

1 A. (Inaudible).

2 Q. -- call --

3 A. I'm assuming that means --

4 Q. -- he'll call in a bit. I'm assuming
5 that's --

6 A. Yeah.

7 Q. Do you recall having a conversation with
8 Brett O'Donnell where you relayed --

9 A. I think they were asking -- I think this is
10 when I was -- Admin asked me whether we were gonna
11 respond or not, and so Brett wanted to know whether
12 they were gonna respond or not.

13 Q. And what was the -- was it decided that he
14 would not respond; do you recall how that issue --

15 A. I think we just never -- we never
16 entertained the idea of responding.

17 Q. Okay. Were you involved in putting
18 together the office's response to the WSB/TV story?

19 A. I'm sure I was, yes.

20 Q. Let's just get it right, here, from
21 Christine. When this says, near the end, "As
22 stated by the House Administration Committee,
23 O'Donnell's communications training is in
24 compliance with all House rules," do you know what

1 that is referring to, what statement by the
2 Committee?

3 A. I believe the news article that was in USA
4 Today by Paul Singer --

5 Q. Okay.

6 A. -- where they stated that we were in
7 compliance with all House rules.

8 Q. All right, and so if you will flip the page
9 over, there was an exchange between you and
10 Christine and Brett?

11 A. And this is on the (inaudible).

12 Q. Yes. It appears that way.

13 Did you push to have the article corrected,
14 if you --

15 A. I wouldn't.

16 Q. -- viewed that as incorrect?

17 A. I wouldn't. I would ask Christine to talk
18 to them about it. I know Christine did talk to
19 them. I don't think they were interested in
20 listening to her.

21 Q. Okay. You know, leading up -- you know,
22 during our office's review process and leading up
23 to these interviews, did you have any conversations
24 with the people we you -- we interviewed?

1 A. Our staff?

2 Q. Yes.

3 A. Yes.

4 Q. Did you have any conversations about in
5 which you discussed Brett O'Donnell role
6 (inaudible)?

7 A. Mainly what I was doing was making sure
8 everybody had filled out those forms and turned
9 them in and pitched to the staff members who had no
10 idea what was going on, who Brett was.

11 I had specifically mentioned to each one of
12 them that I'm not talking to them about what to say
13 about what the whole, you know, relationship or
14 anything was. That's up to them to meet with you
15 or not.

16 Q. Do you recall telling any of the witnesses
17 that to the extent Brett did campaign work, it was
18 as a volunteer?

19 A. Sure.

20 Q. Who do you -- who did you tell that to?

21 A. I think everybody that asked. They said
22 Brett O'Donnell's is a volunteer, right? I said,
23 yes, I mean, because a lot of people didn't know
24 the -- most people don't know what the specific

1 details are of everybody else.

2 Q. Okay.

3 A. In other words, they don't know who's a
4 volunteer, who's not; who's getting paid, who's
5 not.

6 MR. SOLIS: So people who didn't know who
7 Brett O'Donnell was said he was a volunteer, right,
8 as a question to you?

9 A. No, people who -- who -- I'm sorry, didn't
10 know?

11 MR. SOLIS: Right; you were saying some
12 people in the office didn't even know who Brett
13 O'Donnell was. I'm wondering --

14 A. No, no. All I'm saying is --

15 MR. SOLIS: -- why would they ask a
16 question to you about his role in the campaign if
17 they didn't even know who he was?

18 A. No, the people that he was meeting with.

19 MR. SOLIS: Okay.

20 A. Like Jordan and --

21 MR. SOLIS: Okay.

22 A. -- and Meredith and -- because they
23 didn't -- I mean, they knew Brett was helping us
24 out and they assumed he was a volunteer but no one

1 ever asked specifically.

2 BY MR. MORGAN:

3 Q. They knew who he was --

4 A. Right.

5 Q. -- they just didn't know what his --

6 A. Right.

7 Q. -- role was?

8 A. In fact, I think the only people who knew
9 were myself and Meredith and Dr. Broun.

10 Q. And Christine?

11 A. Well, Christine, sorry.

12 Q. Okay.

13 A. And my financial guys, of course.

14 Q. Okay. Have you -- when was the last time
15 you spoke with Brett O'Donnell?

16 A. He called me yesterday.

17 Q. And what time yesterday?

18 A. It would've been late afternoon, mid
19 afternoon. It was before 4 o'clock but after 2
20 o'clock because I remember having calls on each
21 side of that.

22 Q. Did you discuss our interview of Brett?

23 A. I just asked him how -- he's -- I asked
24 him -- because he called me the day before to tell

1 me he was going in. I didn't talk to him at that point.

2 I think he called me, didn't leave a message and
3 then e-mailed me that he was going to meet with you
4 all yesterday, I guess, and then he called me in
5 the afternoon afterwards to tell me he had
6 finished. He said it went about two hours and that
7 he gave them all the e-mails that he had.

8 Q. Okay. Did you discuss -- did he discuss
9 the questions we asked him?

10 A. No.

11 Q. No? Did he --

12 A. I specifically didn't want to ask him about
13 the questions.

14 Q. Did he -- the issue of him volunteering for
15 the campaign come up in your conversation with him
16 yesterday?

17 A. I don't think so, uh-uh.

18 MR. SOLIS: Did the word, "Volunteer," at
19 all enter your discussion with Brett?

20 A. Not yesterday, no.

21 MR. SOLIS: At any other time prior to
22 that?

23 A. It may have prior to that, sure.

24 BY MR. MORGAN:

1 Q. In the context of our review, did you
2 discuss --

3 A. Oh, sure. Sure.

4 Q. When; do you recall a specific
5 conversation?

6 A. No, it was more mostly in the context of,
7 you know, you were just volunteering. I mean, I
8 don't know what the problem is, type of deal.

9 Q. I want to -- I want to come back to this.

10 A. Okay.

11 Q. You know, we showed you those e-mails where
12 in the middle part of June, Brett did a debate
13 preparation sessions.

14 A. June of last year?

15 Q. 2012.

16 A. '12, okay.

17 Q. So right after the consulting agreement --

18 A. Sure.

19 Q. -- is executed, and I believe you said that
20 there was a conversation with him where he
21 volunteered to do campaign debate work?

22 A. Uh-huh.

23 Q. Do you recall where that conversation took
24 place; do you recall anything more about it you can

1 share with us?

2 A. I don't. I mean, I remember it was after he
3 was already on the team, and prior to him coming
4 onboard and working for us, we never even talked
5 about campaign stuff. It was always about this is
6 what Dr. Broun is looking for, and this is what
7 we're trying to find, somebody to be able to help
8 him with it.

9 It would have been right after he came
10 onboard. You know, we -- at some point, we
11 discussed the idea that we're -- you know, we have
12 a debate coming up, and at that point, he
13 volunteered and he said, Look, you know, I do
14 debate coaching -- excuse me -- I do debate
15 coaching -- I do debate coaching. I'm happy to
16 volunteer and help out any time I can.

17 Q. Was there any expectation or any
18 understanding or even a conversation with Brett
19 that if things went well on the Senate
20 campaign, if the funding was -- was good enough,
21 that he could be paid by the campaign for the
22 debate prep --

23 A. No.

24 Q. -- services?

1 A. I don't think we ever got to that point.

2 Q. Never a conversation like that --

3 A. Never got to that point.

4 Q. -- where if Dr. Broun made it through the
5 primary, he would be hired on officially by the
6 campaign?

7 A. No, sir.

8 Q. You don't recall a conversation?

9 A. I mean, no. We actually never had a
10 conversation about any role that Brett would quite
11 honestly have. It just sort of evolved. In other
12 words, he offered to volunteer, we took him up on
13 his offer at one point and it just sort of came
14 more and more involved and then it wasn't working
15 out so we started pulling back.

16 Q. Okay. Those are --

17 MR. CORTAZZAR: Do you remember if the
18 offer to volunteer came -- when you said it came
19 after he was onboarded, in terms of onboarding, do
20 you mean when you made an offer to him or when the
21 contract was executed?

22 A. It would have been after all that. I mean,
23 after at least --

24 MR. CORTAZZAR: (Inaudible).

1 A. -- a couple of sessions. I think it was
2 after a couple of sessions where they had met --

3 MR. CORTAZZAR: Okay.

4 A. -- and they, you know, had a comfortable
5 thing going on.

6 BY MR. MORGAN:

7 Q. Well, I mean, it appears from the e-mail
8 chain we showed you, that --

9 MR. SOLIS: The next day.

10 BY MR. MORGAN:

11 Q. -- that the next day or within a couple of
12 days of when --

13 A. Well --

14 Q. -- he sent the consulting agreement to you,
15 there was that prep session?

16 A. That was what, June 21st on that e-mail?

17 Q. Yeah, yeah.

18 A. And when did he start with us?

19 Q. The e-mail from him --

20 A. So it would have three weeks?

21 Q. -- to you attaching the consulting
22 agreement was like June 19th?

23 A. I -- well, he started working for us before
24 we got --

1 Q. Before the agreement was hammered out?

2 A. Yeah. Before it was returned and signed.

3 Q. Okay.

4 A. A lot of that stuff is done. I mean, I
5 know he started -- I would have to look at the
6 schedule on when the recess was in June. I'm
7 almost sure that we were at least in session the
8 first week of June.

9 I mean, I know we were at least two
10 sessions in or three sessions in before they
11 even -- the whole idea of the debate even came up
12 and it was sort of a last minute schedule item,
13 anyway --

14 Q. Yeah.

15 A. -- the debate.

16 MR. CORTAZZAR: Question: Then, I mean, so
17 then the offer probably came before the execution
18 of the contract, which was two days before the
19 debate prep?

20 A. I'm sorry?

21 MR. CORTAZZAR: The -- his offer to
22 volunteer then came after you had several meetings
23 when he had been onboard before the contract was
24 actually executed, which would have been two days

1 before the debate prep?

2 A. So the contract was executed on --

3 BY MR. MORGAN:

4 Q. Executed on June 19th?

5 A. June 19th, and then we had a debate session
6 on the 21st --

7 Q. On the 21st?

8 A. So it may have been, I don't recall.

9 Q. Okay.

10 A. I mean, I think we had the contract
11 executed, I mean, it was probably two or three days
12 after we met him, so it would have been -- when did
13 we meet with him, May?

14 Q. May 31st --

15 A. 31st --

16 Q. -- because that was (inaudible)?

17 A. So I mean, some time around June 3rd, 4th,
18 I mean, whatever the weekend --after the weekend
19 was, called him up and said I'd like to try it out.
20 You know, we hammered out the terms, how long it
21 would be, how much it would be, and then we started
22 meeting with him and then -- well, and then he made
23 the offer to do -- to volunteer on the debate side
24 if we ever needed it.

1 Q. Well, I think you -- I think you have a
2 sense of what we're looking at, what we're
3 interested in.

4 A. Sure.

5 Q. Is there anything else that you would like
6 to share with us?

7 A. I can't recall anything right now, to be
8 honest with you. I mean, I'm just -- there's a lot
9 of stuff but I think it's --

10 Q. Our review ends tomorrow. If you -- upon
11 reflection, if there's something you want to add to
12 what you told us here today --

13 A. Uh-huh.

14 Q. -- whether it be documents, whether it be
15 going through your calendar and trying to get a
16 better sense of the timing of things or whatnot --

17 A. Uh-huh.

18 Q. -- let me know.

19 A. Okay.

20 Q. I'd be happy to take a supplemental
21 submission from you.

22 A. No, I mean, I'd like to be able to find out
23 the other -- you know, find the other people that
24 we had met with and -- if that would be helpful at

1 all, of course, and -- and of course the sessions
2 that we had prior to the search with other -- you
3 know, with the (inaudible) and with Merrie Spaeth
4 and a few others.

5 I mean, bottom line is this was done
6 because he significantly needed help in his
7 communicating ability and that's the only reason
8 why it was done and, you know, we had no intention
9 at all of doing anything on the political side with
10 this. It just evolved as Brett volunteered and it
11 came along so --

12 Q. All right. Well, we appreciate your time.

13 A. Yep.

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Exhibit 3

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. 14-2533

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on July 25, 2014, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Paul Broun

NATURE OF THE ALLEGED VIOLATION: From June 2012 to March 2014, Representative Paul Broun retained O’Donnell & Associates, owned and operated by a communications adviser, to provide communications services to his congressional office. Representative Broun’s office paid O’Donnell & Associates \$43,750 for services rendered between June 2012 and March 2014. During the exact same period of time, Communications Adviser provided extensive campaign communications and debate consulting services to Representative Broun’s election campaigns.

If Representative Broun used funds from his Members’ Representational Allowance (“MRA”) for an impermissible purpose—to retain an individual as a consultant to his congressional office—then he may have violated House rules and federal law.

If Representative Broun used MRA funds to pay for services provided to one or more of his election campaigns, then he may have violated House rules and federal law.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the above allegation concerning use of the MRA to retain a consultant, as there is substantial reason to believe that Representative Broun used MRA funds to retain an individual as a consultant to his congressional office, in violation of House rules and federal law.

The Board recommends that the Committee on Ethics further review the above allegation concerning use of the MRA for campaign-related services, as there is substantial reason to believe that Representative Broun used MRA funds to compensate an individual for services provided to one or more of his election campaigns, in violation of House rules and federal law.

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.

