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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. 16-3645

The Board of the Office of Congressional Ethics (the “Board”), by a vote of no less than four members, on August 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 Marlin Stutzman

**NATURE OF THE ALLEGED VIOLATION:** In August 2015, Representative Marlin Stutzman, his wife, and his two children traveled to Los Angeles, California, for a five-and-a-half day trip. Representative Stutzman used funds from his Senate campaign committee to pay for the family’s airfare and rental vehicle. While in California, Representative Stutzman had three campaign meetings over a two-day period; he and his family also engaged in a number of personal activities, including a visit to Universal Studios and tours of the Ronald Reagan Presidential Library and the Reagan Ranch. If Representative Stutzman used campaign funds to pay for a personal family trip, then he may have violated federal law and House rules prohibiting the use of campaign funds for personal purposes.

**RECOMMENDATION:** The Board recommends that the Committee on Ethics further review the allegation that Representative Stutzman used campaign funds for personal purposes, as there is substantial reason to believe that campaign funds were used to pay for a personal family trip to California.

**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 ON ETHICS:** Omar S. Ashmawy, Staff Director & Chief Counsel

**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 16-3645

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OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 16-3645

On August 26, 2016, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to laws, 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. In August 2015, Representative Marlin Stutzman, his wife, and his two children traveled to Los Angeles, California, for a five-and-a-half day trip. Representative Stutzman used funds from his Senate campaign committee to pay for the family’s airfare and rental vehicle. While in California, Representative Stutzman had three campaign meetings over a two-day period; he and his family also engaged in a number of personal activities, including a visit to Universal Studios and tours of the Ronald Reagan Presidential Library and the Reagan Ranch. If Representative Stutzman used campaign funds to pay for a personal family trip, then he may have violated federal law and House rules prohibiting the use of campaign funds for personal purposes.
2. The Board recommends that the Committee on Ethics further review the allegation that Representative Stutzman used campaign funds for personal purposes, as there is substantial reason to believe that campaign funds were used to pay for a personal family trip to California.

**B. Jurisdictional Statement**

3. The allegations that were the subject of this review concern Representative Marlin Stutzman, a Member of the United States House of Representatives from the 3rd District of Indiana. 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, 110th Cong. §1(e) (2008) (as amended).

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**C. Procedural History**

4. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on April 22, 2016. The preliminary review commenced on April 23, 2016.<sup>2</sup> The preliminary review was scheduled to end on May 22, 2016.
5. On April 27, 2016, the OCE notified Representative Stutzman 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>
6. At least three members of the Board voted to initiate a second-phase review in this matter on May 20, 2016. The second-phase review commenced on May 23, 2016.<sup>4</sup> The second-phase review was scheduled to end on July 6, 2016.
7. On May 24, 2016, the OCE notified Representative Stutzman 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 that right would not be held negatively against him.<sup>5</sup>
8. The Board voted to extend the second-phase review by an additional period of fourteen days on June 24, 2016. The additional period ended on July 20, 2016.
9. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on August 26, 2016.
10. The report and its findings in this matter were transmitted to the Committee on Ethics on August 31, 2016.

**D. Summary of Investigative Activity**

11. The OCE requested documentary and, in some cases, testimonial information from the following sources:
  - (1) Representative Marlin Stutzman;
  - (2) Representative Stutzman's Spouse;
  - (3) Representative Stutzman's Chief of Staff;
  - (4) Representative Stutzman's Former Campaign Manager;

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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 H. Res. 895 of the 110<sup>th</sup> Congress (hereafter "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 OCE Staff Director and Chief Counsel to Rep. Stutzman, April 25, 2016 (delivered April 27, 2016).

<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 OCE Staff Director and Chief Counsel to Rep. Stutzman, May 24, 2016.

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- (5) National Fundraising Consultant;
- (6) National Fundraising Consultant Employee;
- (7) Michael Landon, Jr.; and
- (8) William J. Abbott, President and Chief Executive Officer, Crown Media Holdings, Inc./Hallmark Channel.

12. Mr. Landon interviewed with the OCE but declined to provide the OCE with documents related to this matter.

13. The OCE was unable to obtain information from Mr. Abbott during the course of the review.

## **II. REPRESENTATIVE STUTZMAN MAY HAVE USED CAMPAIGN FUNDS FOR PERSONAL PURPOSES FOR A TRIP TO CALIFORNIA WITH HIS FAMILY**

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

#### **14. Federal Election Campaign Act, Regulations, and Guidance**

*The Federal Election Campaign Act provides: “A contribution or donation . . . shall not be converted by any person to personal use.”<sup>6</sup>*

*Federal Election Commission (“FEC”) regulations define “personal use” as “any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.”<sup>7</sup>*

*FEC regulations provide that campaign funds may be used to pay for certain expenses, including subsistence expenses, for travel to an activity that is related to the campaign or the candidate’s duties as a federal officeholder.<sup>8</sup> However, improper personal use includes use of campaign funds for a “vacation.”<sup>9</sup>*

*FEC regulations require disclosure of expenditures for campaign-related travel in FEC reports: “Where a candidate conducts any campaign-related activity in a stop, the stop is a campaign-related stop and travel expenditures made are reportable.”<sup>10</sup> However, “[c]ampaign-related activity shall not include any incidental contacts.”<sup>11</sup> The FEC has offered guidance as to what is considered “incidental”: “For example, if a candidate*

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<sup>6</sup> 52 U.S.C. § 30114(b)(1).

<sup>7</sup> 11 C.F.R. § 113.1(g).

<sup>8</sup> 11 C.F.R. § 113.1(g)(1)(ii)(C); Federal Election Commission, Campaign Guide for Congressional Candidates, June 2014 (“FEC Campaign Guide”) at 55.

<sup>9</sup> 11 C.F.R. § 113.1(g)(1)(i)(H).

<sup>10</sup> 11 C.F.R. § 106.3(b)(3).

<sup>11</sup> *Id.*

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*makes a non-political speech to a civic association luncheon and on the way out chats with a few attendees about his upcoming campaign, that conversation would not convert the appearance into a campaign-related event. However, if during the course of the speech the candidate asks for support, that would convert an otherwise non-campaign event into one which is campaign related . . . .*<sup>12</sup>

*“In the event of travel or vehicle expenses that comingle personal and campaign or officeholder activity, the beneficiary of the personal use expenses must reimburse the committee within thirty days for the entire amount associated with the personal activities (the amount over and above what the cost would have been had the trip/vehicle use been solely for campaign/officeholder-related purposes).”<sup>13</sup> However, “a slightly different approach would apply to the cost of the actual airfare . . . . Because the airfare represents a defined expense that would have existed irrespective of any personal or campaign related activities, the entire cost of the ticket” for a mixed purpose trip may be paid for by a campaign.<sup>14</sup>*

*The FEC has determined that campaign funds may be used to pay for expenses for travel related to a candidate’s campaign or duties as a federal officeholder incurred by a candidate’s spouse<sup>15</sup> and minor children.<sup>16</sup>*

## 15. House Rules

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

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

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<sup>12</sup> FEC Advisory Op. 2002-05 (May 10, 2002) (quoting Explanation and Justification for 11 C.F.R. § 106.3, House Doc. 95-44, 95th Cong., 1st Sess. (1977) at 50).

