West in February 2015 concerning the departure of an employee, showing some degree of official work despite Mr. West’s continued absence.³⁸ The OCE obtained an email that matched the description of the email discussed by Witness B.³⁹
30. Witness C told the OCE that the day after she informed the District Director/Deputy Chief of Staff, Wayne King, about her uncomfortable interactions with Kenny West in October 2014, Mr. West appeared at the district office.⁴⁰ Pamela Ward, the District

²⁹ *Id.* at 15-1671_0050.

³⁰ *Id.* at 15-1671_0052.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Email from Kenny West to Rep. Meadows’ staff, dated Feb.11, 2015 (Exhibit 5 at 15-1671_0090).

⁴⁰ Witness C Transcript (Exhibit 4 at 15-1671_0079). The Board notes that Witness C was employed by Rep. Meadows during the entirety of the events described in these findings. *Id.* at 15-1671_0073.

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Office Manager, asked Mr. West to leave the office and not return again.⁴¹ An argument between Mr. West and Ms. Ward ensued.⁴² After Mr. West left that day, Witness C never saw Kenny West again in the district office.⁴³

31. Witness B stated that when Representative Meadows' office moved to the Longworth House Office Building in January 2015, Mr. West did not have a desk or work space in the new office and his personal items were placed in a storage unit.⁴⁴ All other staff members in the Washington, DC office had a work space.⁴⁵
32. The OCE obtained additional evidence indicating that as of February 2015, members of Representative Meadows' staff expressed confusion as to the status of Mr. West's employment.⁴⁶ Emails show that, although Mr. West was not present in the congressional offices, there were "talks" of his return.⁴⁷ These emails also indicate that Mr. West may have had some control over office budgets and staff salaries at the time.⁴⁸
33. In early 2015, Mr. West appeared to play a limited role as an employee of Representative Meadows' congressional office. For example, on March 14, 2015 Mr. West emailed Representative Meadows' congressional staff regarding personnel and district issues.⁴⁹

From:	West, Kenny
Sent:	Saturday, March 14, 2015 8:35 PM
To:	NC11 DC Staff; NC11 DO Staff
Cc:	Z113 Meadows, Mark
Subject:	This Past Week

First of all I would like to thank you all for making this week a success for Mark. We visited many area's in the district both official and County Events. At every event there were praise and stories about our staff from Eliza doing scheduling, Alyssa's doing our News Letters for Mark and different success stories about our staff and their follow up to numerous to mention. Mark and I went to six or seven conventions this week and at each one he received standing ovations for his support for all his votes and his determination to continue to listen to the people of the 11th District. Ladies and Gentlemen, **THANK YOU!** We have a busy schedule in the district and DC in the coming months, but I know we can sustain the momentum that we all have helped make. Have a blessed weekend.

Kenneth D West
 Chief of Staff
 Rep. Mark Meadows, NC 11
 1024 Longworth Building
 Washington, DC 20515
 (202) 225-6401 office (202) 226-6422 fax

34. Also in March 2015, Mr. West took part in staff salary discussions with Representative Meadows for at least one employee on staff.⁵⁰
35. Based on the witness accounts and evidence obtained by the OCE, the Board finds that beginning in October 2014, at the direction of Representative Meadows, Kenny West did not return again to either the Washington, DC or the district offices. Although staff

⁴¹ *Id.* at 15-1671_0079-80, 87.

⁴² *Id.* at 15-1671_0079.

⁴³ *Id.* at 15-1671_0080.

⁴⁴ Witness B Transcript (Exhibit 3 at 15-1671_0053).

⁴⁵ *Id.*

⁴⁶ *See* Supplemental Information.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Email from Kenny West to Rep. Meadows' staff, dated Mar. 14, 2015 (Exhibit 6 at 15-1671_0092).

⁵⁰ *See* Supplemental Information.