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

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. 14-2533

On July 25, 2014, 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

1. From June 2012 to March 2014, Representative Paul Broun retained O’Donnell & Associates to provide various communications services to his congressional office. Pursuant to a Consulting Agreement, Representative Broun’s congressional office paid O’Donnell & Associates \$43,750 for services rendered between June 2012 and March 2014.
2. O’Donnell & Associates is owned and managed by Communications Adviser, and the payments made to O’Donnell & Associates were for services provided by Communications Adviser to Representative Broun. These services included extensive communications consulting for the congressional office, including hour-long consulting sessions with Representative Broun that occurred on approximately a weekly basis while Congress was in session. Communications Adviser also provided extensive campaign communications and debate consulting services to Representative Broun’s 2012 and 2014 election campaigns. The services provided to Representative Broun’s campaigns coincided with the dates of the Consulting Agreement with the congressional office.

A. Summary of Allegations

3. Representative Broun may have violated House rules and federal law by using funds from his Members’ Representational Allowance (“MRA”) for an impermissible purpose—to retain an individual as a consultant to his congressional office.
4. Representative Broun may have violated House rules and federal law by using MRA funds to pay for services provided to one or more of his election campaigns.
5. The Board recommends that the Committee on Ethics further review the above allegation concerning use of the MRA to retain a consultant, as there is substantial reason to believe that Representative Broun used MRA funds to retain an individual as a consultant to his congressional office, in violation of House rules and federal law.

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6. The Board recommends that the Committee on Ethics further review the above allegation concerning use of the MRA for campaign-related services, as there is substantial reason to believe that Representative Broun used MRA funds to compensate an individual for services provided to one or more of his election campaigns, in violation of House rules and federal law.

B. Jurisdiction Statement

7. The allegations that were the subject of this review concern Representative Paul Broun, a Member of the United States House of Representatives from the 10th District of Georgia. 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.

C. Procedural History

8. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on March 28, 2014. The preliminary review commenced on March 29, 2014.² The preliminary review was scheduled to end on April 27, 2014.
9. At least three members of the Board voted to initiate a second-phase review in this matter on April 24, 2014. The second-phase review commenced on April 28, 2014. The second-phase review was scheduled to end on June 11, 2014.³
10. The Board voted to extend the second-phase review for an additional period of fourteen days on May 29, 2014. The second-phase review ended on June 25, 2014.
11. Pursuant to Rule 9(B) of the OCE Rules for the Conduct of Investigations, Representative Broun presented a statement to the Board on July 25, 2014.
12. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on July 25, 2014.
13. The report and findings in this matter were transmitted to the Committee on Ethics on July 31, 2014.

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

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

³ According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

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D. Summary of Investigative Activity

14. The OCE requested documentary, and in some cases testimonial, information from the following sources:

- (1) Representative Paul Broun;
- (2) Representative Broun's Chief of Staff ("Chief of Staff");
- (3) Representative Broun's Director of Operations ("Director of Operations");
- (4) Representative Broun's Press Secretary ("Press Secretary");
- (5) Representative Broun's Campaign Manager ("Campaign Manager");
- (6) Representative Broun's Campaign Consultant ("Campaign Consultant");
- (7) Representative Broun's District Director ("District Director");
- (8) Representative Broun's Deputy Press Secretary ("Deputy Press Secretary");
- (9) Representative Broun's Legislative Director ("Legislative Director");
- (10) Representative Broun's Legislative Correspondent ("Legislative Correspondent");
- (11) Representative Broun's Congressional Staffer ("Congressional Staffer");
- (12) Representative Broun's former Communications Director ("Former Communications Director");
- (13) Representative Broun's Communications Adviser ("Communications Adviser");
- (14) Paul Broun Committee Treasurer ("Treasurer"); and
- (15) The Committee on House Administration.

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II. REPRESENTATIVE BROUN MAY HAVE USED OFFICIAL FUNDS TO RETAIN AN IMPERMISSIBLE CONSULTANT

A. Laws, Regulations, Rules, and Standards of Conduct

15. 31 U.S.C. § 1301(a)

“Appropriations shall be applied only to the objects for which the appropriations were made”

16. House Rule 23, clause 1

Members “shall behave at all times in a manner that shall reflect creditably on the House.”

17. House Rule 23, clause 2

Members “shall adhere to the spirit and the letter of the Rules of the House”

18. House Ethics Manual

“Members may be personally liable for misspent funds or expenditures exceeding the MRA.”⁴

“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.”⁵

“The Members’ Handbook provides examples of items for which reimbursement with the official allowances may be permitted, as well as a list of prohibited expenditures Included among impermissible uses are expenditures for . . . consultants.”⁶

19. Committee on House Administration Members’ Congressional Handbook

“During each session of Congress, each Member has a single Members’ Representational Allowance (‘MRA’) available to support the conduct of official and representational duties to the district from which he or she is elected. Ordinary and necessary expenses incurred by the Member or the Member’s employees within the United States, its territories, and possessions in support of the conduct of the Member’s official and representational duties to the district from which he or she is elected are

⁴ House Ethics Manual at 323 (2008) (internal citations omitted).

⁵ *Id.* at 126 (citing 18 U.S.C. § 1001).

⁶ *Id.* at 325.

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reimbursable in accordance with the regulations contained in this Members' Congressional Handbook."⁷

*"Pursuant to 2 U.S.C. § 72a, only committees are authorized to procure the temporary services of consultants. Member offices are not authorized to procure consultant services."*⁸

*"Members may contract with firms or individuals only for general, non-legislative and non-financial, office services (e.g., equipment maintenance, systems integration, data entry, staff training, photography, custodial services, web services) for a specified time period not to exceed the Member's current term. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided personnel benefits. Contractors do not count against the Member's Employee Ceiling. Members are advised to consult the Committee on House Administration when entering into such contracts."*⁹

B. Representative Broun Retained Communications Adviser in June 2012 and Paid Him \$43,750 from Official Funds for Services Rendered between June 2012 and March 2014

20. In spring 2012, Representative Broun was looking for someone to join his congressional office's communications team and work with him on an ongoing basis to improve his communications skills.¹⁰ To that end, Representative Broun, Chief of Staff, and Former Communications Director interviewed candidates for a "media-coach-consultant" or "messaging coach" position.¹¹
21. In late May 2012, Communications Adviser, who was referred to Representative Broun by another Member of Congress, emailed Chief of Staff to offer his services.¹² A meeting between Communications Adviser, Representative Broun, Chief of Staff, and Former Communications Director was held on May 31, 2012, at the National Republican Congressional Committee ("NRCC").¹³

⁷ Members' Congressional Handbook at 1 (2012).

⁸ *Id.* at 5.

⁹ *Id.*

¹⁰ Transcript of Interview of Representative Broun, June 25, 2014 ("Representative Broun Transcript") (Exhibit 1 at 14-2533_00002-00006); Transcript of Interview of Chief of Staff, June 24, 2014 ("Chief of Staff Transcript") (Exhibit 2 at 14-2533_00084-00085); Transcript of Interview of Former Communications Director, June 19, 2014 ("Former Communications Director Transcript") (Exhibit 3 at 14-2533_00193).

¹¹ Representative Broun Transcript (Exhibit 1 at 14-2533_00002-00006); Chief of Staff Transcript (Exhibit 2 at 14-2533_00083); Former Communications Director Transcript (Exhibit 3 at 14-2533_00194); Transcript of Interview of Director of Operations, June 24, 2014 ("Director of Operations Transcript") (Exhibit 4 at 14-2533_00281, 00284-00285).

¹² Emails between Communications Adviser and Chief of Staff, dated May 22-31, 2012 (Exhibit 5 at 14-2533_00333).

¹³ *Id.* Calendar Entry for Representative Paul Broun's Calendar, dated May 31, 2012 (Exhibit 6 at 14-2533_00335); Representative Broun Transcript (Exhibit 1 at 14-2533_00006).

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22. On June 1, 2012—the day following the initial meeting—Communications Adviser emailed Representative Broun, Chief of Staff, and Former Communications Director, attaching a work proposal and offering to meet to “discuss the proposal in more detail.”¹⁴
23. Communications Adviser’s proposal (the “Proposal”) stated that Communications Adviser’s services would include “assisting with fine tuning communication, public speaking and media interview skills;” references “preparing for media interviews and speeches as well as debates;” and states that “this proposal will cover assisting with messaging, and other strategic communication campaign or official activities, including specific media interview prep for each appearance as they are scheduled.”¹⁵
24. Representative Broun told the OCE that he recalls receiving the Proposal but did not look at it, and that Chief of Staff was charged with sorting out the details.¹⁶ Chief of Staff told the OCE that he does not think he looked at the Proposal.¹⁷
25. It appears that Communications Adviser met with Representative Broun, Chief of Staff, and Former Communications Director for a second interview on June 8, 2012, in Representative Broun’s congressional office.¹⁸
26. Communications Adviser remembered two meetings taking place before he was retained: an initial meeting at the NRCC and then a second meeting to discuss the Proposal.¹⁹
27. Former Communications Director told the OCE that during the interviews they discussed what they were looking for in a “messaging consultant.”²⁰
28. Shortly after the second interview, Representative Broun decided to retain Communications Adviser. On June 14, 2012, Chief of Staff emailed Representative Broun’s congressional staff announcing Communications Adviser as a “New Addition to Team Broun” as “a communications and messaging consultant to our official office.”²¹

¹⁴ Email from Communications Adviser to Representative Broun, Chief of Staff, and Former Communications Director, dated June 1, 2012 (Exhibit 7 at 14-2533_00337).

¹⁵ Communications Adviser Proposal, dated June 9, 2014 (Exhibit 8 at 14-2533_00339-00348). The Board notes that the date listed on the Proposal is June 9, 2014. It appears that when the Proposal was produced to the OCE that the date was automatically updated. The Proposal was originally sent to Representative Broun on June 1, 2012. *See id.*

¹⁶ Representative Broun Transcript (Exhibit 1 at 14-2533_00007).

¹⁷ Chief of Staff Transcript (Exhibit 2 at 14-2533_00090).

¹⁸ Emails between Chief of Staff and Communications Adviser, dated June 8, 2012 (Exhibit 9 at 14-2533_00350-00351); Calendar Entry for Representative Paul Broun’s Calendar, dated June 8, 2012 (Exhibit 10 at 14-2533_00353).

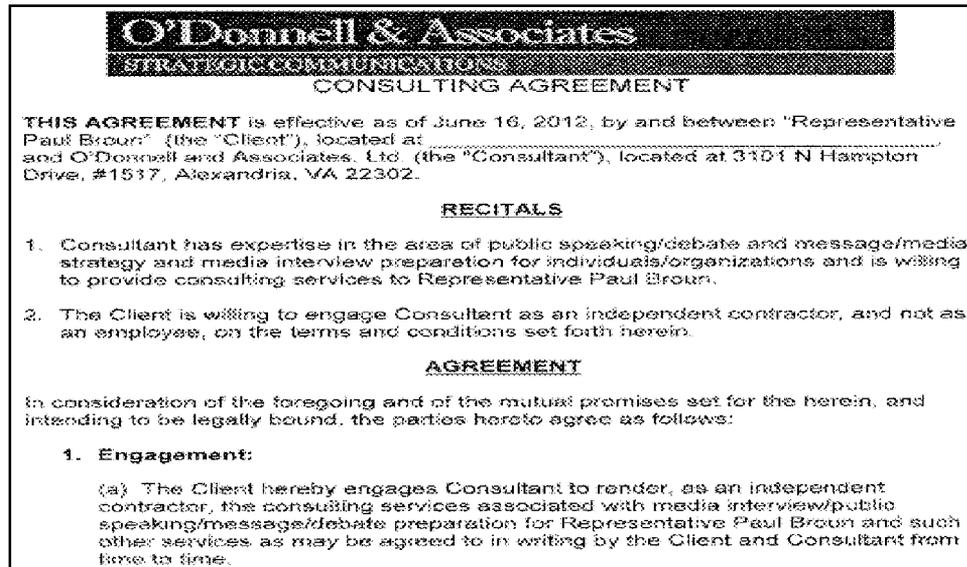
¹⁹ Transcript of Interview of Communications Adviser, dated June 23, 2014 (“Communications Adviser Transcript”) (Exhibit 11 at 14-2533_00359).

²⁰ Former Communications Director Transcript (Exhibit 3 at 14-2533_00196-00199).

²¹ Email from Chief of Staff to Communications Adviser and various recipients, dated June 14, 2012 (Exhibit 12 at 14-2533_00454).

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29. The Consulting Agreement entered into between Communications Adviser and Representative Paul Broun described Communications Adviser's role as being that of a "Consultant" providing "consulting services to Representative Paul Broun." The "Engagement" clause provided: "The Client hereby engages Consultant to render, as an independent contractor, the consulting services associated with media interview/public speaking/message/debate preparation for Representative Paul Broun"²²



30. Chief of Staff told the OCE that the Consulting Agreement accurately reflected the services provided.²³ Communications Adviser said that the Consulting Agreement is "a boilerplate consulting agreement,"²⁴ but said that the Engagement clause accurately describes the services he was to provide.²⁵ Representative Broun told the OCE that he had not seen the Consulting Agreement.²⁶

31. According to evidence provided to the OCE, Communications Adviser was retained by Representative Broun's office on a trial basis from June 16, 2012, until August 3, 2012; retained again for the period of September 1 through December 31, 2012;²⁷ and retained thereafter on a continuing month-to-month basis from January 1, 2013, through March 31, 2014.²⁸ The terms of the agreements in place during these periods were identical,

²² Consulting Agreement between Communications Adviser and Representative Paul Broun, dated June 16, 2012 (Exhibit 13 at 14-2533_00457-00460).