<sup>13</sup> FEC Campaign Guide at 55.

<sup>14</sup> FEC Advisory Op. 2002-05 (May 10, 2002).

<sup>15</sup> See FEC Advisory Op. 1996-19 (June 10, 1996) (concluding that campaign funds could be used to pay for the expenses of a candidate’s spouse to travel to a national political party convention, when the spouse expected to “engage in activities . . . in furtherance of” the candidate’s election, including “attempt[ing] to maintain contacts and goodwill with persons who will support your campaign through fundraising assistance and contributions,” and “communicat[ing] with constituents with respect to your campaign.”); FEC Advisory Op. 1995-47 (Mar. 29, 1996) (reaching a similar conclusion while noting that, “[i]n making this conclusion, the Commission is mindful of the inherently political nature of the national nominating convention of a political party. Its conclusion as to your general description of the . . . types of activities in which you and your wife will engage is made in the context of that event.”).

<sup>16</sup> See FEC Advisory Op. 2005-09 (Aug. 19, 2005) (concluding that campaign funds could be used to pay for the travel expenses of a candidate’s minor children when the parents were traveling in connection with the candidate’s *bona fide* campaign or officeholder responsibilities).

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

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

16. House Ethics Manual

*The House Ethics Manual provides that “[a] Member’s use of campaign funds for federal office is permissible only if it complies with the provisions of **both** the House Rules **and** [the Federal Election Campaign Act].”<sup>17</sup>*

*With respect to trips that have mixed purposes, the Manual provides: “[T]he Member . . . must determine the **primary purpose** of the trip. The source associated with that primary purpose – for example, a political committee for campaign or political activity, the federal government for official business, or the traveler’s own funds for personal business – must pay for the airfare . . . and all other travel expenses incurred in accomplishing that purpose. Any additional meal, lodging, or other travel expenses that the Member . . . incurs in serving a secondary purpose must be paid by the source associated with the secondary purpose.”<sup>18</sup>*

*The Manual advises: “The determination of the primary purpose of a trip must be made in a reasonable manner, and one relevant factor in making that determination is the number of days to be devoted to each purpose. That is, often the primary purpose of a trip is the one to which the greater or greatest number of days is devoted.”<sup>19</sup>*

*The Manual explains that “when the primary purpose of a trip is personal in nature, the airfare of that trip may **not** be paid with campaign funds, and must be paid with personal funds. While each Member has the responsibility to determine the ‘primary purpose’ of any trip the Member takes, that determination must be made in a **reasonable** manner, taking into account all of the activities in which the Member intends to engage during the course of the trip.”<sup>20</sup>*

*The Manual further explains that the Committee on Ethics “has taken the position that Members, in making expenditures of their campaign funds, must observe these provisions strictly: A bona fide campaign purpose is not established merely because the use of campaign money might result in a campaign benefit as an incident to benefits personally*

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<sup>17</sup> House Ethics Manual (2008) at 152 (emphasis in original).

<sup>18</sup> *Id.* at 116 (emphasis in original).

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

<sup>20</sup> *Id.* at 168 (emphasis in original).

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*realized by the recipient of such funds . . . . The Committee believes that any other interpretation . . . would open the door to a potentially wide range of abuse and could result in situations where campaign moneys were expended for personal enjoyment, entertainment, or economic well-being of an individual without any clear nexus that the funds so expended achieved any political benefit . . . .”<sup>21</sup>*

*The Manual provides: “There are circumstances in which campaign funds may properly be used to pay travel expenses of not only a Member, but also his or her immediate family members. For example, when the primary purpose of a trip taken by the spouse of a Member is to accompany the Member at a political event – such as one of the annual party fundraising dinners in Washington – campaign funds may be used to pay the spouse’s travel expenses.”<sup>22</sup>*

**B. Representative Stutzman Used Campaign Funds to Pay for Airfare and Vehicle Rental Expenses for an August 2015 Trip to California for Him and His Family**

17. From August 12 to 17, 2015, Representative Marlin Stutzman, his spouse, and his two children traveled to Los Angeles, California, where they met two family friends. During the five-and-a-half day trip, Representative Stutzman had three in-person meetings with supporters or potential supporters of his campaign for the United States Senate over a two-day period. While Representative Stutzman attended the campaign meetings, his family and friends visited Universal Studios and had a day to sleep in and relax.
18. Over the remaining three-and-a-half days of the trip, Representative Stutzman, his family, and their friends participated in activities of a personal nature, which appear to have had little to no benefit to his campaign. These activities included tours of Capitol Records, the Ronald Reagan Presidential Library, and the Reagan Ranch. Other activities that Representative Stutzman described as having a campaign purpose – such as a dinner with individuals from the Hallmark Channel and a lunch with a Hallmark television show producer – appear to have had only incidental, if any, benefit to his campaign.
19. According to Representative Stutzman, the idea for the California trip was first discussed in October or November 2014, in the context of a tour to be organized and hosted by Pat Miller, a radio talk show host in Fort Wayne, Indiana.<sup>23</sup>
20. After Representative Stutzman’s Chief of Staff consulted with the Committee on Ethics about the proposed tour, Representative Stutzman concluded that his name could not be used in advertising or promoting the trip.<sup>24</sup> However, Representative Stutzman remained interested in joining the tour group in California.<sup>25</sup>

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<sup>21</sup> *Id.* at 164 (citations omitted).

<sup>22</sup> *Id.* at 158.

<sup>23</sup> Transcript of Interview of Rep. Marlin Stutzman, June 23, 2016 (Exhibit 1 at 16-3645\_0002) (hereafter “Rep. Stutzman Transcript”).

<sup>24</sup> *Id.*; Transcript of Interview of Rep. Stutzman’s Chief of Staff, June 22, 2016 (Exhibit 2 at 16-3645\_0064) (hereafter “Chief of Staff Transcript”).

<sup>25</sup> Chief of Staff Transcript (Exhibit 2 at 16-3645\_0068).