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D. Representative Meadows Indicated to His Staff in April 2015 that Kenny West Was No Longer an Employee and Hired a New Chief of Staff in July 2015

36. The witnesses interviewed by the OCE stated that Representative Meadows indicated to his staff in April 2015 that Kenny West was no longer Chief of Staff. Significantly, witnesses also explained to the OCE that at the time they believed Mr. West was no longer employed by Representative Meadows.
37. Witness A told the OCE that although she had left the House of Representatives in February 2015, she kept in contact with members of Representative Meadows' staff.⁵¹ One member of his staff informed Witness A that Mr. West was asked to step down from his Chief of Staff role and was asked to leave Washington, DC.⁵² Witness A did not know if that meant that Mr. West's employment had been terminated.⁵³
38. Witness B told the OCE that Representative Meadows sent an email in April 2015 announcing the departure of the then-Deputy Chief of Staff and his search for "a new Chief that is DC-based."⁵⁴ Following this email, Witness B believed that Mr. West was no longer an employee of the office and that "everyone just took that as being he's officially fired."⁵⁵ Witness B stated that although she and others maintained that belief at the time, after press reports surfaced concerning Kenny West's relationship with the office in the summer of 2015, she reviewed the email and noted that it did not state explicitly that Mr. West's employment had been terminated.⁵⁶
39. Witness C told the OCE that "some time in maybe spring or early summer 2015," Representative Meadows sent an email to the staff "stating that Kenny West was no longer employed by the office."⁵⁷ Witness C left the House of Representatives in August 2015 but stated that she believed that Mr. West's employment was terminated prior to her departure.⁵⁸ Witness C described the email as the first indication she received that Mr. West was no longer an employee in Representative Meadows' congressional offices and that the email was sent to all staff, possibly excluding the interns.⁵⁹ Witness C explained further that "after we received the email, we all assumed that he was terminated, no longer working for the office, so at that point, I guess you could say the speculation [about Mr. West's employment status] had died down."⁶⁰

⁵¹ Witness A Transcript (Exhibit 2 at 15-1671_0033-34).

⁵² *Id.*

⁵³ *Id.* at 15-1671_0034.

⁵⁴ Witness B Transcript (Exhibit 3 at 15-1671_0057).

⁵⁵ *Id.*

⁵⁶ *Id.* at 15-1671_0058.

⁵⁷ Witness C Transcript (Exhibit 4 at 15-1671_0076).

⁵⁸ *Id.* at 15-1671_0075.

⁵⁹ *Id.* at 15-1671_0077.

⁶⁰ *Id.* at 15-1671_0082.

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40. As shown below, and consistent with the witness statements, on April 1, 2015 Representative Meadows – through a staff intermediary – emailed his staff regarding office re-organization.⁶¹
41. In the April 1, 2015 email, Representative Meadows told the staff that “I have made the decision to have a full time Chief of Staff in Washington, DC. This decision doesn’t come easily and will require adjustments in a number of areas but I thought it was important to let everyone know that I will be interviewing possible candidates to replace Kenny as our Chief of Staff.”⁶² Representative Meadows continued: “Kenny has been working with me on the re-organization plan and possible impacts for both the DC and the District offices...”⁶³

From:	Thurston, Eliza on behalf of Z113 Meadows, Mark
Sent:	Wednesday, April 01, 2015 12:49 PM
To:	NC11 All Staff
Cc:	Z113 Meadows, Mark
Subject:	Re-Organization and a Goodbye

All,

Over the last few months, I have asked for input from several of you regarding the best ways we can serve the people of Western North Carolina. As with any organization, there are constant demands which cause us to re-evaluate and find ways to better serve the needs that confront us daily. While some of the changes put forth have not been fully vetted or decided, circumstances have developed that made this interim announcement more appropriate.

On Friday, April 17th, Philip Newman, who has served as Deputy Chief and been with me since the very beginning, will be leaving to take a new position with Senator Cory Gardner. Phil will be serving as a commerce policy advisor, working on transportation and aviation issues for the Senator. It's a great career move for our friend and will allow him to re-establish his Colorado ties. I know that I speak for all of us when I say that Phil's talent and energy will be missed.

At the same time, as part of the re-organization, I have made a decision to have a full time Chief of Staff in Washington, DC. This decision doesn't come easily and will require adjustments in a number of areas, but I thought it was important to let everyone know that I will be interviewing possible candidates to replace Kenny as our Chief of Staff. Kenny has been working with me on the re-organizational plan and possible impacts for both the DC and the District offices, with our sole focus being how to best serve the people of this great state.

I want to thank all of you for your dedication and willingness to adapt during this transitional time.