²³ Chief of Staff Transcript (Exhibit 2 at 14-2533_00093).

²⁴ Communications Adviser Transcript (Exhibit 11 at 14-2533_00364).

²⁵ *Id.* at 14-2533_00365.

²⁶ Representative Broun Transcript (Exhibit 1 at 14-2533_00010).

²⁷ Emails between Communications Adviser and Chief of Staff, dated September 12-13, 2012 (Exhibit 14 at 14-2533_00462-00463); Consulting Agreement between Communications Adviser and Representative Paul Broun, dated September 1, 2012 (Exhibit 15 at 14-2533_00465-00468).

²⁸ Communications Adviser Transcript (Exhibit 11 at 14-2533_00365-00366); Emails between Communications Adviser and Chief of Staff, dated January 4-8, 2013 (Exhibit 16 at 14-2533_00470).

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with the exception of the effective dates of the agreements and the monthly retainer amounts.²⁹

32. According to House Chief Administrative Officer Statements of Disbursements and documents provided to the OCE, Representative Broun’s office paid Communications Adviser \$43,750 for services rendered between June 2012 and March 2014.³⁰

REPRESENTATIVE PAUL BROUN’S MRA DISBURSEMENTS TO COMMUNICATIONS ADVISER				
Payee	Service Dates		Description	Amount
O’DONNELL & ASSOC LTD	6/15/12	7/31/12	Training	\$3,750
O’DONNELL & ASSOC LTD	9/01/12	9/30/12	Training	\$1,875
O’DONNELL & ASSOC LTD	12/01/12	12/31/12	Training	\$1,875
O’DONNELL & ASSOC LTD	01/01/13	01/31/13	Training	\$1,250
O’DONNELL & ASSOC LTD	02/01/13	02/28/13	Training	\$2,500
O’DONNELL & ASSOC LTD	03/01/13	03/31/13	Training	\$2,500
O’DONNELL & ASSOC LTD	04/01/13	04/30/13	Training	\$2,500
O’DONNELL & ASSOC LTD	05/01/13	05/30/13	Training	\$2,500
O’DONNELL & ASSOC LTD	06/01/13	06/30/13	Training	\$2,500
O’DONNELL & ASSOC LTD	07/01/13	07/31/13	Training	\$2,500
O’DONNELL & ASSOC LTD	08/01/13	08/31/13	Training	\$2,500
O’DONNELL & ASSOC LTD	09/01/13	09/30/13	Training	\$2,500
O’DONNELL & ASSOC LTD	10/01/13	10/31/13	Training	\$2,500
O’DONNELL & ASSOC LTD	11/01/13	11/30/13	Training	\$2,500
O’DONNELL & ASSOC LTD	12/01/13	12/31/13	Training	\$2,500
O’DONNELL & ASSOC LTD	1/01/14	1/31/14	Training	\$2,500
O’DONNELL & ASSOC LTD	2/01/14	2/28/14	Training	\$2,500
O’DONNELL & ASSOC LTD	3/01/14	3/31/14	Training	\$2,500
TOTAL				\$43,750

²⁹ Compare Consulting Agreement between Communications Adviser and Representative Paul Broun, dated June 16, 2012 (Exhibit 13 at 14-2533_00457-00460) with Consulting Agreement between Communications Adviser and Representative Paul Broun, dated September 1, 2012 (Exhibit 15 at 14-2533_00465-00468). See also Communications Adviser Transcript (Exhibit 11 at 14-2533_00365-00366).

³⁰ See O’Donnell & Associates Invoices dated June 15, 2012, through March 2014, and United States House of Representatives Voucher Cover Sheets dated May 2, 2013, through April 1, 2014 (Exhibit 17 at 14-2533_00472-00501). See also U.S. House of Representatives Chief Administrative Officer, *Statements of Disbursements of the House*, January 1, 2012 – March 31, 2014, available at <http://disbursements.house.gov/>.

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33. The invoices from Communications Adviser to Representative Broun described his services as “Public Speaking-Media Educational Training,” and the services were described by Representative Broun’s office in submissions to the House Office of Finance as “TRAINING.”³¹

Product/Service Information		Amount		Period of Service	
BDC Category	BDC Sub-Code	Expense Description	Amount	Start Service Date	End Service Date
25	2627	TRAINING	2500.00	03/01/2014	03/31/2014

34. In March 2014, Communications Adviser resigned.³² Communications Adviser then ceased providing services of any kind—on a paid or volunteer basis—to Representative Broun’s congressional office or campaign.³³

35. Representative Broun’s campaign committee, Paul Broun Committee, made only one disbursement to Communications Adviser during the period the Consulting Agreement was in effect, which was a travel reimbursement of \$838.75 made on April 12, 2013.³⁴

C. Communications Adviser’s Services to Representative Broun’s Congressional Office Were Likely Beyond Those Permitted to be Paid for with Official Funds

36. As noted above, Member offices are flatly prohibited from hiring consultants.³⁵ Member offices may hire contractors, but only for “general, non-legislative and non-financial, office services (e.g., equipment maintenance, systems integration, data entry, staff training, photography, custodial services, web services).”³⁶ In light of the evidence and the witness statements obtained by the OCE, it appears that Communications Adviser was indeed a “consultant” to Representative Broun’s congressional office.³⁷

³¹ See *id.*

³² See email from Chief of Staff to various recipients, dated March 25, 2014 (Exhibit 18 at 14-2533_00503); Communications Adviser Transcript (Exhibit 11 at 14-2533_00366); Chief of Staff Transcript (Exhibit 2 at 14-2533_00152).

³³ Communications Adviser Transcript (Exhibit 11 at 14-2533_00384).

³⁴ See Paul Broun Committee, July 2013 Quarterly Federal Election Commission Report, dated July 15, 2013, available at <http://docquery.fec.gov/pdf/059/13020362059/13020362059.pdf>.

³⁵ See *supra* at Section II.A.

³⁶ Members’ Congressional Handbook at 5.

³⁷ The Board notes that even if Communications Adviser were labeled a contractor rather than a consultant, the services he provided very likely exceeded those that a contractor may provide a Member’s office.

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37. Communications Adviser was introduced to, viewed by, and referred to by the congressional office and by himself as a “communications and messaging consultant.”³⁸ Former Communications Director told the OCE, “He was just a true messaging consultant.”³⁹ When asked if Communications Adviser was “a consultant to the office,” Chief of Staff said, “Yes, sir.”⁴⁰

38. Communications Adviser described his own role as:

As a consultant, both as an instructor in terms of teaching him communications skills at a general level in terms of media interview, prep messaging, floor speeches, both delivery and substance and I’d be consulted on to help write floor speeches or to prep him for specific interviews, or if he was doing . . . a town hall that he would do frequently to speak to his district, I’d prep him for those.⁴¹

39. Communications Adviser was so closely integrated into the office’s operations that he was viewed by many congressional staff members as a “member of the communications team.”⁴² When asked to describe Communications Adviser’s role with the office, in looking at the totality of the services he provided, Former Communications Director stated, “I would say that he was part of the communications team.”⁴³ She also remarked that Communications Adviser “more or less” did the same things that she did as Communications Director.⁴⁴

40. Specifically, Communications Adviser provided the following services that appear to exceed general non-legislative and non-financial office services: weekly communications sessions; preparation for media interviews and public appearances; drafting and advising on official speeches; and consulting on congressional office communications. These services concerned not only general media interview or public-appearance techniques, but also the specific content of the message that Representative Broun would convey and how he would convey it.

41. As stated by Representative Broun, Communications Adviser conferred with the staff “on a routine basis about what was coming up, about what our messaging was going to be, how to deal with that messaging, what our -- whenever I was requested to do a TV interview or radio interview, it’s my understanding that my Communications Director

³⁸ Email from Chief of Staff to various recipients, dated June 14, 2012 (Exhibit 12 at 14-2533_00454); *See also* Email from Chief of Staff to various recipients, dated December 19, 2012 (Exhibit 19 at 14-2533_00505-00506).

³⁹ Former Communications Director Transcript (Exhibit 3 at 14-2533_00200).

⁴⁰ Chief of Staff Transcript (Exhibit 2 at 14-2533_00093).

⁴¹ Communications Adviser Transcript (Exhibit 11 at 14-2533_00367, 00424).

⁴² Representative Broun Transcript (Exhibit 1 at 14-2533_00008, 00065) (Representative Broun told the OCE that “I made it very clear to [Communications Adviser] all along that he was being hired to be part of our communications team.”). *See also* Email from Press Secretary to Communications Adviser and Chief of Staff, dated March 17, 2014 (Exhibit 20 at 14-2533_00508) (remarking that Communications Adviser is “a member of the communications team in an official capacity”); Transcript of Interview of Press Secretary, June 24, 2014 (“Press Secretary Transcript”) (Exhibit 21 at 14-2533_00561).

⁴³ Former Communications Director Transcript (Exhibit 3 at 14-2533_00208).

⁴⁴ *Id.* at 14-2533_00210.

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would contact him about what our message was, what our bottom line -- statement would be and I would talk to him about how to approach the interview and what to do with it and that's the way we operated."⁴⁵ Representative Broun added, "I did try to touch base with him before every interview that we did -- most every interview unless I already had it -- and about what we were doing."⁴⁶

Weekly Communications Sessions

42. Communications Adviser conducted hour-long communications consulting sessions with Representative Broun and his communications staff on approximately a weekly basis when Congress was in session.⁴⁷ The sessions typically occurred in Representative Broun's congressional office,⁴⁸ but at times were held elsewhere or via telephone.⁴⁹
43. During the weekly sessions, Communications Adviser reviewed Representative Broun's past appearances and speeches, providing Representative Broun feedback.⁵⁰ Videos of Representative Broun's appearances were typically provided to Communications Adviser in advance so that he could prepare for the session accordingly.⁵¹ For example, on December 3, 2013, Representative Broun was interviewed by Lou Dobbs. The next day, Communications Adviser wrote to Chief of Staff that they would review the interview in next week's session, which took place on December 11, 2013.⁵²

From:	Brett O'Donnell [REDACTED]@odacomunications.com]
Sent:	Tuesday, December 03, 2013 10:04 PM
To:	Bowser, David
Subject:	Re: Dobbs tonight

I thought he did very well. Was proud of him. We'll review next week.

Brett
 On Dec 3, 2013, at 7:50 PM, Bowser, David wrote:

> PR did great on Dobbs, lots of Patient Option plugs and took a good swing at Kingston, Dave Bossie thought it went well too.

⁴⁵ Representative Broun Transcript (Exhibit 1 at 14-2533_00016).

⁴⁶ *Id.* at 14-2533_00017-00018.

⁴⁷ *Id.* at 14-2533_00019; Communications Adviser Transcript (Exhibit 11 at 14-2533_00367); Chief of Staff Transcript (Exhibit 2 at 14-2533_00106); Director of Operations Transcript (Exhibit 4 at 14-2533_00290, 00308); Former Communications Director Transcript (Exhibit 3 at 14-2533_00211-00212, 00246); Press Secretary Transcript (Exhibit 21 at 14-2533_00527).

⁴⁸ Former Communications Director Transcript (Exhibit 3 at 14-2533_00212-00213).

⁴⁹ Communications Adviser Transcript (Exhibit 11 at 14-2533_00373).

⁵⁰ *Id.* at 14-2533_00368-00369, 00373; Chief of Staff Transcript (Exhibit 2 at 14-2533_00106, 00111-00113); Former Communications Director Transcript (Exhibit 3 at 14-2533_00214); Press Secretary Transcript (Exhibit 21 at 14-2533_00529-00530).

⁵¹ *See, e.g.*, Emails between Communications Adviser and Former Communications Director, dated December 18-19, 2012 (Exhibit 22 at 14-2533_00578-00579); Email from Communications Adviser to Press Secretary, dated August 11, 2013 (Exhibit 23 at 14-2533_00581).

⁵² Email from Communications Adviser to Chief of Staff, dated December 3, 2013 (Exhibit 24 at 14-2533_00583); Calendar Entry for Representative Paul Broun's Calendar, dated December 11, 2013 (Exhibit 25 at 14-2533_00585).

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44. The weekly sessions also were used to prepare for upcoming appearances.⁵³ Representative Broun told the OCE that Communications Adviser would talk to him about how to approach an interview, and teach him how to organize his thoughts and express himself.⁵⁴ Typically, Communications Adviser would assist with determining what Representative Broun's "first sentence" and "bottom line" was for an interview.⁵⁵ The sessions also were used to discuss current events, so that if Representative Broun was unexpectedly asked to comment on something he would know what to say.⁵⁶
45. Communications Adviser also conducted issue research for Representative Broun to give him more background on an issue in anticipation of an interview, and even prepared an "issue book" at Representative Broun's request for Representative Broun to study.⁵⁷
46. The weekly sessions also were used to discuss how Representative Broun should "message" legislative actions. For example, Communications Adviser told the OCE that they would talk about how to message his Patient OPTION Act and "different votes that he was going to be taking, how to message those."⁵⁸ Chief of Staff told the OCE that assistance with messaging the OPTION Act was one of the reasons Communications Adviser was brought on, because it was a complicated piece of legislation and Representative Broun needed help communicating the aims of the legislation.⁵⁹

Preparation for Media Interviews and Public Appearances

47. In addition to the weekly communications consulting sessions, Communications Adviser also frequently conducted abbreviated "messaging calls" or meetings with Representative Broun shortly before media interviews, public appearances, or floor speeches.⁶⁰

⁵³ Communications Adviser Transcript (Exhibit 11 at 14-2533_00373); Chief of Staff Transcript (Exhibit 2 at 14-2533_00106).