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21. It appears that a “political trip” was then built around the radio host’s tour. On January 29, 2015, Representative Stutzman’s Chief of Staff emailed him “a few updates on trips,” stating that the radio host’s trip “looks very likely to happen on August 14-17th . . . . We should talk about what you want to do politically when you are out there.”<sup>26</sup>
22. On February 17, 2015, the Chief of Staff emailed Representative Stutzman and his Spouse another update on the California trip: “The political trip we are planning for August revolves around Pat Miller’s trip as well. They are looking to plug you into the agenda (still up in the air) on Sunday August 16th and August 17th. We can work the rest of your travel around these dates so long as they work for your personal calendar. If you both could let me know if these dates work as soon as possible then I can get back to the trip organizers and begin to plan the political part of the trip.”<sup>27</sup>
23. On or around March 24, 2015, one of Indiana’s incumbent United States Senators announced that he would be retiring at the end of his term.<sup>28</sup> On or around May 9, 2015, Representative Stutzman announced his candidacy for that open Senate seat.<sup>29</sup>
24. Representative Stutzman said that after he announced his Senate candidacy, his campaign “set up a trip in August of 2015 for me to do a fundraising trip to California . . . . We set up a trip for [his Spouse] and the boys, a fundraising trip, campaign-related, also overlapped with this trip that Pat Miller was doing.”<sup>30</sup>
25. Representative Stutzman’s Chief of Staff told the OCE that, after the Senate announcement, “[o]ne of the things that was raised, and it was either through the campaign manager or national fundraiser to me, is that he’s going to have to go to California, Texas, hubs of fundraising, New York, Boston, these kinds of places.”<sup>31</sup> He explained: “[T]here is this constituent trip that was already being planned . . . . Then there’s also just national fundraising that was going to get done at a number of places. I think this was when the congressman decided he was going to do that in conjunction with everything else that was happening in the state.”<sup>32</sup>
26. Representative Stutzman also indicated his desire to be with his family during the trip to California, telling the OCE: “I’m a father first, a husband and a father first. I try to keep my family together as much as possible.”<sup>33</sup>
27. Representative Stutzman’s Former Campaign Manager said that Representative Stutzman generally communicated that “he was going to spend as much time with his family as he could. Period. He preferred to be with his family than away from his family.”<sup>34</sup>

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<sup>26</sup> Email from Chief of Staff to Rep. Stutzman, copied to Scheduler, Jan. 29, 2015 (Exhibit 3 at 16-3645\_0117).

<sup>27</sup> Email from Chief of Staff to Rep. Stutzman and Spouse, copied to Scheduler, Feb. 17, 2015 (Exhibit 4 at 16-3645\_0119).

<sup>28</sup> Maureen Groppe, *Indiana Sen. Dan Coats Won’t Seek Re-Election*, USA TODAY (Mar. 24, 2016).

<sup>29</sup> Associated Press, *U.S. Rep. Stutzman Enters the Race for Coats’ Senate Seat* (May 10, 2015).

<sup>30</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0002).

<sup>31</sup> Chief of Staff Transcript (Exhibit 2 at 16-3645\_0065).

<sup>32</sup> *Id.* at 16-3645\_0064-0065.

<sup>33</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0002).

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28. Representative Stutzman’s Spouse told the OCE that there was a combination of reasons for the California trip:

[T]his trip was fluid in its planning . . . . We are always trying to keep our family together, and so that would have been one of the discussions, was, ‘Okay, do we have to do this trip in August?’ That’s the one time Marlin’s off. If so, let’s see what we can do to make the most of it as far as what connections I can throw into it. Instead of maybe doing a separate meeting down the road with my connections in California, maybe we can combine them into one trip . . . . If we can combine them into one trip, my connections and then his connections, we could, not just that, but if there was a chance we could overlap with the Pat Miller and meet them as well, and have the family there, it would be a lot of things taken care of in one thing. That would have been the conversation.<sup>35</sup>

29. While in California, Representative Stutzman’s Spouse referred to the trip as a “family vacation,” posting a photograph of her children to her Facebook account with the caption: “Great trip to the Reagan Library for our family vacation, teaching these two about the great Ronald Reagan and the Reagan Revolution.”<sup>36</sup>
30. Representative Stutzman’s Former Campaign Manager told the OCE that his level of involvement with the trip was “pretty minor,” but he recalled a conversation “about whether the trip was political or family in nature, or a combination.”<sup>37</sup> He explained, “We got to a point where I felt there was not enough political activity to justify this being solely a political trip and so I suggested that if the trip were to go forward, we would need to look at using a combination of both campaign and personal money.”<sup>38</sup>
31. Representative Stutzman’s National Fundraising Consultant was responsible for scheduling campaign-related meetings during the five-and-a-half day California trip.<sup>39</sup> The Chief of Staff said that the consultant was given Thursday, Friday, and Monday of the trip, with the potential for Saturday if needed, to use for campaign-related meetings.<sup>40</sup>
32. As discussed more fully below, the National Fundraising Consultant was able to schedule four campaign-related meetings over a two-day period during the trip.<sup>41</sup> One of the four meetings was canceled at the last minute and replaced with a telephone call.<sup>42</sup> A National

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<sup>34</sup> Transcript of Interview of Rep. Stutzman’s Former Campaign Manager, June 21, 2016 (Exhibit 5 at 16-3645\_0165) (hereafter “Former Campaign Manager Transcript”).

<sup>35</sup> Transcript of Interview of Rep. Stutzman’s Spouse, June 22, 2016 (Exhibit 6 at 16-3645\_0204-0205) (hereafter “Rep. Stutzman’s Spouse Transcript”).

<sup>36</sup> Rep. Stutzman’s Spouse, Post to Facebook, Aug. 16, 2015 (Exhibit 7 at 16-3645\_0214).

<sup>37</sup> Former Campaign Manager Transcript (Exhibit 5 at 16-3645\_0133, 0135).

<sup>38</sup> *Id.* at 16-3645\_0137.

<sup>39</sup> Chief of Staff Transcript (Exhibit 2 at 16-3645\_0069-0070).

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

<sup>41</sup> Email from Chief of Staff to Representative Stutzman, copied to Representative Stutzman’s Spouse, *et al.*, Aug. 11, 2015 (Exhibit 8 at 16-3645\_0216-0221) (hereafter “California Trip Itinerary Email”).

<sup>42</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0012).

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Fundraising Consultant Employee traveled to California and joined Representative Stutzman for the three in-person meetings.<sup>43</sup>

33. Representative Stutzman acknowledged that a tour of the Reagan Ranch undertaken by him, his family, and their family friends on the final day of the trip was for personal purposes.<sup>44</sup> The events of the two-and-a-half remaining days, and some of the activities undertaken by Stutzman family members on the days that Representative Stutzman had campaign meetings, appear to have been undertaken for personal purposes, with only incidental, if any, campaign-related benefit.

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34. Representative Stutzman, his Spouse, and his two children flew to Los Angeles on Wednesday, August 12, 2015, and returned to Indiana on an overnight flight that departed Los Angeles late on Monday, August 17, 2015.<sup>45</sup> Representative Stutzman's Senate campaign paid for the entire family's airfare, at a cost of \$2,024.80.<sup>46</sup>
35. In California, Representative Stutzman and his family met two family friends: the pastor of the church the family attends in Virginia and the pastor's wife.<sup>47</sup> The family friends joined the Stutzman family for many of the events during the trip, including a dinner with individuals associated with the Hallmark Channel, a tour of Capitol Records, a tour of the Ronald Reagan Presidential Library, and a tour of the Reagan Ranch.<sup>48</sup>
36. For the entirety of the trip, the Stutzman family and their family friends stayed at the home of Frank Luntz, a communications consultant.<sup>49</sup> Both Representative Stutzman and his Spouse described Mr. Luntz as a "personal friend," who had invited Representative

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<sup>43</sup> According to the National Fundraising Consultant Employee's flight itineraries, she arrived in Los Angeles, California at approximately 1:46 PM in the afternoon of Wednesday, August 12, 2015; she departed from Burbank, California on Friday, August 14, 2015, at approximately 7:05 PM. (Exhibit 9 at 16-3645\_0223-0224).