Thanks,

Mark

42. In addition to this email from Representative Meadows, the OCE also received additional evidence that Kenny West may not have remained an employee of Representative Meadows.⁶⁴ Less than two weeks after the email shown above, Representative Meadows communicated via email with a staff member and made Mr. West’s departure clear in the discussion, describing Mr. West as “gone” and explaining staff re-organization and job duties.⁶⁵

43. According to Witness B, in May 2015, one of Representative Meadows’ staff assistants in Washington, DC received a telephone call from Kenny West.⁶⁶ During that telephone call, Mr. West asked that his call to the office not be disclosed to other staffers or to Representative Meadows and made inquiries about his personal items left in the

⁶¹ Email from Eliza Thurston on behalf of Rep. Meadows, dated April 1, 2015 (Exhibit 7 at 15-1671_0094).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ See Supplemental Information.

⁶⁵ *Id.*

⁶⁶ Witness B Transcript (Exhibit 3 at 15-1671_0052-53).

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Washington, DC office.⁶⁷ The staff assistant then informed Witness B, who informed Representative Meadows.⁶⁸ In response to that call, in June 2015 the office Scheduler Eliza Thurston, at Representative Meadows' direction, shipped Mr. West his personal items via FedEx.⁶⁹

44. Representative Meadows hired a new Chief of Staff in the summer of 2015. Witnesses told the OCE that in late July or early August 2015 after conducting job interviews as early as May 2015, Representative Meadows' new full-time Chief of Staff in Washington, DC started work.⁷⁰
45. Based on the evidence obtained by the OCE, Representative Meadows confirmed to his staff in April 2015 that Kenny West was no longer Chief of Staff and made further representations that Mr. West was no longer an employee in his congressional office.

E. Representative Meadows Continued to Authorize Compensation to Kenny West During a Time When He Was No Longer Performing Official Work

46. From April 2015, when Representative Meadows indicated to his staff that Kenny West was no longer Chief of Staff or an employee, through August 15, 2015, Representative Meadows authorized salary payments to Mr. West as a House employee.
47. Representative Meadows submitted to the OCE, via counsel, a copy of a November 18, 2015 letter he sent to the Committee on Ethics that described Kenny West's role in the office as follows:

On April 1, 2015, I changed Kenny's title and duties to that of Senior Advisor, maintaining full-time advisory and constituent relations roles, but transferring his supervisory functions to other personnel. Eventually I came to an agreement with Kenny that he would resign full time duties from my office towards the end of May, 2015, and that I would continue to pay him for a short period of time both for the sake of a smooth transition, and so he would continue to perform some official duties for me during that transition. Kenny did continue to perform some services and was paid through August 2015.⁷¹

48. The OCE requested information from both Representative Meadows and Kenny West that would have established whether or not Mr. West performed official work from April 1, 2015 to August 15, 2015. Both Representative Meadows and Kenny West refused to cooperate with the OCE's review.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.* at 15-1671_0054.

⁷⁰ Witness B Transcript (Exhibit 3 at 15-1671_0058-59); Witness C Transcript (Exhibit 4 at 15-1671_0083).

⁷¹ Letter from Rep. Meadows to the Chair and Ranking Member of the Committee on Ethics, dated Nov. 18, 2015 (Exhibit 8 at 15-1671_0096-97).

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49. On September 3, 2015, a press report was published about Kenny West’s employment with Representative Meadows and payments he received in the summer of 2015.⁷²

Representative Meadows’ Communications Director, Alyssa Farah, was quoted in the report, explaining that Mr. West “received vacation and severance pay until August 15.”⁷³ Mr. West was quoted in the article, stating that he “turned in his resignation on May the 21st.”⁷⁴

50. In Representative Meadows’ November 18, 2015 letter referenced above, he also stated that payments to Kenny West constituted “severance” pay.⁷⁵

51. The chart below summarizes all actions submitted to the House Office of Payroll & Finance, affecting any aspect of Kenny West’s employment, including title changes, salary adjustments, or bonus requests. According to the House Office of Payroll & Finance, all changes must be requested by Representative Meadows.

Representative Meadows - NC11				
Action	Effective Date	Salary	Title	Amount
Appointment	1/3/2013	\$155,000	Chief of Staff	-
Lump Sum Bonus	10/30/2013	\$155,000	-	\$1,000
Salary Adjustment	11/1/2013	\$167,000	-	-
Salary Adjustment	1/1/2014	\$155,000	-	-
Salary Adjustment	10/1/2014	\$168,411	-	-
Salary Adjustment	1/1/2015	\$157,400	-	-
Salary Adjustment	2/1/2015	\$155,000	-	-
Title Change	4/1/2015	-	Senior Advisor	-
Termination	8/15/2015	-	-	-

52. The Board notes that there are no records of any “lump sum” or “severance” request forms filed by Representative Meadows for Kenny West except an October 30, 2013 bonus request for \$1,000.