⁵⁴ Representative Broun Transcript (Exhibit 1 at 14-2533_00018-00019).

⁵⁵ *Id.* at 14-2533_00020.

⁵⁶ Former Communications Director Transcript (Exhibit 3 at 14-2533_00213, 00227-00228).

⁵⁷ Representative Broun Transcript (Exhibit 1 at 14-2533_00021-00022, 00025).

⁵⁸ Communications Adviser Transcript (Exhibit 11 at 14-2533_00369).

⁵⁹ Chief of Staff Transcript (Exhibit 2 at 14-2533_00091-00092).

⁶⁰ *See, e.g.*, Email from Press Secretary to Communications Adviser, dated January 22, 2014 (Exhibit 26 at 14-2533_00587).

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48. Representative Broun’s congressional office often prepared a “communications plan” in advance of each week that was shared with Communications Adviser. The following plan, which indicates that Communications Adviser would conduct “Messaging calls with Dr. Broun throughout the week” is typical of those shared with Communications Adviser during the course of his Consulting Agreement:⁶¹

Communications Plan for Week of August 19, 2013	
To Do (DC):	<ul style="list-style-type: none"> • Sirius XM Radio: Andrew Wilkow, talk Obamacare & Immigration (Wed) • Messaging calls with Dr. Broun throughout week (Brett) • Work with Fireside to get website updated. Find way to post E-News on website (start posting on social media) • Update website survey, post on social media • Handouts for Patient OPTION Act • Upload pictures from district, save on S drive
To Do (CA):	<ul style="list-style-type: none"> • Radio Address on Constituent Services (Wed) • Weekly E-Newsletter, wrap up from events last week (Thurs) • Upload/update pictures onto website • Upload pictures of events throughout the week on social media
On the Radar:	<ul style="list-style-type: none"> • Scheduling Dr. Broun on WGAI at end of recess (Jan) • Op-ed on Patient OPTION Act, finding placement for after recess. • Radio Town Hall at WDUN (Mon) • Sept 10th Rally on defending Obamacare

49. The OCE identified numerous instances of messaging calls in the documents provided by witnesses to the OCE. For example, they included calls to prepare for: a keynote speech at a religious freedom event on August 22, 2013;⁶² a Fox Business interview on the government shutdown on August 26, 2013;⁶³ a speech at a “Defund Obamacare” or “Exempt America” rally held on September 10, 2013;⁶⁴ a *Wilkow!* radio program interview on September 19, 2013;⁶⁵ a CNN interview on the government shutdown on October 8, 2013;⁶⁶ and a Veteran’s Town Hall event on November 8, 2013.⁶⁷

⁶¹ Email from Press Secretary to various recipients, dated August 19, 2013 (Exhibit 27 at 14-2533_00589). *See also* Email from Press Secretary to various recipients, dated December 2, 2013 (Exhibit 28 at 14-2533_00591-00592); Email from Press Secretary to various recipients, dated January 13, 2014 (Exhibit 29 at 14-2533_00594-00595); Email from Press Secretary to Communications Adviser, dated August 11, 2013 (Exhibit 23 at 14-2533_00581).

⁶² Email from Chief of Staff to Communications Adviser, dated August 22, 2013 (Exhibit 30 at 14-2533_00597).

⁶³ Email from Communications Adviser to Press Secretary, dated August 26, 2013 (Exhibit 31 at 14-2533_00599); Email from Press Secretary to Communications Adviser, dated August 26, 2013 (Exhibit 32 at 14-2533_00605-00606); and Emails between Press Secretary, Chief of Staff, and Communications Adviser, dated August 26, 2013 (Exhibit 33 at 14-2533_00608-00609).

⁶⁴ Emails between Director of Operations and Communications Adviser, dated September 9, 2013 (Exhibit 34 at 14-2533_00615-00616).

⁶⁵ Emails between Director of Operations and Communications Adviser, dated September 19, 2013 (Exhibit 35 at 14-2533_00618-00621).

⁶⁶ Emails between Communications Adviser and Press Secretary, dated October 7-8, 2013 (Exhibit 36 at 14-2533_00623-00624).

⁶⁷ Emails between Chief of Staff and Communications Adviser, dated November 8-11, 2013 (Exhibit 37 at 14-2533_00627).

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50. Press Secretary told the OCE that if Representative Broun “had an interview coming up, we liked to meet with [Communications Adviser] beforehand just to go over issues that were important to Dr. Broun’s constituents, Obamacare, spending, jobs, and really just try to stay on topic with those issues.”⁶⁸
51. Director of Operations, who managed Representative Broun’s schedule, told the OCE that, “if we knew we had a big floor speech or something like that coming up” they “would make sure that [Communications Adviser and Representative Broun] talked beforehand -- or press conferences or whatever related to his legislative stuff.”⁶⁹
52. In addition to the many scheduled messaging meetings or telephone calls, impromptu discussions were common. Director of Operations said that, “[A] lot of times, I think Dr. Broun would call [Communications Adviser] himself without it being officially scheduled.”⁷⁰ Representative Broun also stated that “sometimes” but “rarely” would he call Communications Adviser on his own, adding, “Not on an ongoing basis, but he had my cell phone. I had his.”⁷¹

Drafting and Advising on Official Speeches

53. Communications Adviser regularly assisted Representative Broun and his congressional office with official speeches, including drafting speeches as well as reviewing and providing feedback and edits on speeches drafted by Representative Broun or his congressional staff.⁷²
54. Press Secretary told the OCE that floor speeches were discussed during the weekly sessions with Communications Adviser, and at times they would “even start working on a speech” during the session and “practice it . . . to go out to speak on the floor.”⁷³ Press Secretary further explained that, “Usually I would draft the speeches and we [referring to Communications Adviser] would run them by with Dr. Broun. He would practice them. [Communications Adviser] would give him suggestions and we’d make edits together on them, all three of us.”⁷⁴
55. Former Communications Director told the OCE that Communications Adviser did not write the first draft of any speeches.⁷⁵ Press Secretary likewise told the OCE that she could not recall any instances in which Communications Adviser wrote the first draft of an official speech.⁷⁶

⁶⁸ Press Secretary Transcript (Exhibit 21 at 14-2533_00527) (noting that in addition to the weekly sessions, “if we had a big interview come up last minute, we would phone [Communications Adviser] and talk to him . . .”).

⁶⁹ Director of Operations Transcript (Exhibit 4 at 14-2533_00287).

⁷⁰ *Id.* at 14-2533_00322.

⁷¹ Representative Broun Transcript (Exhibit 1 at 14-2533_00018).

⁷² Communications Adviser Transcript (Exhibit 11 at 14-2533_00370).

⁷³ Press Secretary Transcript (Exhibit 21 at 14-2533_00530).

⁷⁴ *Id.* at 14-2533_00532.

⁷⁵ Former Communications Director Transcript (Exhibit 3 at 14-2533_00216-00218).

⁷⁶ Press Secretary Transcript (Exhibit 21 at 14-2533_00533).

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56. Communications Adviser said that sometimes he would write the initial draft of a speech, and sometimes the initial draft would be written by Former Communications Director or Press Secretary.⁷⁷ Chief of Staff also told the OCE that Communications Adviser drafted speeches for the congressional office.⁷⁸
57. For example, it appears that Communications Adviser edited a speech Representative Broun gave at an “Exempt America” rally held on September 10, 2013 regarding Obamacare. The speech appears to have been drafted by Press Secretary, who forwarded the draft to Communications Adviser for his review.⁷⁹
58. Communications Adviser also drafted a script for Representative Broun on “Big Govt & Spending” for a floor speech and for a video featuring several Members of Congress filmed by the TeaParty.Net organization on July 9, 2013.⁸⁰ Communications Adviser also accompanied Representative Broun to the filming session.⁸¹

Consulting on Congressional Office Communications

59. Communications Adviser regularly provided Representative Broun’s office with strategic advice regarding its official communications. This advice addressed which requests the office should accept or decline,⁸² whether or not to respond,⁸³ advising on language to be included in official communications such as quotes for articles, op-eds, and press releases;⁸⁴ the timing of placement of such communications;⁸⁵ providing talking points and advice to Representative Broun regarding his communication of legislative issues to

⁷⁷ Communications Adviser Transcript (Exhibit 11 at 14-2533_00370, 00374).

⁷⁸ Chief of Staff Transcript (Exhibit 2 at 14-2533_00111-00113).

⁷⁹ Emails between Communications Adviser and Press Secretary, dated September 9, 2013 (Exhibit 38 at 14-2533_00629).

⁸⁰ Emails between Communications Adviser, Chief of Staff, and Director of Operations, dated July 8, 2013 (Exhibit 39 at 14-2533_00631-00633); Email from Chief of Staff to Communications Adviser, dated July 9, 2013 (Exhibit 40 at 14-2533_00635) (attaching the speech with revisions made by Representative Broun); Communications Adviser Transcript (Exhibit 11 at 14-2533_00375).

⁸¹ Email from Communications Adviser to Chief of Staff, dated August 8, 2013 (Exhibit 41 at 14-2533_00637).

⁸² *See, e.g.*, Email from Communications Adviser to Press Secretary, dated November 6, 2013 (Exhibit 42 at 14-2533_00642).

⁸³ *See, e.g.*, Emails from Communications Adviser to various recipients, dated September 12, 2012 (Exhibit 43 at 14-2533_00647).

⁸⁴ Communications Adviser Transcript (Exhibit 11 at 14-2533_00369, 00374). *See, e.g.*, Email from Communications Adviser to Former Communications Director, dated September 14, 2012 (Exhibit 44 at 14-2533_00650) (Communications Adviser advising on the content of a quote); Email from Communications Adviser to Former Communications Director, dated March 6, 2013 (Exhibit 45 at 14-2533_00652-00653) (advising on a statement by Representative Broun regarding his vote against a continuing resolution to fund the government through fiscal year 2013); Email from Communications Adviser to Former Communications Director, dated December 4, 2012 (Exhibit 46 at 14-2533_00655-00656) (advising on the language of an official press release).

⁸⁵ *See, e.g.*, Email from Communications Adviser to Chief of Staff, dated November 8, 2013 (Exhibit 47 at 14-2533_00658-00659) (advising that the office should “stay out in front of this and beam everything we do back to GA” regarding a Special Order held by the GOP Doctors Caucus); Press Secretary Transcript (Exhibit 21 at 14-2533_00530) (stating that op-eds were discussed in the weekly sessions with Communications Adviser).

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the media and public; and advising on how official actions would be perceived and portrayed in the media.⁸⁶

60. When asked about his role in forming Representative Broun's official communications strategy, Communications Adviser explained, "I would talk to [Former Communications Director and Press Secretary] about what media we wanted to do and even helped them from time to time reach out to different folks. Yea, I was -- and then what we wanted to say in that -- in those interviews. I was reasonably integrated into that process."⁸⁷
61. When asked if he recalled drafting talking points for Representative Broun, Communications Adviser responded that there were a "truckload of them. I mean, pretty much if he was doing radio, we would draft talking points . . . There were many, many times where we drafted talking points for media interviews that he was doing."⁸⁸
62. Communications Adviser was shown an email in which he provided Chief of Staff four pages of research and talking points on the Federal Aviation Administration and sequestration,⁸⁹ and told the OCE that he provided this type of work product to the congressional office "on a regular basis" and at times more than once per week.⁹⁰ In referring to the email, Chief of Staff stated it was "probably" common for Communications Adviser to provide such information.⁹¹
63. Former Communications Director told the OCE that Communications Adviser "in no way shaped policy"—referring to legislative actions taken by the office—but that he assisted with shaping how the office communicated legislative matters.⁹² For example, Communications Adviser advised with regard to the office's communications promoting Representative Broun's Patient OPTION Act, including endorsement announcements,⁹³ House floor speeches touting the Act,⁹⁴ and public statements promoting the legislation.⁹⁵

⁸⁶ Communications Adviser Transcript (Exhibit 11 at 14-2533_00375-00376); Chief of Staff Transcript (Exhibit 2 at 14-2533_00113-00115); Former Communications Director Transcript (Exhibit 3 at 14-2533_00215-00216). *See also*, Email from Communications Adviser to Representative Broun, dated May 8, 2013 (Exhibit 48 at 14-2533_00661) (providing talking points on universal background checks); Email from Communications Adviser to Chief of Staff, dated April 29, 2013 (Exhibit 49 at 14-2533_00663-00666) (providing talking points on sequestration's impact on the FAA); Email from Communications Adviser to Former Communications Director, dated February 8, 2013 (Exhibit 50 at 14-2533_00668) (suggesting language for Representative Broun to use regarding the sequester); Email from Communications Adviser to Former Communications Director, dated March 26, 2013 (Exhibit 51 at 14-2533_00670) (advising on handling questions about Second Amendment rights).

⁸⁷ Communications Adviser Transcript (Exhibit 11 at 14-2533_00379).

⁸⁸ *Id.* at 14-2533_00375-00376.

⁸⁹ Email from Communications Adviser to Chief of Staff, dated April 29, 2013 (Exhibit 49 at 14-2533_00663-00666).

⁹⁰ Communications Adviser Transcript (Exhibit 11 at 14-2533_00376-00378).

⁹¹ Chief of Staff Transcript (Exhibit 2 at 14-2533_00112).

⁹² Former Communications Director Transcript (Exhibit 3 at 14-2533_00201).