<sup>44</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0024).

<sup>45</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0216-0221).

<sup>46</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0027); Stutzman for Senate, July 2015 FEC Quarterly Report of Receipts and Disbursements, filed July 15, 2015. As discussed below, Rep. Stutzman subsequently reimbursed his campaign for the cost of the airfare for his Spouse and children.

<sup>47</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0014).

<sup>48</sup> *Id.* at 16-3645\_0014, 0018, 0021, 0025.

<sup>49</sup> *Id.* at 16-3645\_0007, 0014.

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Stutzman and his family to stay at his home when they were in California.<sup>50</sup> There were no expenses associated with this lodging arrangement.<sup>51</sup>

37. A vehicle was rented for use by Representative Stutzman and his family while they were in California.<sup>52</sup> Representative Stutzman's Senate campaign paid for the entire \$1,146.65 cost of the vehicle rental.<sup>53</sup> As of the date of these findings, Representative Stutzman has not reimbursed his campaign for any portion of the cost of the vehicle rental.<sup>54</sup>

38. The specific events and activities of the California trip are discussed below.

a. *Wednesday, August 12, 2015*

39. Representative Stutzman and his family arrived in Los Angeles at approximately 2:10 PM on the afternoon of Wednesday, August 12, 2015.<sup>55</sup> After picking up a rental vehicle, Representative Stutzman and his family drove to Mr. Luntz's home.<sup>56</sup>

40. That evening, Representative Stutzman, his Spouse, his children, and the two family friends attended a dinner in West Hollywood with a number of individuals affiliated with television's Hallmark Channel, including William Abbott, the Channel's Chief Executive Officer; Brad Krevoy, a producer of Hallmark Channel programming; and actors and actresses from Hallmark Channel shows.<sup>57</sup>

41. Both Representative Stutzman and his Spouse told the OCE that they previously had developed relationships with the Abbotts and Krevoy.<sup>58</sup> Representative Stutzman's Spouse said that she met Mr. Abbott during a "family getaway" to Vancouver, where she took her son to see the set of a favorite Hallmark Channel television show.<sup>59</sup> When Mr. Abbott later visited Washington, DC, Representative Stutzman gave him and his family a

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<sup>50</sup> *Id.* at 16-3546\_0003, 0007; Rep. Stutzman's Spouse Transcript (Exhibit 6 at 16-3645\_0185). Rep. Stutzman told the OCE that, while he could not recall the first time he met Mr. Luntz, they have been friends for years; he said that he interacts with Mr. Luntz "[w]henver he's in town or whenever I see him on TV, I'll email him or . . . We're friends, so, just what normal friends do." See Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0007). Rep. Stutzman's Spouse told the OCE that she had been in training programs with Mr. Luntz; she said he had also trained members of the Congressional spouses' speaker's club and she had "gotten to know him through that as well." See Rep. Stutzman's Spouse Transcript (Exhibit 6 at 16-3645\_0185). Representative Stutzman's Chief of Staff told the OCE that he consulted with the Committee on Ethics regarding the Stutzman family staying at Mr. Luntz's home, who advised that the stay, under the circumstances described, would be permissible. See Chief of Staff Transcript (Exhibit 2 at 16-3645\_0075-0076).

<sup>51</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0007). While the California Trip Itinerary Email indicates that the Stutzman family was to stay at a hotel for the nights of August 14-16th, Rep. Stutzman confirmed that the family did not move to the hotel, but stayed at the Luntz residence for the entire trip. *Id.*

<sup>52</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0028).

<sup>53</sup> Stutzman for Senate, October 2015 FEC Quarterly Report of Receipts and Disbursements, filed October 15, 2015.

<sup>54</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0029).

<sup>55</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0216).

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*; Rep. Stutzman's Spouse Transcript (Exhibit 6 at 16-3645\_0186-0187).

<sup>58</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0007); Rep. Stutzman's Spouse Transcript (Exhibit 6 at 16-3645\_0183).

<sup>59</sup> Rep. Stutzman's Spouse Transcript (Exhibit 6 at 16-3645\_0183).

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tour of the Capitol, at which time he got to know the Abbotts.<sup>60</sup> Representative Stutzman's Spouse explained, "We found that we had a lot in common with them as far as my advocating for family friendly arts, family friendly entertainment."<sup>61</sup>

42. Representative Stutzman characterized the Hallmark dinner as a campaign dinner.<sup>62</sup> He told the OCE: "I had met Mr. Abbott at some point prior to this dinner along with Mr. Krevoy, and I had asked them a couple of times to sit down with them and talk about our campaign."<sup>63</sup> Representative Stutzman said that, at the dinner, he "spoke with them about our campaign . . . . That was the reason we met with them, to talk about our campaign, and of course, the common interests that we have."<sup>64</sup>
43. The dinner had not been arranged by Representative Stutzman's National Fundraising Consultant or campaign staff, but by his Spouse, who Representative Stutzman said had reached out to Mr. Abbott and Mr. Krevoy: "In this situation [she] would have said, 'Marlin's looking to do dinner with potential supporters, we'd love to have dinner some night.' And so they'd say, 'Yeah, let's do it.' And then we send that on to our staff and then they plug it in whenever the schedule allows."<sup>65</sup> Representative Stutzman's Spouse told the OCE: "Through [Mr. Abbott] and his producers and my friends there, they were saying, 'If you're going to be running for Senate and everything, we'd love to help with fundraising,' so that was the connection there."<sup>66</sup>
44. In a July 8, 2015 email with the subject "The Stutzman Family Vacation," a Hallmark Channel executive emailed Representative Stutzman's Spouse, appearing to respond to an earlier communication about the Stutzman family traveling to California in August, saying, "Of course, we are all excited about your family's vacation here in August. Bill is wondering if we could set up dinner for you all and him on the evening of August 12? Then, you all will start your day on August 13 at Universal Studios Tour and Bill will join you all out at Home & Family at 12:30 that afternoon. You all can finish off a wonderful day in the park following Home & Family and there are many terrific places for family dinner at the end of your day."<sup>67</sup>
45. Shortly after that email was sent, Representative Stutzman's Chief of Staff emailed Representative Stutzman's Spouse: "Before you confirm anything . . . would you let me call [the National Fundraising Consultant] to see what we have set for those two days?"<sup>68</sup> The Chief of Staff also suggested the Representative Stutzman's Spouse reach out to her contact at Capitol Records about scheduling a visit, noting, "At this stage it looks like the

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<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0008).

<sup>63</sup> *Id.* at 16-3645\_0008.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at 16-3645\_0008-0009.

<sup>66</sup> Rep. Stutzman's Spouse Transcript (Exhibit 6 at 16-3645\_0183).

<sup>67</sup> Email from Senior Vice President, Network Program Publicity and Social Content, Crown Media Family Networks (Hallmark Channel and Hallmark Movies & Mysteries) to Representative Stutzman's Spouse, copied to Publicist, Crown Media Family Networks, July 8, 2015 (Exhibit 10 at 16-3645\_0227).