53. Mr. West was paid at a rate of \$155,000 per year, or \$12,916.67 per month, for April, May, June, and July of 2015. For August 2015, Mr. West received \$6,458.33. In total, from April 1, 2015 to August 15, 2015, Representative Meadows authorized payments to Kenny West in the sum of \$58,125.01.⁷⁶ Despite Representative Meadows’ claim that Kenny West would “resign full time duties . . . towards the end of May” and would

⁷² *Meadows cuts check for false mileage reimbursement*, POLITICO, Sept. 3, 2015, available at <http://www.politico.com/story/2015/09/mark-meadows-repay-false-mileage-reimbursement-213259> (accessed March 16, 2016).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Letter from Rep. Meadows to the Chair and Ranking Member of the Committee on Ethics, dated Nov. 18, 2015 (Exhibit 8 at 15-1671_0096-97).

⁷⁶ Employees of the House may also receive “terminal leave” payments for accrued compensated time off, subject to each Member’s internal office policies. According to the Office of Payroll & Finance, this typically occurs after long-serving employees leave the House with substantial accrued compensated time off. As of April 2015, Kenny West had served just over two years in the House. To receive \$58,125.01 in terminal leave, Kenny West would have had to accrue roughly 45 days of compensated time off in just over two years. The OCE obtained no evidence that Mr. West accrued any compensated time off.

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perform “some official duties”⁷⁷ after May 2015, Mr. West’s salary was not adjusted to reflect any change in duties after February 1, 2015.

54. On April 9, 2015, Representative Meadows submitted a title change form for Kenny West.⁷⁸ The form changed Mr. West’s title from Chief of Staff to “Senior Advisor” and made the effective date April 1, 2015, the same date that Representative Meadows informed his staff that he was seeking to replace Kenny West as Chief of Staff.⁷⁹

PAYROLL AUTHORIZATION FORM U.S. HOUSE OF REPRESENTATIVES Washington, DC 20515		(Please use Typewriter or Ballpoint Pen)
To the Chief Administrative Officer of the House of Representatives: I hereby authorize the following payroll action:		
Employee Name (First-Middle-Last)	Effective Date	
Kenneth D. West	04/01/2015	
Employee Social Security Number	Type of Action	
165239	<input type="checkbox"/> Appointment <input type="checkbox"/> Salary Adjustment <input checked="" type="checkbox"/> Title Change <input type="checkbox"/> Termination (At close of business on effective date) <input type="checkbox"/> Leave without pay (Beginning with effective date above and ending close of business (Specify date))	
Employing Office or Committee/Subcommittee	(If type of action is an Appointment, Salary Adjustment or Title Change, complete appropriate information below.)	
Honorable Mark Meadows NC11	Position Title*	Gross Annual Salary**
	Senior Advisor	\$155,000.00

55. When asked about whether Mr. West’s title had been changed to “Senior Advisor,” all witnesses interviewed stated that they were not aware of the designation.⁸⁰
56. Witness B told the OCE that following the publication of press reports: “I was surprised that [Kenny West] was still on payroll after April. I was honestly surprised and had always been surprised that he was still on payroll without a change in salary that whole time since we told him [about Mr. West’s behavior] in October.”⁸¹ She also stated that Alyssa Farah, Representative Meadows’ current Communications Director, shared the same surprise upon learning that Mr. West was paid after April 2015.⁸²

⁷⁷ Letter from Rep. Meadows to the Chair and Ranking Member of the Committee on Ethics, dated Nov. 18, 2015 (Exhibit 8 at 15-1671_0096-97).

⁷⁸ Kenneth D. West Payroll Authorization Forms, dated April 9, 2015 (Exhibit 1 at 15-1671_0010).

⁷⁹ See Email from Eliza Thurston on behalf of Rep. Meadows, dated April 1, 2015 (Exhibit 7 at 15-1671_0094).

⁸⁰ Witness A Transcript (Exhibit 2 at 15-1671_0021); Witness B Transcript (Exhibit 3 at 15-1671_0047); Witness C Transcript (Exhibit 4 at 15-1671_0076).