⁹³ Email from Communications Adviser to Press Secretary, dated December 10, 2013 (Exhibit 52 at 14-2533_00672).

⁹⁴ Email from Communications Adviser to Press Secretary, dated November 19, 2013 (Exhibit 53 at 14-2533_00676) (suggesting text for Representative Broun's floor speech); Email from Press Secretary to Chief of Staff, dated July 31, 2013 (Exhibit 54 at 14-2533_00681) (writing, "Here's a final copy of Dr. Broun's 5-min on the

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64. Representative Broun told the OCE that he did not recall Communications Adviser drafting any speeches for him related to the OPTION Act,⁹⁶ but recalled some assistance from him with a special order speech on the Commerce Clause.⁹⁷

Communications Training

65. Representative Broun told the OCE that he considered all of Communications Adviser's work for the congressional office as "training, 'cause that's what I hired him to do, help train me to be a better communicator."⁹⁸

66. Communications Adviser told the OCE he provided training to Representative Broun, Former Communications Director, and Press Secretary, which included a "message video" and four or five initial training sessions when he was first retained, as well as ongoing discussions about "how I approach prepping a candidate for interviews."⁹⁹

67. However, Former Communications Director, Press Secretary, and Director of Operations told the OCE that they did not receive training from Communications Adviser.¹⁰⁰

68. In conclusion, Communications Adviser appears to have been retained and compensated as an impermissible consultant and provided Representative Broun's congressional office with a range of communications services that were impermissible for even a contractor to provide a Member's office. Therefore, there is substantial reason to believe that Representative Broun used MRA funds to retain an individual as a consultant to his congressional office, in violation of House rules and federal law.

D. Communications Adviser's Consulting Agreement Was Never Reviewed by the Committee on Ethics or the Committee on House Administration

69. Representative Broun was not involved in any discussions with the Committee on House Administration or Committee on Ethics regarding Communications Adviser, but told the OCE that he recalls always telling his Chief of Staff that he was adamant they not get "close to the line."¹⁰¹ When asked when he gave this instruction to his staff, he stated

OPTION Act for tomorrow morning. [Communications Adviser], Dr. Broun and I made our final changes to it this morning . . . "); Email from Communications Adviser to Chief of Staff, dated November 18, 2013 (Exhibit 55 at 14-2533_00683) (advising on Obamacare messaging strategy).

⁹⁵ Emails between Communications Adviser and Chief of Staff, dated August 15, 2013 (Exhibit 56 at 14-2533_00685); Email from Communications Adviser to Press Secretary, dated November 19, 2013 (Exhibit 53 at 14-2533_00676).

⁹⁶ Representative Broun Transcript (Exhibit 1 at 14-2533_00028).

⁹⁷ *Id.*

⁹⁸ *Id.* at 14-2533_00030.

⁹⁹ Communications Adviser Transcript (Exhibit 11 at 14-2533_00380-00382).

¹⁰⁰ See Former Communications Director Transcript (Exhibit 3 at 14-2533_00229-00231); Press Secretary Transcript (Exhibit 21 at 14-2533_00534-00535); Director of Operations Transcript (Exhibit 4 at 14-2533_00300-00301).

¹⁰¹ Representative Broun Transcript (Exhibit 1 at 14-2533_00064).

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that he did not recall any specific conversations.¹⁰²

70. Chief of Staff told the OCE that he spoke with the Committee on House Administration on two occasions regarding Communications Adviser, but acknowledged that he never provided a copy of the Consulting Agreement to the Committee.¹⁰³
71. In the process of retaining Communications Adviser in spring 2012, Chief of Staff claims he first reached out to the Committee on House Administration, “and asked if we were allowed to retain outside consultants, and they indicated that we were . . . as long as it’s for official business.”¹⁰⁴ Chief of Staff does not recall who he spoke with and does not have any record of the phone call.¹⁰⁵ The Committee on House Administration has no record of such a conversation occurring.¹⁰⁶
72. The second instance purportedly occurred in July 2013, after a reporter emailed Press Secretary inquiring into payments from Representative Broun’s congressional office to Communications Adviser.¹⁰⁷ This inquiry, which also was apparently directed to the Committee on House Administration, is claimed to have resulted in a phone call between Chief of Staff, Press Secretary, and a spokesperson for the Committee on House Administration. Shortly after this call, Chief of Staff emailed Communications Adviser, writing, “I just talked to Admin, let me know when you can chat, I have more info.”¹⁰⁸
73. Communications Adviser does not remember any conversation with Chief of Staff regarding the Committee on Administration at that time, but recalled that Chief of Staff may have just told him, “Hey, I checked and everything is fine.”¹⁰⁹
74. Press Secretary told the OCE that she and Chief of Staff spoke with the Committee’s spokeswoman, who, according to Press Secretary, “said that it was cleared by them and that was all completely legal.”¹¹⁰ According to Press Secretary, neither she nor Chief of Staff explained Communications Adviser’s services to the spokeswoman during the call nor provided her with a copy of the Consulting Agreement to review. Instead, Press Secretary explained that the spokeswoman’s comment that Communications Adviser’s services were legal was based on the allegations the reporter was raising.¹¹¹ The Board

¹⁰² *Id.*

¹⁰³ Chief of Staff Transcript (Exhibit 2 at 14-2533_00098-00100).

¹⁰⁴ *Id.* at 14-2533_00095-00096.

¹⁰⁵ *Id.* at 14-2533_00096.

¹⁰⁶ See Letter from Robert A. Sensenbrenner, Senior Counsel, Committee on House Administration, to Kedric L. Payne, Deputy General Counsel, Office of Congressional Ethics, dated May 21, 2014 (Exhibit 57 at 14-2533_00687-00688).

¹⁰⁷ Email from Paul Singer, *USA Today*, to Press Secretary, dated July 17, 2013 (Exhibit 58 at 14-2533_00690).

¹⁰⁸ Email from Chief of Staff to Communications Adviser, dated July 18, 2013 (Exhibit 59 at 14-2533_00692).

¹⁰⁹ Communications Adviser Transcript (Exhibit 11 at 14-2533_00422).

¹¹⁰ Press Secretary Transcript (Exhibit 21 at 14-2533_00522).

¹¹¹ *Id.* at 14-2533_00525.

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notes that the issue raised by the reporter did not relate to whether Communications Adviser was a consultant or permissible contractor.¹¹²

75. In March 2014, after media articles questioned the relationship between Representative Broun's congressional office and Communications Adviser, Representative Broun's office did not reach out to the Committee on House Administration or the Committee on Ethics to seek advice on the permissibility of Communications Adviser's services.¹¹³ But, Representative Broun's office did issue the following statement:¹¹⁴

From: Hardman, Christine Christine.Hardman@mail.house.gov &
Subject: Statement
Date: March 13, 2014 at 9:58 AM
To: Brett O'Donnell [REDACTED]@odacomcommunications.com

"Brett O'Donnell is a contract member of Congressman Broun's official communications team. As he does with several other members of Congress, he provides training with public speaking, on-camera interviews, and media appearances so that Dr. Broun can best communicate his legislative priorities, issues, and message with his constituents. As stated by the House Administration Committee, O'Donnell's communications training is in compliance with all House rules."

76. According to Press Secretary and Chief of Staff, who drafted the statement,¹¹⁵ the statement that Communications Adviser's services were "in compliance with all House rules" was based on a Committee on House Administration statement to *USA Today* in July 2013.¹¹⁶ The Deputy General Counsel of the Committee on House Administration confirmed that a committee spokesperson issued the following statement:¹¹⁷

Members may not use their official budgets for campaign purposes. Period. We are aware of the media training provided by O'Donnell and Associates, and our regulations permit such training services by contractors.

77. The Deputy General Counsel also explained to the OCE that the statement addressed the permissibility of such services provided "by contractors," writing, "the Members' Congressional Handbook specifically denotes the difference between the duties that can be performed by a consultant and the duties that can be performed by a contractor."¹¹⁸ The Committee also explained that their spokesperson does not recall speaking with Representative Broun's office, but that it "may be possible" they spoke over the phone.¹¹⁹ The spokesperson explained that, "to the best of her recollection, at no point in this conversation, if indeed it occurred, was [she] asked to review or approve the specific

¹¹² Paul Singer, *Lawmakers hire GOP debate expert with taxpayer money*, USA TODAY, July 23, 2013, available at <http://www.usatoday.com/story/news/politics/2013/07/23/bachmann-mcmorris-rogers-odonnell-gop-consultant/2574119/>.

¹¹³ Press Secretary Transcript (Exhibit 21 at 14-2533_00524); Chief of Staff Transcript (Exhibit 2 at 14-2533_00100).

¹¹⁴ Email from Press Secretary to Communications Adviser, dated March 13, 2014 (Exhibit 60 at 14-2533_00694).

¹¹⁵ Press Secretary Transcript (Exhibit 21 at 14-2533_00558).

¹¹⁶ *Id.* at 14-2533_00559; Chief of Staff Transcript (Exhibit 2 at 14-2533_00161).

¹¹⁷ Letter from Bob Sensenbrenner, Deputy General Counsel, Committee on House Administration, to Kedric L. Payne, Deputy General Counsel, Office of Congressional Ethics, dated June 25, 2014 (Exhibit 61 at 14-2533_00696-00697).

¹¹⁸ *Id.*

¹¹⁹ *Id.*

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contract that Mr. Broun’s office entered into.”¹²⁰ The Committee also told the OCE it was unable to locate any records of “any informal or formal approval or consultation on contracts from [Communications Adviser] and a House Office.”¹²¹

III. REPRESENTATIVE BROUN MAY HAVE USED OFFICIAL FUNDS TO COMPENSATE COMMUNICATIONS ADVISER FOR CAMPAIGN RELATED SERVICES

A. Laws, Regulations, Rules, and Standards of Conduct

78. 31 U.S.C. § 1301(a)

“Appropriations shall be applied only to the objects for which the appropriations were made”

79. 18 U.S.C. § 641

“Whoever . . . knowingly converts to his use or the use of another . . . money, or thing of value of the United States . . . [s]hall be fined under this title or imprisoned”

80. 18 U.S.C. § 1001(a)

“Except as otherwise provided in this section, whoever in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully — (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.”

81. House Rule 23, clause 1

Members “shall behave at all times in a manner that shall reflect creditably on the House.”

82. House Rule 23, clause 2

Members “shall adhere to the spirit and the letter of the Rules of the House”

83. House Ethics Manual

The House Ethics Manual instructs that, “official resources of the House must, as a general rule, be used for the performance of official business of the House, and hence

¹²⁰ *Id.*

¹²¹ *Id.*

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those resources may not be used for campaign or political purposes. . . . The misuse of the funds and other resources that the House of Representatives entrusts to Members for the conduct of official House business is a very serious matter. . . . each Member should be aware that he or she may be held responsible for any improper use of resources that occurs in the Member's office. The Standards Committee has long taken the position that each Member is responsible for assuring that the Member's employees are aware of and adhere to the rules, and for assuring that House resources are used for proper purposes."¹²²

*"Members may be personally liable for misspent funds or expenditures exceeding the MRA."*¹²³

*"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."*¹²⁴

*"[A] Member or employee must take reasonable steps to ensure that any outside organization over which he or she exercises control — including the individual's own authorized campaign committee or, for example, a 'leadership PAC' — operates in compliance with applicable law."*¹²⁵

B. Communications Adviser's Proposal and Consulting Agreement Provided for Debate Preparation Services

84. Communications Adviser's Proposal to Representative Broun included extensive information on campaign debate preparation services and specifically stated on the cover letter that, "this proposal will cover assisting with messaging, and other strategic communication campaign or official activities, including specific media interview prep for each appearance as they are scheduled."¹²⁶
85. When asked why the Proposal mentioned campaign services, Communications Adviser explained that the Proposal was "kind of a boilerplate" used for both elected officials and candidates, listing "all of the range of services" he can provide "and then they can pick what they want. So it's not -- you know, it's not a 'Here's everything I will deliver.' It's 'What I could deliver.'"¹²⁷ When asked why the Proposal repeatedly referenced debate preparation services, Communications Adviser responded that it was referencing both candidate debates and debates undertaken in an official capacity, such as floor or committee debates.¹²⁸

¹²² House Ethics Manual at 123-24 (emphasis in original).

¹²³ *Id.* at 323 (citations omitted).

¹²⁴ *Id.* at 126 (citing 18 U.S.C. § 1001).

¹²⁵ *Id.* at 123.

¹²⁶ Communications Adviser Proposal, dated June 9, 2014 (Exhibit 8 at 14-2533_00339-00348).

¹²⁷ Communications Adviser Transcript (Exhibit 11 at 14-2533_00360).

¹²⁸ *Id.* at 14-2533_00361-00362, 00401-00403.

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86. As noted above, both Representative Broun and Chief of Staff told the OCE that they did not look at the Proposal.¹²⁹ Communications Adviser told the OCE, however, that the purpose of his second interview—on June 8, 2012—was to discuss the Proposal.¹³⁰
87. The Consulting Agreement between Communications Adviser and Representative Broun’s congressional office also mentioned debate preparation, providing in the Engagement clause that, “The Client hereby engages Consultant to render, as an independent contractor, the consulting services associated with media interview/public speaking/message/debate preparation for Representative Paul Broun”¹³¹

1. Engagement:

(a) The Client hereby engages Consultant to render, as an independent contractor, the consulting services associated with media interview/public speaking/message/debate preparation for Representative Paul Broun and such other services as may be agreed to in writing by the Client and Consultant from time to time.