<sup>68</sup> Email from Chief of Staff to Rep. Stutzman's Spouse, copied to Scheduler, July 8, 2015 (Exhibit 10 at 16-3645\_0226).

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weekend might be best if you all have open time as a family.”<sup>69</sup> These requests from the Chief of Staff may indicate that the Hallmark dinner and the Capitol Records visit were distinct from efforts relating to Representative Stutzman’s Senate campaign.

46. In a July 22, 2015 email to Representative Stutzman and his Chief of Staff, Representative Stutzman’s Spouse wrote: “Marlin said he would count a dinner with Bill Abbott as a FR dinner.”<sup>70</sup> The Spouse explained that “FR” meant “fundraising.”<sup>71</sup> When asked if her use of the word “count” was an effort to ensure that the California trip included enough events of a political nature to justify using campaign funds to pay for it, Representative Stutzman’s Spouse said:

See, these are my personal connections. I am trying to be helpful to my husband and trying to say, you know what, now that we . . . Bill [Abbott] was here in Washington and we got to know him. He’s really interested in what we’re doing and what you stand for but, like we said from the beginning, this was a fluid plan as we went along. When we were setting up things I was just trying to make sure to categorize, because as the wife everything is kind of under one umbrella. It’s we’re together as a family and blah, blah, blah but then you have to . . . when you’re in Congress you’re having to separate into this is official, this is campaign, this is whatever. I don’t always use the right terminology but I do the best I can.<sup>72</sup>

47. Neither Representative Stutzman nor his Spouse knew who paid for the dinner.<sup>73</sup> Representative Stutzman could not provide the OCE with information indicating that he paid for the dinner, using either personal funds or campaign funds. If the family’s dinner was paid for by a third party, rather than with personal or campaign funds, then Representative Stutzman may have violated the House gift rule.
48. Representative Stutzman said that no one from his National Fundraising Consultant’s staff participated in this dinner, but that the consultant “did have conversations with both Mr. Krevoy and Mr. Abbott at some point trying to collect the checks for the campaign.”<sup>74</sup>
49. The National Fundraising Consultant Employee who accompanied Representative Stutzman during a portion of the California trip told the OCE that she did not know anything about the Hallmark dinner, nor did she attend the dinner.<sup>75</sup>

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<sup>69</sup> *Id.*

<sup>70</sup> Email from Representative Stutzman’s Spouse to Chief of Staff and Rep. Stutzman, July 22, 2015 (Exhibit 11 at 16-3645\_0229).

<sup>71</sup> Rep. Stutzman’s Spouse Transcript (Exhibit 6 at 16-3645\_0187).

<sup>72</sup> *Id.* at 16-3645\_0190-0191.

<sup>73</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0008); Rep. Stutzman’s Spouse Transcript (Exhibit 6 at 16-3645\_0189).

<sup>74</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0009).

<sup>75</sup> Transcript of Interview of Representative Stutzman’s Former National Fundraising Consultant Employee, July 5, 2016 (Exhibit 12 at 16-3645\_0241) (hereafter “Fundraising Consultant Employee Transcript”).

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50. According to the Federal Election Commission reports filed by Representative Stutzman's Senate Campaign, Mr. Krevoy and his wife each made a \$2,700 contribution to the Senate campaign on or around January 26, 2016, approximately five months after the dinner with the Stutzman family in California.<sup>76</sup> The OCE found no record of any contribution by Mr. Abbott to Representative Stutzman's campaigns.

51. The OCE requested information relating to the dinner from Mr. Abbott but was unable to obtain that information during the course of the review.

b. *Thursday, August 13, 2016*

52. On Thursday, August 13, 2016, Representative Stutzman's Spouse and children visited Universal Studios, where they met the Abbotts and Krevoy's.<sup>77</sup> While the Hallmark Channel had offered to provide the Stutzman family with VIP tickets to Universal Studios, the Stutzmans purchased their tickets with personal funds.<sup>78</sup>

53. Representative Stutzman's Spouse told the OCE that she considered the visit to Universal Studios a personal activity: "I would say that was a personal activity, we were trying to keep the boys occupied while Marlin was doing some fundraising stops."<sup>79</sup>

54. Representative Stutzman described the Universal Studios visit as "a continuation of the relationship that we're building from dinner prior to . . . What they wanted to show me but I was not available because of other events, was some of the work that they do over at Universal Studios, they have a particular TV program there . . . The boys got to do a couple of things after some of the official part of the tour was over with."<sup>80</sup>

55. While Representative Stutzman's Spouse and children visited Universal Studios, Representative Stutzman had two fundraising meetings.<sup>81</sup> That morning, Representative Stutzman picked up the National Fundraising Consultant Employee at her hotel, and they attended a meeting with a potential supporter and a lunch hosted by another supporter.<sup>82</sup>

56. After the campaign meetings, Representative Stutzman met his Spouse and children at Universal Studios.<sup>83</sup> He explained that he had told Mr. Abbott and Mr. Krevoy that he

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<sup>76</sup> Stutzman for Senate, April 2016 FEC Quarterly Report of Receipts and Disbursements, filed April 21, 2016. It appears that Mr. Krevoy initially contributed \$5,400 to the campaign, but that on March 24, 2016, half of that \$5,400 contribution may have been re-designated as a contribution from his wife.

<sup>77</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0217).

<sup>78</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0010).

<sup>79</sup> Rep. Stutzman's Spouse Transcript (Exhibit 6 at 16-3645\_0191).

<sup>80</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0010). Rep. Stutzman recalled that he and his family may have gone back to Universal Studios later in the trip to attend a filming of a Hallmark Channel television show that they had missed during the first visit. He noted that, during this visit, he met a photographer who later filmed footage used by his campaign in social media ads. *Id.* at 16-3645\_0035-0037.

<sup>81</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0218); Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0010).

<sup>82</sup> *Id.*

<sup>83</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0011).

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“would try to get over there to see . . . Because they wanted to show me a particular part of the studio . . . .”<sup>84</sup>

57. After leaving Universal Studios, Representative Stutzman and his family returned to the Luntz home for the evening.<sup>85</sup> Neither Representative Stutzman nor his Spouse recalled what the family did for dinner, but said that the meal was paid for with personal funds.<sup>86</sup>

*c. Friday, August 14, 2016*

58. On Friday, August 14, 2016, Representative Stutzman’s Spouse and children had an “open” day.<sup>87</sup> Representative Stutzman’s Spouse said that she and the children “[s]lept in” and “just relaxed” that day.<sup>88</sup>

59. Representative Stutzman had additional campaign meetings scheduled for this day.<sup>89</sup> A scheduled meeting with a former California governor was canceled at the last minute and replaced with a telephone call.<sup>90</sup> In addition, he and the National Fundraising Consultant Employee had an in-person meeting with a potential supporter in Orange, California.<sup>91</sup>

60. Representative Stutzman could not recall what he did after finishing his campaign meeting.<sup>92</sup> He recalled that, on one evening during the trip, he and his family visited a restaurant at the invitation of a chef he had previously met; he considered that dinner a personal dinner and personal funds were used to pay for it.<sup>93</sup>

61. Representative Stutzman also recalled that, on another night of the trip, he and his Spouse attended a dinner hosted by Mr. Luntz at his home honoring Medal of Honor winners.<sup>94</sup> Representative Stutzman did not have a formal role at the dinner, but said he engaged in networking at the dinner: “I developed relationships there, not that you go to a Medal of Honor dinner for strictly campaign purposes, I mean that sounds a little – but I did. I met people there and they ended up supporting our campaign through that dinner.”<sup>95</sup>

*d. Saturday, August 15, 2016*

62. On Saturday, August 15, 2016, Representative Stutzman, his Spouse, his children, and their family friends began the day with a tour of Capitol Records.<sup>96</sup>

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

<sup>85</sup> *Id.* at 16-3645\_0012; Rep. Stutzman’s Spouse Transcript (Exhibit 6 at 16-3645\_0192).