⁸¹ Witness B Transcript (Exhibit 3 at 15-1671_0060).

⁸² *Id.* at 15-1671_0060-61.

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57. The OCE also obtained documents showing that on April 17, 2015, Representative Meadows filed a form notifying the House Office of Payroll & Finance that Kenny West's employment was terminated as of May 31, 2015.⁸³ This filing was signed eight days after Representative Meadows filed the form requesting Mr. West's title change to "Senior Advisor."⁸⁴

PAYROLL AUTHORIZATION FORM U.S. HOUSE OF REPRESENTATIVES
Washington, DC 20515

To the Chief Administrative Officer of the House of Representatives: I hereby authorize the following payroll action:

Employee Name (First-Middle-Last) Kenneth D. West	Effective Date 05/31/2015
Employee Social Security Number 165239	Type of Action <input type="checkbox"/> Appointment <input type="checkbox"/> Salary Adjustment <input type="checkbox"/> Title Change <input checked="" type="checkbox"/> Termination (At close of business on effective date) <input type="checkbox"/> Leave without pay (Beginning with effective date above and ending close of business)
Employing Office or Committee/Subcommittee Honorable Mark Meadows NC11	
Position Title Senior Advisor	Gross Annual Salary** \$155,000.00

VOID (Please use Typewriter or Ballpoint Pen)
TERMINATE

58. Representative Meadows then filed forms with the House Office of Payroll & Finance, extending Kenny West's employment.⁸⁵ These forms were filed on May 21, 2015, extending Mr. West's employment to June 30, 2015, and on June 10, 2015, extending Mr. West's employment to August 15, 2015.⁸⁶

PAYROLL AUTHORIZATION FORM U.S. HOUSE OF REPRESENTATIVES
Washington, DC 20515

To the Chief Administrative Officer of the House of Representatives: I hereby authorize the following payroll action:

Employee Name (First-Middle-Last) Kenneth D. West	Effective Date 06/30/2015
Employee Social Security Number 165239	Type of Action <input type="checkbox"/> Appointment <input type="checkbox"/> Salary Adjustment <input type="checkbox"/> Title Change <input checked="" type="checkbox"/> Termination (At close of business on effective date) <input type="checkbox"/> Leave without pay (Beginning with effective date above and ending close of business)
Employing Office or Committee/Subcommittee Honorable Mark Meadows NC11	
Position Title Senior Advisor	Gross Annual Salary** \$155,000.00

TERMINATE

supersedes

*Nonpermanent employees should be designated as Part-Time Employees, Paid Intern, Temporary Employees, or Shared Employees and will automatically receive the respective designation as their position title.
**Employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Clerk Hire Employee, complete appropriate item(s) below.)

Permanent
 Nonpermanent (must specify one of the following categories):
 Part-Time Employee
 Paid Intern
 Temporary Employee
 LWOP Employee
 Shared Employee

NOTE: Any erasures, corrections or changes on this form must be initialed by the authorizing official.

PAYROLL AUTHORIZATION FORM U.S. HOUSE OF REPRESENTATIVES
Washington, DC 20515

To the Chief Administrative Officer of the House of Representatives: I hereby authorize the following payroll action:

Employee Name (First-Middle-Last) Kenneth D. West	Effective Date 08/15/2015
Employee Social Security Number 165239	Type of Action <input type="checkbox"/> Appointment <input type="checkbox"/> Salary Adjustment <input type="checkbox"/> Title Change <input checked="" type="checkbox"/> Termination (At close of business on effective date) <input type="checkbox"/> Leave without pay (Beginning with effective date above and ending close of business)
Employing Office or Committee/Subcommittee Honorable Mark Meadows NC11	
Position Title Senior Advisor	Gross Annual Salary** \$155,000.00

TERMINATE

supersedes

*Nonpermanent employees should be designated as Part-Time Employees, Paid Intern, Temporary Employees, or Shared Employees and will automatically receive the respective designation as their position title.
**Employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Clerk Hire Employee, complete appropriate item(s) below.)

Permanent
 Nonpermanent (must specify one of the following categories):
 Part-Time Employee
 Paid Intern
 Temporary Employee
 LWOP Employee
 Shared Employee

NOTE: Any erasures, corrections or changes on this form must be initialed by the authorizing official.