88. When asked if campaign services or debates were discussed during Communications Adviser’s interviews, Representative Broun responded, “Never.”¹³² When asked if Communications Adviser offered to volunteer for the campaign when Representative Broun’s office was considering retaining him, Representative Broun told the OCE, “I wasn’t involved in those conversations at all, so I can’t comment about those.”¹³³
89. Chief of Staff told the OCE that he does not recall discussing campaign matters with Communications Adviser during the interviews.¹³⁴
90. Former Communications Director told the OCE that Representative Broun’s campaign and campaign debates were not discussed during the interviews.¹³⁵
91. When asked if Representative Broun’s campaign was discussed during the two initial interviews, Communications Adviser told the OCE “[N]ot at all.”¹³⁶ When asked if campaign debates were discussed, he responded again “[N]ot at all.”¹³⁷
92. Communications Adviser told the OCE that the Consulting Agreement is “a boilerplate consulting agreement,”¹³⁸ but that the Engagement clause accurately describes the

¹²⁹ Representative Broun Transcript (Exhibit 1 at 14-2533_00007); Chief of Staff Transcript (Exhibit 2 at 14-2533_00090).

¹³⁰ Communications Adviser Transcript (Exhibit 11 at 14-2533_00359).

¹³¹ Consulting Agreement between Communications Adviser and Representative Paul Broun, dated June 16, 2012 (Exhibit 13 at 14-2533_00457-00460).

¹³² Representative Broun Transcript (Exhibit 1 at 14-2533_00008-00010).

¹³³ *Id.* at 14-2533_00010-00011.

¹³⁴ Chief of Staff Transcript (Exhibit 2 at 14-2533_00088).

¹³⁵ Former Communications Director Transcript (Exhibit 3 at 14-2533_00196-00199, 00203-00204).

¹³⁶ Communications Adviser Transcript (Exhibit 11 at 14-2533_00360-00361).

¹³⁷ *Id.* at 14-2533_00362.

¹³⁸ *Id.* at 14-2533_00364.

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services he was to provide.¹³⁹ He explained the inclusion of “debate preparation” was a reference to official debates, such as floor debates, rather than campaign debates.¹⁴⁰

93. Chief of Staff told the OCE that the Consulting Agreement accurately reflected the services provided, and that the Consulting Agreement’s reference to “debate preparation” was not referencing campaign debates, because, “We didn’t need debate preparation.”¹⁴¹
94. As noted below, however, within just a few days of entering into the Consulting Agreement, Communications Adviser began providing Representative Broun with campaign debate preparation services.

C. Communications Adviser Provided Consulting Services to Representative Broun’s 2012 Congressional Campaign

95. In addition to providing consulting services to Representative Broun’s congressional office as laid out above, within a few days of entering into the Consulting Agreement, Communications Adviser also began preparing Representative Broun for and reviewing his performance in campaign debates related to his 2012 congressional campaign.
96. On June 14, 2012—the same day Communications Adviser was introduced to the congressional staff and two days before the Consulting Agreement went into effect—Chief of Staff emailed Communications Adviser, writing “As we discussed last week, there was a potential for a debate which has now turned into a scheduled event on June 22nd The Congressman would like to schedule a couple of hours later that afternoon [on June 21st] for debate preparations so we are going to hold from 3-6pm on our schedule and secure a conference room at the NRCC for this purpose.”¹⁴² Communications Adviser responded that he could “be there for the entire time.”¹⁴³

From:	Brett O'Donnell ([REDACTED]@odacommunications.com]
Sent:	Thursday, June 14, 2012 2:27 PM
To:	Bowser, David
Cc:	Griffani, Meredith; Norton, Teddie; Chinouth, Jordan
Subject:	Re: Time next week

I can be there for the entire time. Let's talk early in the week about how to structure that session.

Brett

Sent from my iPhone

On Jun 14, 2012, at 2:07 PM, "Bowser, David" <David.Bowser@mail.house.gov> wrote:

Brett,

As we discussed last week, there was a potential for a debate which has now turned into a scheduled event on June 22nd on television from 9:30 - 10:30 am in studio. We are in session next week with last votes no later than Thursday, June 21st at 3pm. The Congressman would like to schedule a couple of hours later that afternoon for debate preparations so we are going to hold from 3-6pm on our schedule and secure a conference room at the NRCC for this purpose. Please let me know if we can plan on you attending some or all of this prep time.

¹³⁹ *Id.* at 14-2533_00365.

¹⁴⁰ *Id.* at 14-2533_00438-00440.

¹⁴¹ Chief of Staff Transcript (Exhibit 2 at 14-2533_00094).

¹⁴² Emails between Chief of Staff and Communications Adviser, dated June 14, 2012 (Exhibit 62 at 14-2533_00699).

¹⁴³ *Id.*

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97. Leading up to the June 21, 2012 campaign debate preparation session, Communications Adviser prepared potential questions¹⁴⁴ and was provided video of Representative Broun's previous campaign debates to review.¹⁴⁵
98. Communications Adviser recalled that a campaign debate preparation session took place around June 21, 2012 at the NRCC.¹⁴⁶ Representative Broun told the OCE that he does not recall a June 2012 campaign debate preparation session,¹⁴⁷ however following the campaign debate preparation session, Communications Adviser emailed Representative Broun "reminders from the prep session today," indicating that the session occurred.¹⁴⁸

Brett O'Donnell <[REDACTED]@odacomunications.com> Fri, Jun 22, 2012 at 12:05 AM
 To: David Bowser <[REDACTED]@yates.com>
 Cc: Bob Bibeck <[REDACTED]@sol.com>, Jordan Chircuth <[REDACTED]@gmail.com>, Meredith Ciffanti <[REDACTED]@gmail.com>, Paul Broun-Personal <[REDACTED]@sol.com>

Dr. Broun,

Below are the reminders from the prep session today.

1) You win the debate if

- You drive the message of the debate "I am the leader in congress of cutting wasteful spending, and can lead to turn this economy around and create jobs." (Don't forget to use caterpillar as an example) and the submessage-"I stand on principle in Washington, not for party or politics and 4 questions I ask before voting for any bill."
- You are competent in answering questions

You can consider lock your opponent's strategy.

99. It appears that on June 29, 2012, an hour-long session to review the June 22, 2012 campaign debate and prepare for a July 2, 2012 campaign debate on WGAU radio took place at the NRCC.¹⁴⁹
100. Additionally, Former Communications Director and Communications Adviser had a call with Representative Broun on July 1, 2012 to prepare him for the campaign debate.¹⁵⁰ Communications Adviser was also involved in editing campaign debate talking points in advance of the debate.¹⁵¹

¹⁴⁴ Email from Communications Adviser to Chief of Staff and various recipients, dated June 21, 2012 (Exhibit 63 at 14-2533_00701-00702).

¹⁴⁵ See Emails between Former Communications Director and Communications Adviser, dated June 12, 2012 (Exhibit 64 at 14-2533_00704-00711).

¹⁴⁶ Communications Adviser Transcript (Exhibit 11 at 14-2533_00395-00397).

¹⁴⁷ Representative Broun Transcript (Exhibit 1 at 14-2533_00044-00045).

¹⁴⁸ Email from Communications Adviser to Representative Broun, dated June 22, 2012 (Exhibit 65 at 14-2533_00713-00714).

¹⁴⁹ Emails between Director of Operations and Communications Adviser, dated June 25, 2012 (Exhibit 66 at 14-2533_00716-00721).

¹⁵⁰ Emails between Former Communications Director and Communications Adviser, dated July 1, 2012 (Exhibit 67 at 14-2533_00725-00729); Transcript of Interview of Campaign Consultant, dated June 20, 2014 ("Campaign Consultant Transcript") (Exhibit 68 at 14-2533_00750) (explaining that the July 2, 2012 debate was hosted by Tim Bryant of WGAU radio).

¹⁵¹ Emails between Former Communications Director and Communications Adviser, dated July 1, 2012 (Exhibit 69 at 14-2533_00802).

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101. It also appears that Communications Adviser conducted a session to review Representative Broun's campaign debates on or about July 10, 2012, at the NRCC.¹⁵² On July 3, 2012, Director of Operations emailed Communications Adviser, writing, "Dr. Broun wants to set up about 90 minutes next week to go over both debates."¹⁵³ Communications Adviser told the OCE that the post-debate evaluation session "may have" occurred.¹⁵⁴
102. Despite the extensive documentary evidence indicating that the campaign debate preparation and review sessions occurred, Former Communications Director told the OCE that she does not recall Communications Adviser being involved in campaign debate preparation or review sessions related to Representative Broun's 2012 congressional campaign.¹⁵⁵
103. Representative Broun also told the OCE that he does not recall any campaign debate review sessions taking place related to the 2012 campaign.¹⁵⁶
104. Despite Campaign Consultant being copied on emails regarding Communications Adviser's 2012 congressional campaign debate preparation and review sessions, he told the OCE that he does not recall any debate preparation or review sessions related to Representative Broun's 2012 campaign.¹⁵⁷ He did recall, however, that Communications Adviser advised him on his participation in a Lake Oconee campaign forum on Representative Broun's behalf during the 2012 congressional campaign.¹⁵⁸
105. Communications Adviser told the OCE that he helped prepare Representative Broun for the 2012 congressional campaign debates at the request of Representative Broun or Chief of Staff, who, according to Communications Adviser, asked if he would be willing to give them some tips, outside of what he was doing for the congressional office, a couple of weeks after he began working for the congressional office.¹⁵⁹

D. Communications Adviser Provided Consulting Services to Representative Broun's 2014 Senate Campaign

106. In addition to providing services to Representative Broun's 2012 congressional campaign, Communications Adviser also provided extensive services to Representative Broun's 2014 Senate campaign. Indeed, the documentary and testimonial evidence

¹⁵² Emails between Director of Operations and Communications Adviser, dated July 10, 2012 (Exhibit 70 at 14-2533_00804).

¹⁵³ Emails between Director of Operations and Communications Adviser, dated July 3, 2012 (Exhibit 71 at 14-2533_00806-00807).

¹⁵⁴ Communications Adviser Transcript (Exhibit 11 at 14-2533_00408).

¹⁵⁵ Former Communications Director Transcript (Exhibit 3 at 14-2533_00239-00243, 00254, 00261-00262).

¹⁵⁶ Representative Broun Transcript (Exhibit 1 at 14-2533_00045).

¹⁵⁷ Campaign Consultant Transcript (Exhibit 68 at 14-2533_00751-00752).

¹⁵⁸ *Id.* at 14-2533_00739-00741.

¹⁵⁹ Communications Adviser Transcript (Exhibit 11 at 14-2533_00397).

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before the OCE indicates that Communications Adviser was part of Representative Broun's "core team" of campaign staffers and advisers.¹⁶⁰ Communications Adviser participated in conference calls reserved for the campaign's closest advisers and was included on numerous emails between the campaign's staff. He also attended a small gathering of Representative Broun's campaign "braintrust" in February 2013 that appears to have coincided with an official staff retreat in Georgia.¹⁶¹

107. Communications Adviser recalls traveling to Georgia, but does not recall an official staff retreat taking place, and told the OCE that his travel was in order to meet with his campaign team.¹⁶²
108. The campaign services provided by Communications Adviser included: preparing for and reviewing Representative Broun's participation in several campaign debates and forums, including coordinating debate formats; conducting messaging calls to prepare Representative Broun for campaign media interviews and public appearances; drafting and preparing Representative Broun for campaign speeches; and advising the campaign on communications strategy.¹⁶³ Each of these areas of campaign activity is detailed below.

Campaign Debate and Forum Format Consulting

109. Communications Adviser assisted Representative Broun's campaign by tracking and negotiating campaign debate and forum formats.¹⁶⁴
110. Acting on Representative Broun's behalf, Communications Adviser negotiated the format of Georgia GOP Senate debates. On November 14, 2013, Chief of Staff emailed Campaign Consultant, telling him, "We want [Communications Adviser] to take the lead in setting up our debates"¹⁶⁵ On January 8, 2014, Communications Adviser emailed

¹⁶⁰ Email from Chief of Staff to Communications Adviser and various recipients, dated November 14, 2013 (Exhibit 72 at 14-2533_00809-00810) (referring to Communications Adviser and several other recipients as the campaign's "core team"). Campaign Manager told the OCE that from his perspective Communications Adviser was not part of the core campaign team, but rather a part of an "expanded group" of confidants that was included on campaign emails or in certain campaign telephone calls. However, Campaign Manager was based out of Georgia and told the OCE that he did not personally interact with Communications Adviser, rarely interacted with Representative Broun, and was not "on the inner circle" of the campaign. Transcript of Interview of Campaign Manager ("Campaign Manager Transcript") (Exhibit 73 at 14-2533_00821-00822, 00824-00825, 00867-00868).

¹⁶¹ Email from Chief of Staff to Communications Adviser and various recipients, dated February 14, 2013 (Exhibit 74 at 14-2533_00877); Campaign Consultant Transcript (Exhibit 68 at 14-2533_36-37). Chief of Staff told the OCE that they asked Communications Adviser to attend the staff retreat in Georgia so that he could discuss messaging with the staff, and that the reason for his travel was official rather than campaign related. Chief of Staff Transcript (Exhibit 2 at 14-2533_00155-00156).

¹⁶² Communications Adviser Transcript (Exhibit 11 at 14-2533_00418-00419).

¹⁶³ *Id.* at 14-2533_00384-00387.