<sup>86</sup> *Id.*

<sup>87</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0219).

<sup>88</sup> Rep. Stutzman’s Spouse Transcript (Exhibit 6 at 16-3645\_0193).

<sup>89</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0219).

<sup>90</sup> *Id.*; Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0012).

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

<sup>92</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0013).

<sup>93</sup> *Id.* at 16-3645\_0013-0014. This dinner is not reflected on the California Trip Itinerary Email.

<sup>94</sup> *Id.* at 16-3645\_0015. This dinner is not reflected on the California Trip Itinerary Email.

<sup>95</sup> *Id.*

<sup>96</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0220).



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63. Representative Stutzman’s Spouse set up the tour; on June 8, 2015, she emailed the Capitol Records studio manager, whom she had met during a congressional delegation trip the previous year, about arranging a visit: “We are planning another trip to LA this August and would love to visit Capitol Music Group again. We will have about 8-10 people with us, most of whom would love hearing your perspective and understanding the industry better.”<sup>97</sup>
64. Representative Stutzman’s Spouse described the tour that they took on Saturday morning: “Basically showed us their recording studio. Told the history of it and what happens there and who’s recorded there and things like that. Talked about the industry, some of the challenges that they’re facing right now, and then that was it.”<sup>98</sup>
65. When initially asked how he would characterize the tour, Representative Stutzman told the OCE: “Campaign, official. Again, one of the neat things about being a Member of Congress and when you get to visit these neat locations, it’s a unique opportunity. Being a Member of Congress, you have policy issues to talk about. You have political issues to talk about. I would say it was political first, official, then the personal side of it seeing the building and experiencing it. It’s part of being a Member of Congress as well.”<sup>99</sup>
66. When asked if he viewed the Capitol Records tour as part of his official duties, Representative Stutzman then stated that the tour was just campaign-related: “The genesis of the visit to Capitol Records was campaign-related. . . . [F]or me, the purpose was to go by there, hoping again to develop, to continue to develop the relationship for campaign support.”<sup>100</sup> He explained: “[T]hey have their own PAC. There is a variety of support that the entertainment industry supports different people, different ways. . . . I can’t tell you exactly what came out of that.”<sup>101</sup>
67. Representative Stutzman could not recall whether representatives of Capitol Records’ PAC or government affairs department were at the tour.<sup>102</sup> The OCE could find no record of a political action committee affiliated with Capitol Records or Capitol Records employees contributing to Representative Stutzman’s Senate campaign.
68. The National Fundraising Consultant Employee had left California after Representative Stutzman’s campaign meeting the day before and did not attend the tour.<sup>103</sup>
69. After the Capitol Records tour, Representative Stutzman, his Spouse, his children, and their family friends had lunch with Michael Landon, Jr. – an actor, writer, director, and producer – at a restaurant near Capitol Records.<sup>104</sup>

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<sup>97</sup> Email from Representative Stutzman’s Spouse to Capitol Records Vice President/Studio Manager, June 8, 2015 (Exhibit 13 at 16-3645\_0256).

<sup>98</sup> Rep. Stutzman’s Spouse Transcript (Exhibit 6 at 16-3645\_0195-0196).

<sup>99</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0016).

<sup>100</sup> *Id.* at 16-3645\_0016, 0018.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.* at 16-3645\_0017.

<sup>103</sup> Fundraising Consultant Employee Transcript (Exhibit 12 at 16-3645\_0245).

<sup>104</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0220).

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70. Representative Stutzman's Spouse told the OCE that she knew Mr. Landon through her connections with the Hallmark Channel, where he produces a television show.<sup>105</sup> She said that Mr. Landon "was interested in sitting down with us and talking again about some issues facing them and what they're trying to do, and if possible helping us with the campaign. I don't know if that ever materialized, but he wanted to do an initial meeting with us."<sup>106</sup> She added that "he also wanted to ask Marlin about his Senate race and see what that looked like and where he stood on some issues."<sup>107</sup>
71. Representative Stutzman described Mr. Landon as "another supporter and contributor or prospective contributor," and said that the purpose of the lunch was "[t]o develop a relationship to ask him for financial support for our campaign."<sup>108</sup>
72. Representative Stutzman's Chief of Staff told the OCE that Representative Stutzman described Mr. Landon "as a potential donor at one point. Whether that was before or after the trip, I'm not sure."<sup>109</sup>
73. Representative Stutzman told the OCE that he did not recall who paid for the lunch.<sup>110</sup>
74. Mr. Landon told the OCE that he met Representative Stutzman through Representative Stutzman's Spouse, who is an active fan of a Hallmark Channel television show produced by Mr. Landon.<sup>111</sup> Representative Stutzman's Spouse had hosted a screening of the show at the Capitol Visitors Center in or around April 2015.<sup>112</sup> Mr. Landon met Representative Stutzman at that screening; he did not interact with him again until the lunch in Los Angeles in August 2015.<sup>113</sup>
75. Mr. Landon recalled that Representative Stutzman's Spouse reached out to him to schedule the lunch in Los Angeles.<sup>114</sup> He described the lunch as "just a friendly reciprocation, one of those, 'If you're ever in California, please let me know. I'd love to take you and your family out to lunch.' That was pretty much it."<sup>115</sup>
76. Mr. Landon said that, during the lunch, Mr. Stutzman's campaign was "definitely mentioned, you know, the fact that he was running and his schedule was busy and crazed as one would anticipate."<sup>116</sup>
77. Mr. Landon paid for the lunch.<sup>117</sup> When asked if this was a fundraising lunch, Mr. Landon replied, "It was just an in-kind contribution I made."<sup>118</sup>

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<sup>105</sup> Rep. Stutzman's Spouse Transcript (Exhibit 6 at 16-3645\_0198).

<sup>106</sup> *Id.*

<sup>107</sup> *Id.* at 16-3645\_0199.

<sup>108</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0018).

<sup>109</sup> Chief of Staff Transcript (Exhibit 2 at 16-3645\_0080).

<sup>110</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0018).

<sup>111</sup> Transcript of Interview of Michael Landon, Jr., July 11, 2016 (Exhibit 14 at 16-3645\_0259).

<sup>112</sup> *Id.* at 16-3645\_0259-0260.

<sup>113</sup> *Id.* at 16-3645\_0260.