59. The Board notes that Representative Meadows changed Mr. West's official title, filed termination paperwork with the House, and then extended Mr. West's employment in subsequent filings, indicating no intention of paying Mr. West any form of "severance."

⁸³ Kenneth D. West Payroll Authorization Forms, dated April 17, 2015 (Exhibit 1 at 15-1671_0011).

⁸⁴ *Id.*

⁸⁵ Kenneth D. West Payroll Authorization Forms (Exhibit 1 at 15-1671_0012-17).

⁸⁶ *Id.*

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60. In addition, conflicting with any claim that Mr. West received “severance” pay, Representative Meadows also submitted to the OCE, in a letter to the Committee on Ethics, that Mr. West performed some amount of official work after April 1, 2015. The OCE instead received testimony and documents from witnesses illustrating that Mr. West did not perform any official work after April 1, 2015.

III. REPRESENTATIVE MEADOWS MAY HAVE VIOLATED HOUSE STANDARDS OF CONDUCT BY CERTIFYING THAT KENNY WEST WAS PERFORMING OFFICIAL DUTIES COMMENSURATE WITH HIS COMPENSATION

A. Applicable Law, Rules, and Standards of Conduct

61. House Ethics Manual

“Members must regularly certify that all official funds have been properly spent. A false certification may bring criminal penalties, and the government may recover any amount improperly paid.”⁸⁷

B. Representative Meadows Submitted Payroll Authorization Forms to the House of Representatives’ Office of Payroll and Finance Certifying the Payments to Kenny West Were Commensurate with His Official Work

62. From April 2015 to August 15, 2015, Representative Meadows signed a Payroll Authorization Form, certifying that funds paid to Kenny West were properly spent and were commensurate with work performed.⁸⁸

63. Based on the information obtained by the OCE, and the non-cooperation by Representative Meadows and Kenny West, it does not appear that Mr. West performed any official work from at least April 2015, yet Mr. West received a salary from the House of Representatives, authorized by Representative Meadows, each month until August 15, 2015.

IV. CONCLUSION

64. In October 2014, employees in Representative Meadows’ congressional offices raised concerns about inappropriate behavior by Kenny West, Representative Meadows’ Chief of Staff, and the presence of an uncomfortable work environment.

65. Soon after the complaints were made, Representative Meadows assured the staff that he would take steps to address the situation regarding Kenny West. Mr. West was ordered not to be present in either the district office or the Washington, DC office.

⁸⁷ House Ethics Manual at 126 (citing 18 U.S.C. § 1001).

⁸⁸ See generally Kenneth D. West Payroll Authorization Forms (Exhibit 1 at 15-1671_0002-17).

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66. Mr. West appears to have conducted a limited amount of official congressional work from October 2014 to April 2015, though the OCE was unable to confirm where Mr. West conducted the work or the extent of the work completed.
67. In April 2015, Representative Meadows notified his staff that Mr. West was no longer the Chief of Staff and that he would be interviewing candidates for the full time Chief of Staff position once held by Mr. West. In certain communications, Representative Meadows also characterized Mr. West as no longer with the office and kept no work space for him in Washington, DC.
68. In July 2015, Representative Meadows hired a full time Chief of Staff to fill Mr. West's previous position.
69. From April 2015 to August 15, 2015 Representative Meadows characterized Mr. West's role with the office as transitionary or less than full time, while continuing to compensate him at his full time rate. Representative Meadows simultaneously characterized this payment to Mr. West as "severance" pay.
70. From April 2015 through August 15, 2015, Kenny West continued to receive a salary from the House of Representatives, authorized by Representative Meadows. Moreover, Mr. West received a salary dating back to October 2014, when he was no longer present in either the district or Washington, DC offices.
71. Based on the information obtained by the OCE, the Board recommends that the Committee on Ethics further review the above allegations because there is substantial reason to believe that Representative Meadows retained an employee who did not perform duties commensurate with the compensation the employee received, and certified that the compensation met applicable House standards, in violation of House rules and standards of conduct.

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

72. The following witnesses, by refusing to interview or provide requested information to the OCE, did not cooperate with the OCE's review.

- (1) Representative Meadows;
- (2) Kenny West;
- (3) Wayne King;
- (4) Pamela Ward;
- (5) Eliza Thurston;
- (6) Alyssa Farah;
- (7) Martha Van Lieshout; and
- (8) Patrick Fleming.

73. The Board recommends the issuance of subpoenas to the above named individuals.