¹⁶⁴ *Id.* at 14-2533_00393-00395; Campaign Consultant Transcript (Exhibit 68 at 14-2533_00772-00773); Chief of Staff Transcript (Exhibit 2 at 14-2533_00137-00138); Email from Communications Adviser to Chief of Staff, dated September 4, 2013 (Exhibit 75 at 14-2533_00879-00880) (Communications Adviser e-mailed Chief of Staff, writing "We need a debate and forum calendar started w contact info so I can help negotiate formats and we can track.").

¹⁶⁵ Email from Chief of Staff to Campaign Consultant, dated November 14, 2013 (Exhibit 76 at 14-2533_00882).

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Campaign Consultant and Chief of Staff, notifying them that he had spoken with the Georgia Republican Party, and that they “basically let [Communications Adviser] write the format.”¹⁶⁶ It appears that Communications Adviser remained a liaison with the Georgia GOP regarding the debates through March of 2014.¹⁶⁷

111. Communications Adviser also advised the campaign regarding which debates to participate in and messaging surrounding the debates.¹⁶⁸ For example, Communications Adviser advised Chief of Staff that Representative Broun should participate in both the Gilmer County Tea Party candidate forum and the GOP debate in Kennesaw, Georgia on February 1, 2014 even though the events were scheduled to take place on the same day, writing to Chief of Staff, “Will be good warm up. And it’s our crowd. Do both.”¹⁶⁹

Campaign Debate and Forum Preparation Sessions

112. Communications Adviser conducted several campaign debate or candidate forum preparation sessions with Representative Broun during Representative Broun’s 2014 Senate campaign. The preparation sessions typically occurred in the Washington, DC offices of a media consultant to Representative Broun’s Senate campaign. On certain occasions, the sessions occurred in Representative Broun’s Athens, Georgia campaign headquarters, with Communications Adviser joining via videoconference or teleconference.
113. The documentary and testimonial evidence indicates that Communications Adviser likely conducted campaign debate and forum preparation or review sessions on the following occasions during Representative Broun’s 2014 Senate campaign:¹⁷⁰

2014 SENATE CAMPAIGN DEBATE AND FORUM PREPARATION AND REVIEW SESSIONS CONDUCTED BY COMMUNICATIONS ADVISER			
Date	Description	Location of Session	Debate/Forum

¹⁶⁶ Email from Communications Adviser to Campaign Consultant, dated January 8, 2014 (Exhibit 77 at 14-2533_00884).

¹⁶⁷ See Email from Communications Adviser to Chief of Staff, dated March 4, 2014 (Exhibit 78 at 14-2533_00888) (relaying to Chief of Staff information regarding the Macon, Georgia GOP Senate debate).

¹⁶⁸ Campaign Manager told the OCE that “it was common” for Communications Adviser to advise the campaign on whether or not Representative Broun should participate in a debate. Campaign Manager Transcript (Exhibit 73 at 14-2533_00839).

¹⁶⁹ Email from Communications Adviser to Chief of Staff, dated January 6, 2014 (Exhibit 79 at 14-2533_00890). Communications Adviser also advised the campaign to not say “Broun won the first debate” regarding the January 18, 2014 GOP Senate debate. Email from Communications Adviser to Press Secretary, dated January 18, 2014 (Exhibit 80 at 14-2533_00893).

¹⁷⁰ The Board notes that a small number of these sessions may not have actually occurred, because in some instances witnesses could not specifically recall a session or recalled that a session described in the documents may not have actually taken place or may have been rescheduled. The Board also notes that other sessions between Communications Adviser and Representative Broun occurred in close proximity to campaign debates and forums, but were not specifically identified by documentary or testimonial evidence as campaign debate or forum preparation sessions. These sessions were not included in this list.

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June 2013 ¹⁷¹	Preparation for forum	Not identified	June 29, 2013 C.H.A.R.G.E. Forum
July 9, 2013 ¹⁷²	“Meet w/[Communications Adviser]”	Teleconference	June 29, 2013 C.H.A.R.G.E. Forum
January 8, 2014 ¹⁷³	“debate prep”	Washington, DC	January 18, 2014 Adel, Georgia GOP Debate
January 10, 2014 ¹⁷⁴	“Prep w/ [Communications Adviser] for debate”	Washington, DC	January 18, 2014 Adel, Georgia GOP Debate
January 14, 2014 ¹⁷⁵	“debate prep”	Not identified	January 18, 2014 Adel, Georgia GOP Debate
January 16, 2014 and/or January 17, 2014 ¹⁷⁶	“Prep for Debate w/ [colleague of Communications Adviser]”	Washington, DC	January 18, 2014 Adel, Georgia GOP Debate
January 29, 2014 ¹⁷⁷	“Debate Prep with [Communications Adviser]”	Washington, DC	February 1, 2014 Kennesaw, Georgia GOP Debate
January 31, 2014 ¹⁷⁸	“Debate Prep”	Athens, GA	February 1, 2014 Kennesaw,

¹⁷¹ See Representative Broun Transcript (Exhibit 1 at 14-2533_00047); Communications Adviser Transcript (Exhibit 11 at 14-2533_00410-00411). See also Emails between Communications Adviser and Chief of Staff, dated June 17, 2013 (Exhibit 81 at 14-2533_00896). Communications Adviser also edited Representative Broun’s speech for the Forum. See Email from Communications Adviser to Representative Broun, dated June 28, 2013 (Exhibit 82 at 14-2533_00898); Email from Representative Broun to Communications Adviser, dated June 30, 2013 (Exhibit 83 at 14-2533_00900).

¹⁷² Email from Communications Adviser to Chief of Staff, dated July 8, 2013 (Exhibit 84 at 14-2533_00902); Calendar Entries for Representative Paul Broun’s Calendar, dated July 9, 2013 (Exhibit 85 at 14-2533_00904-00905).

¹⁷³ Representative Broun Transcript (Exhibit 1 at 14-2533_00051); Communications Adviser Transcript (Exhibit 11 at 14-2533_00414); Chief of Staff Transcript (Exhibit 2 at 14-2533_00144); Email from Director of Operations to Communications Adviser, dated January 2, 2014 (Exhibit 86 at 14-2533_00907); Email from Director of Operations to Communications Adviser, dated January 8, 2014 (Exhibit 87 at 14-2533_00909).

¹⁷⁴ Representative Broun Transcript (Exhibit 1 at 14-2533_00053); Calendar Entry for Representative Paul Broun’s Calendar, dated January 10, 2014 (Exhibit 88 at 14-2533_00911); Email from Press Secretary to Chief of Staff, dated January 10, 2014 (Exhibit 89 at 14-2533_00913); Email from Communications Adviser to Chief of Staff, dated January 10, 2014 (Exhibit 89 at 14-2533_00913). But see Chief of Staff Transcript (Exhibit 2 at 14-2533_00146-00147) (telling the OCE that he believes the January 10, 2014 session was not a campaign debate preparation session).

¹⁷⁵ Email from Director of Operations to Communications Adviser, dated January 2, 2014 (Exhibit 86 at 14-2533_00907).

¹⁷⁶ Representative Broun Transcript (Exhibit 1 at 14-2533_00053-00054); Calendar Entry for Representative Paul Broun’s Calendar, dated January 16, 2014 (Exhibit 90 at 14-2533_00915); Calendar Entry for Representative Paul Broun’s Calendar, dated January 17, 2014 (Exhibit 90 at 14-2533_00916). See also Email from Press Secretary to Communications Adviser, dated January 16, 2014 (Exhibit 91 at 14-2533_00918-00919) (recapping the day’s preparation session). According to documentary and testimonial information provided to the OCE, a colleague of Communications Adviser was “filling in” for him during this debate preparation session because Communications Adviser was away on travel. See Communications Adviser Transcript (Exhibit 11 at 14-2533_00415-00416); Email from Chief of Staff to Communications Adviser, dated January 9, 2014 (Exhibit 92 at 14-2533_00921); Press Secretary Transcript (Exhibit 21 at 14-2533_00550-00551); Chief of Staff Transcript (Exhibit 2 at 14-2533_00143). It appears that there may have been only one session with Communications Adviser’s colleague. See Chief of Staff Transcript (Exhibit 2 at 14-2533_00147-00148).

¹⁷⁷ Calendar Entry for Representative Paul Broun’s Calendar, dated January 29, 2014 (Exhibit 93 at 14-2533_00923).

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			Georgia GOP Debate
February 18, 2014 ¹⁷⁹	“Call w/[Communications Adviser] for debate prep”	Not identified	February 18, 2014 National Federation of Independent Business Senate Candidate Forum
February 21, 2014 ¹⁸⁰	“Debate Prep—skyping w/[Communications Adviser]”	Videoconference	February 22, 2014 Gainesville, Georgia GOP Debate
March 4, 2014 ¹⁸¹	Debate preparation session	Not identified	March 8, 2014 Macon, Georgia GOP Debate
March 7, 2014 ¹⁸²	Debate preparation session	Not identified	March 8, 2014 Macon, Georgia GOP Debate

114. Communications Adviser also prepared an “attack grid” for Representative Broun to use in the campaign debates, which incorporated opposition research done for the campaign.¹⁸³ Representative Broun said he did not use it because he wanted to run a positive campaign.¹⁸⁴ Chief of Staff said that Communications Adviser produced the attack grid on his own and they never used it.¹⁸⁵

115. Communications Adviser told the OCE that he was involved in “several” campaign debate preparation sessions with Representative Broun in Washington, DC, but he does not specifically recall the precise dates of the sessions he attended and that another campaign staffer was “steering that ship.”¹⁸⁶ He told the OCE that the sessions would typically last about an hour and involved “Q&A.”¹⁸⁷

116. Representative Broun told the OCE that he could not recall many campaign debate preparation sessions specifically, but that “on a routine basis” he would talk to Communications Adviser prior to a forum or debate to touch base if he had any questions.¹⁸⁸ Representative Broun also told the OCE that they “never had what I would consider a sit down practice debate or anything like that ’cause these were forums where

¹⁷⁸ Emails between Press Secretary, Communications Adviser, and Director of Operations, dated January 30, 2014 (Exhibit 93 at 14-2533_00925-00926); Calendar Entry for Representative Paul Broun’s Calendar, dated January 31, 2014 (Exhibit 94 at 14-2533_00928).

¹⁷⁹ Calendar Entry for Representative Paul Broun’s Calendar, dated February 18, 2014 (Exhibit 95 at 14-2533_00930).

¹⁸⁰ Calendar Entry for Representative Paul Broun’s Calendar, dated February 21, 2014 (Exhibit 96 at 14-2533_00932).

¹⁸¹ Representative Broun Transcript (Exhibit 1 at 14-2533_59); Emails between Director of Operations and Communications Adviser, dated February 25, 2014 (Exhibit 97 at 14-2533_00934).

¹⁸² *Id.*

¹⁸³ Communications Adviser Transcript (Exhibit 11 at 14-2533_00412-00413). *See* Email from Communications Adviser to various recipients, dated December 26, 2013 (Exhibit 98 at 14-2533_00937); Email from Communications Adviser to various recipients, dated December 30, 2013 (Exhibit 99 at 14-2533_00939-00940).

¹⁸⁴ Representative Broun Transcript (Exhibit 1 at 14-2533_00050).

¹⁸⁵ Chief of Staff Transcript (Exhibit 2 at 14-2533_00138-00139).

¹⁸⁶ Communications Adviser Transcript (Exhibit 11 at 14-2533_00395, 00413-00415).

¹⁸⁷ *Id.* at 14-2533_00415.

¹⁸⁸ Representative Broun Transcript (Exhibit 1 at 14-2533_00059).

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they ask questions and [Communications Adviser] and I would talk about questions that might be asked and what my answer would be”¹⁸⁹

117. Congressional Staffer told the OCE that Representative Broun referred to Communications Adviser as his “debate coach” during the 2014 Senate campaign.¹⁹⁰
118. Chief of Staff told the OCE that he believed Communications Adviser was involved in maybe three to four campaign debate preparation sessions with Representative Broun.¹⁹¹
119. Former Communications Director told the OCE that she recalled Communications Adviser being involved in preparing Representative Broun for campaign debates and interviews during the early stages of the 2014 Senate campaign, which occurred prior to her departure from the office in May 2013.¹⁹²
120. Campaign Consultant recalled holding more than one campaign debate preparation session in his office in Athens, Georgia, but neither he nor Chief of Staff recalled Communications Adviser joining any debate preparation sessions via videoconference or teleconference.¹⁹³ Press Secretary, however, specifically recalled Communications Adviser joining, via videoconference, a debate preparation session that was held in Campaign Consultant’s office during the 2014 Senate campaign.¹⁹⁴ Representative Broun also recalled that on one or two occasions Communications Adviser joined a campaign debate or forum preparation session via videoconference.¹⁹⁵ Communications Adviser also recalled joining campaign debate preparation sessions taking place in Georgia via videoconference or teleconference “a couple of times.”¹⁹⁶
121. Press Secretary, who joined the congressional office in July 2013, told the OCE that she participated in five or six debate preparation sessions related to Representative Broun’s 2014 Senate campaign and that during the sessions Communications Adviser—who attended all of the sessions she was present for—would often pretend to be the debate moderator, “asking [Representative Broun] questions like that.”¹⁹⁷

Preparation for and Review of Campaign Media and Public Appearances

¹⁸⁹ *Id.* at 14-2533_00047.