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.* at 16-3645\_0261.

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78. Mr. Landon did not, however, intend the payment for lunch to be in-kind contribution at the time of the lunch. According to Mr. Landon's interview with the OCE, he did not view payment for the lunch as an in-kind contribution until Representative Stutzman characterized it as such one year later, after the OCE had initiated its review:

*Scott Gast:* You said that this was an in-kind contribution. Can you tell me those discussions?

*Michael Landon:* Really wasn't discussed. I mean it was just me picking up the tab, which I was more than happy to do.

*Scott Gast:* Why was it an in-kind contribution?

*Michael Landon:* I just basically called it that. I know that he was, I believe he was fundraising at the time, I'm not sure. I'm not familiar with the rules and regulations.

*Scott Gast:* How did you know to call it an in-kind contribution?

*Michael Landon:* That was after the fact.

*Scott Gast:* When was that?

*Michael Landon:* Probably a few weeks ago.

*Scott Gast:* Can you tell me about that conversation?

*Michael Landon:* Yeah, pretty much Congressman Stutzman reached out to me and asked about who paid - he needed to know for his records who paid for the lunch and so I told him I had paid for the lunch and then asked if it was a contribution and I said yes.

*Helen Eisner:* You said, asked if it was a contribution. Who asked if it was a contribution?

*Michael Landon:* Congressman Stutzman.

*Scott Gast:* So at the time of the lunch there were no discussions about whether or not this was a contribution?

*Michael Landon:* That is correct.

*Scott Gast:* So it was just this conversation a few weeks ago.

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<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

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*Michael Landon:* That is correct.<sup>119</sup>

79. As of the date of these findings, Representative Stutzman had not disclosed Mr. Landon's purported in-kind contribution on his Federal Election Commission disclosure reports. If this was not an in-kind contribution from Mr. Landon, Representative Stutzman may have violated the House gift rule by accepting the meal.
80. Mr. Landon told the OCE that, outside of Representative Stutzman's inquiry about payment for the lunch, no one has ever reached out to him to ask him to make a contribution and that, other than the in-kind contribution of lunch, he has not made any contributions to Representative Stutzman's campaigns.<sup>120</sup>
81. The OCE requested a copy of the email exchange that Mr. Landon had with Representative Stutzman about the in-kind contribution, but Mr. Landon declined to provide the OCE with any documents.
82. Later Saturday evening, Representative Stutzman, his family, and their family friends attended dinner with the radio host's tour group aboard the Queen Mary.<sup>121</sup>
83. Representative Stutzman told the OCE that he viewed this dinner as a campaign event: "Again, these are voters, constituents, potential supporters. . . . They were voters and, of course, it was a campaign stop."<sup>122</sup> Representative Stutzman said that people he met at the dinner became supporters or contributors to his Senate campaign.<sup>123</sup>
84. Representative Stutzman said that he spoke to the tour group for no more than five minutes, briefly mentioning his Senate campaign.<sup>124</sup>

e. *Sunday, August 16, 2016*

85. On Sunday, August 16, 2016, Representative Stutzman, his family, and their family friends visited the Ronald Reagan Presidential Library with the radio host's tour group.<sup>125</sup>
86. Representative Stutzman told the OCE that he viewed this as a campaign event: "You know, you're spending time with supporters and hopefully new supporters, which we did."<sup>126</sup> Representative Stutzman described the tour of the Reagan Library: "We just showed up and did the tour with them. Again, mingling and getting to know other people that are there."<sup>127</sup> He did not have any formal role at this event.<sup>128</sup>

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<sup>119</sup> *Id.* at 16-3645\_0261-0262.

<sup>120</sup> *Id.*

<sup>121</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0220).

<sup>122</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0019).

<sup>123</sup> *Id.* at 16-3645\_0020.

<sup>124</sup> *Id.* at 16-3645\_0019.

<sup>125</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0220).

<sup>126</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0020).

<sup>127</sup> *Id.* at 16-3645\_0021.

<sup>128</sup> *Id.* at 16-3645\_0020.

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87. As previously noted, on the day that the Stutzman family and their friends toured the Reagan Library, Representative Stutzman's Spouse posted a photograph of her children at the Library to her Facebook account with the following caption: "Great trip to the Reagan Library for our family vacation, teaching these two about the great Ronald Reagan and the Reagan Revolution."<sup>129</sup>
88. Representative Stutzman's Spouse told the OCE this was one of several "personal Facebook posts posted to [her] friends."<sup>130</sup> She explained: "[O]n the post I mentioned the word 'vacation,' which is probably a mistake on my part because to me I just try to make the most of everything and have fun. The boys were on summer vacation . . . ."<sup>131</sup>
89. Representative Stutzman disagreed with his Spouse's characterization of the trip as a "family vacation," telling the OCE, "[T]hat was obviously wrong in a sense of what it really was . . . . It was a campaign trip."<sup>132</sup>
90. At some point after the California trip, Representative Stutzman received an invoice from the travel agency that organized the radio host's tour, for the cost of six dinners aboard the Queen Mary and six tours of the Reagan Library, totaling \$712.50.<sup>133</sup>
91. Representative Stutzman initially asked his Chief of Staff to see if his Senate campaign could pay the invoice.<sup>134</sup> The Chief of Staff forwarded Representative Stutzman's request to the Former Campaign Manager, which led to this exchange of emails:

*Chief of Staff:* Marlin asked me to ask if the campaign could reimburse this invoice. This was a boat dinner he enjoyed with fellow Hoosiers while he was in California on a political trip. Please advise. . . .

*Campaign Manager:* How is this at all a campaign expense? Taking the family to the Reagan library?

*Chief of Staff:* He had me ask. I didn't know anything about it until I received the invoice in the mail. If [the Campaign Treasurer] says we cannot do it he will pay. . . . Just the messenger . . . .

*Campaign Manager:* My anger is not directed at you. This is ridiculous though.

*Chief of Staff:* We have a spending and revenue problem.

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<sup>129</sup> Rep. Stutzman's Spouse, Post to Facebook, Aug. 16, 2015 (Exhibit 7 at 16-3645\_0214).

<sup>130</sup> Rep. Stutzman's Spouse Transcript (Exhibit 6 at 16-3645\_0211).

<sup>131</sup> *Id.* at 16-3645\_0211-0212.

<sup>132</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0027).

<sup>133</sup> Invoice from Edgerton's Travel Service, Inc. (Exhibit 15 at 16-3645\_0266).

<sup>134</sup> Email from Chief of Staff to Campaign Treasurer and Campaign Manager, Sept. 16, 2015 (Exhibit 16 at 16-3645\_0268).

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*Campaign Manager:* I still need the money from the flight for the boys.<sup>135</sup>

92. Later in the email chain, the Campaign Treasurer concluded: “This appears to me to be a per se personal use and, as such, expressly prohibited. . . . If there was specific details about these events of which I’m unaware, that could change the analysis . . . .”<sup>136</sup>
93. The entire email chain was later forwarded to Representative Stutzman by his Chief of Staff.<sup>137</sup>
94. Representative Stutzman’s Former Campaign Manager told the OCE that he believed it was not appropriate for the campaign to pay for the Stutzman family and friends’ Queen Mary dinner and the Reagan Library tour.<sup>138</sup> He explained that he did not believe that the presence of “Hoosiers” at the events made them “political activity.”<sup>139</sup>
95. Representative Stutzman told the OCE that he believed that his campaign could have paid for the dinner and tour because the events involved meeting constituents and voters.<sup>140</sup> He said that joining the tour group had “a campaign purpose, as well, because they’re constituents, were going to hopefully going to be voting for me in the Senate primary. I had numerous conversations with them about fundraising as well with the campaign. Again, networking and building those relationships.”<sup>141</sup>
96. Despite Representative Stutzman’s belief that his campaign could pay for the dinner and tour, at the suggestion of his staff, in order to “watch[] every penny we had” in the campaign, and to “err[] on the side of caution,” Representative Stutzman used personal funds to pay for the Queen Mary dinner and Reagan Library tour.<sup>142</sup>
97. With respect to the Former Campaign Manager’s reference to still needing “the money from the flight for the boys,” Representative Stutzman’s Chief of Staff explained that, at some point after the California trip, the Former Campaign Manager and the campaign’s general consultant had expressed their view that the campaign should not have paid for the airfare for Representative Stutzman’s children.<sup>143</sup> He believed that this was based on their view of the “optics” of the campaign paying for the children’s airfare.<sup>144</sup>
98. The Chief of Staff told the OCE that, before the children’s airfare was purchased, he had consulted with a member of the Federal Election Commission’s congressional relations staff about whether campaign funds could be used to purchase airfare for a candidate’s children; the staff person referred him to an earlier FEC advisory opinion that had

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<sup>135</sup> Email exchange between Campaign Manager and Chief of Staff, Sept. 16, 2015 (Exhibit 16 at 16-3645\_0269).

<sup>136</sup> Email from Campaign Treasurer to Chief of Staff, copied to Campaign Manager, Sept. 16, 2015 (Exhibit 16 at 16-3645\_0269).

<sup>137</sup> Email from Chief of Staff to Rep. Stutzman, Sept. 21, 2015 (Exhibit 16 at 16-3645\_0270).

<sup>138</sup> Former Campaign Manager Transcript (Exhibit 5 at 16-3645\_0151-0153).

<sup>139</sup> *Id.* at 16-3645\_0155.

<sup>140</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0021-0023).

<sup>141</sup> *Id.* at 16-3645\_0004.

<sup>142</sup> *Id.* at 16-3645\_0022.

<sup>143</sup> Chief of Staff Transcript (Exhibit 2 at 16-3645\_0087).

<sup>144</sup> *Id.*

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concluded that campaign funds could be used to pay for the travel expenses of children traveling with their parents, provided that the parents were traveling for a permissible purpose.<sup>145</sup>

99. Representative Stutzman told the OCE that, in September 2015, when the Former Campaign Manager and general consultant raised their concern, no final decision about reimbursing the campaign was made at that time.<sup>146</sup>

100. As discussed below, Representative Stutzman eventually reimbursed his campaign for the cost of the airfare for his Spouse and children, in the amount of \$1,518.00, on or around April 13, 2016, after media inquiries about the California trip.<sup>147</sup>

f. *Monday, August 17, 2016*

101. On Monday, August 17, 2016, Representative Stutzman, his Spouse, his children, and their family friends toured the Reagan Ranch.<sup>148</sup> Representative Stutzman told the OCE that he considered this to be a personal event, and that expenses were paid for with personal funds.<sup>149</sup>

102. Before leaving for the Reagan Ranch, Representative Stutzman and his Spouse had a meeting with Frank Luntz, lasting several hours, at Mr. Luntz's residence, to talk about Representative Stutzman's campaign.<sup>150</sup>

103. After touring the Reagan Ranch, the Stutzman family picked up their luggage at the Luntz residence, went to the airport, and took an overnight flight back to Indiana.<sup>151</sup>

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104. In April 2016, a member of the media began inquiring about the Stutzmans' August 2015 trip to California.<sup>152</sup>

105. Representative Stutzman said that, after the reporter began asking questions about the trip, his staff recommended that he reimburse the campaign for certain trip expenses, but he disagreed with that recommendation: "I did not believe that I should have paid for those flights personally because it was a campaign trip. . . . I did pay them back out

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<sup>145</sup> *Id.* at 16-3645\_0088; *see also* Email from Chief of Staff to Former Campaign Manager and Former Campaign General Consultant, July 16, 2015 (forwarding FEC Advisory Opinion 2005-09, regarding the use of campaign funds to pay for the cost of a candidate's minor children) (Exhibit 17 at 16-3645\_0272).

<sup>146</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0031).

<sup>147</sup> Stutzman for Senate, Pre-Primary 2016 FEC Report of Receipts and Disbursements, filed Apr. 21, 2016.

<sup>148</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0220-0221).

<sup>149</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0024).

<sup>150</sup> *Id.*

<sup>151</sup> California Trip Itinerary Email (Exhibit 8 at 16-3645\_0221); Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0025).

<sup>152</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0027); Chief of Staff Transcript (Exhibit 2 at 16-3645\_0089).

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of the abundance of caution but I still don't believe that I would've needed to do that. We did do it trying to prevent a story. . . .<sup>153</sup>

106. According to the Chief of Staff, at the time of the reporter's questions, Representative Stutzman made the decision to reimburse the campaign "potentially in attempt to kill the story, not because he was told he was . . . what he had to do legally."<sup>154</sup>
107. On or around April 13, 2016, Representative Stutzman reimbursed his campaign for the cost of the airfare for his spouse and children, in the amount of \$1,518.00.<sup>155</sup>

### III. CONCLUSION

108. As described above, during the five-and-a-half day California trip, Representative Stutzman had three in-person campaign meetings over a two-day period. While Representative Stutzman attended the campaign meetings, his family visited Universal Studios and had a day to sleep in and relax.
109. Over the remaining three-and-a-half days of the trip, Representative Stutzman and his family participated in activities of a personal nature, including tours of Capitol Records, the Reagan Library, and Reagan Ranch. Many of the activities that Representative Stutzman described as having a campaign purpose appear to have been primarily personal in nature, with only incidental, if any, benefit to his campaign.
110. Based on the foregoing information, the Board recommends that the Committee on Ethics further review the allegation that Representative Stutzman used campaign funds for personal purposes, as there is substantial reason to believe that campaign funds were used to pay for a personal family trip to California.

### IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATION FOR THE ISSUANCE OF A SUBPOENA

111. Michael Landon, Jr. declined to provide documents requested by the OCE.
112. The Board recommends the issuance of a subpoena to Michael Landon, Jr.

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<sup>153</sup> Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0028).

<sup>154</sup> Chief of Staff Transcript (Exhibit 2 at 16-3645\_0089).

<sup>155</sup> Stutzman for Senate, Pre-Primary 2016 FEC Report of Receipts and Disbursements, filed Apr. 21, 2016; Rep. Stutzman Transcript (Exhibit 1 at 16-3645\_0029).