¹⁹⁰ Memorandum of Interview of Congressional Staffer (“Congressional Staffer MOI”) (Exhibit 100 at 14-2533_00941-00942) (recalling Representative Broun telling a campaign supporter, who suggested he hire a debate coach, that he already had a debate coach; Michele Bachmann’s debate coach). Exhibit 100 has been withheld from public release in order to protect the identity of the witness given the unique circumstances of their cooperation. Exhibit 100 will be made available to the Committee on Ethics.

¹⁹¹ Chief of Staff Transcript (Exhibit 2 at 14-2533_00151).

¹⁹² Former Communications Director Transcript (Exhibit 3 at 14-2533_00254-00256).

¹⁹³ Campaign Consultant Transcript (Exhibit 68 at 14-2533_00781-00783); Chief of Staff Transcript (Exhibit 2 at 14-2533_00150).

¹⁹⁴ Press Secretary Transcript (Exhibit 21 at 14-2533_00553).

¹⁹⁵ Representative Broun Transcript (Exhibit 1 at 14-2533_00059).

¹⁹⁶ Communications Adviser Transcript (Exhibit 11 at 14-2533_00417).

¹⁹⁷ Press Secretary Transcript (Exhibit 21 at 14-2533_00530-00531, 00548-00549).

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122. As noted above, Communications Adviser held hour-long media consultation sessions with Representative Broun on approximately a weekly basis while Congress was in session. These weekly sessions may have at times been utilized to review previous, and prepare for upcoming, campaign media interviews and public appearances.¹⁹⁸ For the most part, it appears that if the weekly session was expected to address campaign matters, the session took place in a location other than the congressional office. However, at times it appears that campaign matters were discussed in the congressional office.
123. When asked if the weekly sessions sometimes were used to discuss campaign matters, Press Secretary told the OCE, “if there was like a campaign interview, that’s something that we would look at.”¹⁹⁹ When asked if the sessions that addressed campaign matters ever occurred in the congressional office, Press Secretary responded “it probably happened, once or twice in the office, but as I said, we were going over, you know, his media appearances whether they happened on a campaign side or official.”²⁰⁰
124. Communications Adviser was provided video of Representative Broun’s media interviews and public appearances so that he could provide feedback to Representative Broun. These videos were shared with Communications Adviser in a shared Google drive as well as a private YouTube account.²⁰¹ Communications Adviser told the OCE that he was provided access to the videos so he could provide Representative Broun feedback.²⁰² Communications Adviser told the OCE, however, that they did not discuss campaign matters in the official weekly sessions.²⁰³ The documentary evidence provided to the OCE, however, suggests otherwise.
125. For example, Chief of Staff wrote to the campaign team in June 2013 urging them to do a better job at obtaining video of Representative Broun and his opponents, because of the role such video played in the weekly sessions. He wrote:

[W]e have significant time and resources invested in constantly improving the messaging abilities of Paul Broun and preparing him for reactions to opponents, which is tough to do when we have our weekly meetings with [Communications Adviser] and don’t have any video to review of either PB or his opponents.²⁰⁴

¹⁹⁸ *Id.* at 14-2533_00536; Director of Operations Transcript (Exhibit 4 at 14-2533_00310-00311); Chief of Staff Transcript (Exhibit 2 at 14-2533_00108-00109).

¹⁹⁹ Press Secretary Transcript (Exhibit 21 at 14-2533_00542).

²⁰⁰ *Id.* at 14-2533_00562.

²⁰¹ Emails between Communications Adviser and Press Secretary, dated March 10, 2014 (Exhibit 101 at 14-2533_00945); Email from Communications Adviser to various recipients, dated February 24, 2014 (Exhibit 102 at 14-2533_00947); Emails between Communications Adviser and Campaign Consultant, dated June 25, 2013 (Exhibit 103 at 14-2533_00949); Chief of Staff Transcript (Exhibit 2 at 14-2533_00115); Press Secretary Transcript (Exhibit 21 at 14-2533_00541).

²⁰² Communications Adviser Transcript (Exhibit 11 at 14-2533_00392-00393).

²⁰³ *Id.* at 14-2533_00384-00385).

²⁰⁴ Email from Chief of Staff to various recipients, dated June 13, 2013 (Exhibit 104 at 14-2533_00951).

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126. Representative Broun initially stated that the weekly sessions were not used for campaign-related interviews or appearances.²⁰⁵ He later stated that if they were used to discuss campaign matters it was “[n]ot much if any” because he and Communications Adviser “had more of those discussions by phone than anything else.”²⁰⁶ When asked if he and Communications Adviser reviewed videos of his past campaign appearances in the congressional office, Representative Broun responded, “yes . . . it wasn’t every time but I tried to look at those TV interviews and -- and critique myself and listen to his critique . . . it was the purpose for having him was to help me be a better communicator and so we -- we would -- you know, we did that.”²⁰⁷ Representative Broun again changed his answer, stating that he did not recall any instances in which campaign appearances were reviewed during the weekly sessions.²⁰⁸
127. Most of Communications Adviser’s weekly sessions that concerned political matters were held outside of federal buildings. However, some were held in Representative Broun’s congressional office.
128. Director of Operations told the OCE that the office tried to ensure that if Communications Adviser’s session was expected, even in part, to cover political or campaign matters that the meeting was not held in the congressional office.²⁰⁹ Communications Adviser confirmed this practice, noting that they “rarely discussed campaign matters.”²¹⁰ Former Communications Director also confirmed this practice.²¹¹
129. OCE asked Director of Operations “what share of [the meetings] were scheduled places other than [the congressional office] because the subject matter was political?” Director of Operations estimated 40% of the meetings.²¹² Former Communications Director confirmed that they would conduct Communications Adviser’s sessions at the NRCC “just to be safe” in case the topic was campaign related.²¹³ She estimated that approximately 80% of the sessions took place in the congressional office and 20% at the NRCC.²¹⁴

²⁰⁵ Representative Broun Transcript (Exhibit 1 at 14-2533_00023).

²⁰⁶ *Id.* at 14-2533_00024.

²⁰⁷ *Id.* at 14-2533_00024-00025.

²⁰⁸ *Id.* at 14-2533_00035-00036.

²⁰⁹ *See, e.g.*, Emails between Director of Operations and Communications Adviser, dated July 30, 2012 (Exhibit 105 at 14-2533_00953-00955) (Director of Operations emailed Communications Adviser asking whether that week’s session “Would be able to be in our office, considering the primary is tomorrow, or should I get a room across the street?” Communications Adviser responded, “In your office is fine.”); Emails between Director of Operations and Former Communications Director, dated December 13, 2012 (Exhibit 105 at 14-2533_00954) (Former Communications Director emailed Director of Operations regarding scheduling sessions with Communications Adviser, writing “We could have it be official today and do NRCC stuff next week.”); Former Communications Director Transcript (Exhibit 3 at 14-2533_00244-00249).

²¹⁰ Communications Adviser Transcript (Exhibit 11 at 14-2533_00371).

²¹¹ Former Communications Director Transcript (Exhibit 3 at 14-2533_00244-00249).

²¹² Director of Operations Transcript (Exhibit 4 at 14-2533_00298).

²¹³ Former Communications Director Transcript (Exhibit 3 at 14-2533_00247).

²¹⁴ *Id.* at 14-2533_00249.

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130. Thus, while it appears Representative Broun’s office took steps to ensure that campaign-related consulting sessions did not occur in the congressional office, it is evident that a number Communications Adviser’s weekly consulting sessions were at least partially campaign related.

Messaging Calls

131. In addition to discussing campaign matters during the weekly sessions, it appears that Communications Adviser also frequently conducted abbreviated preparation sessions—referred to as “messaging calls”—via telephone with Representative Broun shortly before many campaign media interviews and public appearances.²¹⁵ According to Press Secretary, these calls typically lasted from ten to fifteen minutes and Communications Adviser would go over current news items and “our main important messaging topics.”²¹⁶

132. The evidence indicates that campaign-related messaging calls occurred on numerous occasions, including in advance of a December 2013 Georgia Public Broadcasting “get-to-know the candidate” piece,²¹⁷ a “Glynn County GOP & Tea Party” meeting on August 8, 2013;²¹⁸ a “Cobb GOP Women” lunch and “Barrow GOB BBQ” on August 22, 2013;²¹⁹ an interview with *The Martha Zoller Show* on September 13, 2013;²²⁰ and in advance of a *New York Times* interview.²²¹

133. It also appears that Communications Adviser conducted one or two messaging calls with Representative Broun’s wife to “give her topline messaging and topics” as she started “making appearances at targeted events on PBs behalf.”²²²

²¹⁵ Press Secretary Transcript (Exhibit 21 at 14-2533_00545); See Emails between Chief of Staff, Communications Adviser, Press Secretary, and Director of Operations, dated August 5, 2013 (Exhibit 106 at 14-2533_00957-00960).

²¹⁶ Press Secretary Transcript (Exhibit 21 at 14-2533_00546).

²¹⁷ Emails between Communications Adviser, Chief of Staff, Director of Operations, and Press Secretary, dated December 2-10, 2013 (Exhibit 107 at 14-2533_00961-00963); Emails between Communications Adviser and Press Secretary, dated December 19, 2013 (Exhibit 108 at 14-2533_00965-00966); Communications Adviser Transcript (Exhibit 11 at 14-2533_00412).

²¹⁸ Press Secretary Transcript (Exhibit 21 at 14-2533_00545-00546); Email from Press Secretary to Chief of Staff, dated August 7, 2013 (Exhibit 109 at 14-2533_00968).

²¹⁹ Emails between Chief of Staff, Communications Adviser, Press Secretary, Director of Operations, and Campaign Consultant, dated August 16, 2013 (Exhibit 110 at 14-2533_00971-00972).

²²⁰ See Email from Chief of Staff to Communications Adviser, dated September 12, 2013 (Exhibit 111 at 14-2533_00974).

²²¹ Campaign Consultant Transcript (Exhibit 68 at 14-2533_00782-00783).

²²² Emails between Chief of Staff, Communications Adviser, Director of Operations, Press Secretary, and Campaign Consultant, dated August 16-19, 2013 (Exhibit 110 at 14-2533_00971-00972); Email from Communications Adviser to Campaign Consultant, dated August 19, 2013 (Exhibit 112 at 14-2533_00977); Director of Operations Transcript (Exhibit 4 at 14-2533_00316); Communications Adviser Transcript (Exhibit 11 at 14-2533_00418).

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134. The following email from Chief of Staff to Communications Adviser is illustrative of how these messaging calls were arranged.²²³

From: Brett O'Donnell [mailto:bodacom@odacomcommunications.com]
Sent: Friday, August 16, 2013 12:40 PM
To: Bowser, David
Cc: Norton, Teddie; Hardman, Christine; 'Jordan Chincouth'
Subject: Re: Messaging calls

Absolutely. I can't do Monday from 10:30-12:30, I'm open on Tuesday, can't do 3:30-6:00 pm on Wednesday, and can't do 8:30-10 on Thursday. Let me know what works

Brett
 On Aug 16, 2013, at 12:31 PM, Bowser, David wrote:

Brett, if you are available, would like to setup some brief messaging calls with you, Christine, and PB next week:

Monday, Aug 19th at 5:30 pm...speaking that evening at the Conservative Republican Women of North Atlanta event.
 Tuesday, Aug 20th we are holding 2-5pm for media opportunities while he is in Columbus, GA.
 Thursday, Aug 22nd at 5:30 pm...he will be the keynote speaker at an evening, the host is supposed to give Christine the topic. He also will be speaking Friday at lunchtime to the Cobb GOP Women (our biggest county) and Saturday evening at the Barrow GOP BBQ, all the candidates should be there and they will be speaking in alphabetical order, of course Brown is first.

135. Communications Adviser told the OCE that he may have done “a couple” of messaging calls with Representative Broun prior to campaign speaking events and campaign media interviews.²²⁴ Chief of Staff stated that it was typical for Communications Adviser to do such calls.²²⁵

136. Representative Broun told the OCE that he “may” have had messaging calls with Communications Adviser before a campaign speaking engagement, but that it was not routine to do so, and only occurred “occasionally and it was just when I had a question.”²²⁶

137. Congressional Staffer told the OCE that Communications Adviser was part of the campaign staff, and that en route to campaign debates, interviews, and speeches, Representative Broun would call Communications Adviser, Press Secretary, and Chief of Staff to speak with them to prepare for the event.²²⁷ Congressional Staffer told the OCE that such calls occurred dozens of times, and before “just about every” campaign debate, interview, or forum, and that Communications Adviser led the calls.²²⁸

²²³ Email from Chief of Staff to Communications Adviser, dated August 16, 2013 (Exhibit 110 at 14-2533_00972).

²²⁴ Communications Adviser Transcript (Exhibit 11 at 14-2533_00411).

²²⁵ Chief of Staff Transcript (Exhibit 2 at 14-2533_00135).

²²⁶ Representative Broun Transcript (Exhibit 1 at 14-2533_00042-00043).

²²⁷ Congressional Staffer MOI (Exhibit 100 at 14-2533_00942-00943).

²²⁸ *Id.*

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Drafting and Advising on Campaign Speeches

138. Communications Adviser said he was involved in drafting and preparing Representative Broun for campaign speeches.²²⁹ These included Representative Broun's February 6, 2013 Senate campaign announcement speech,²³⁰ 2013 Georgia GOP Convention speech,²³¹ a "10 minute stump" speech used repeatedly throughout the Senate campaign,²³² and the opening and closing statements for Representative Broun's campaign debates.²³³
139. Representative Broun told the OCE that he wrote his own campaign speeches with the help of his wife, and Communications Adviser "helped tweak them a little bit"²³⁴

Consulting on Campaign Communications Strategy

140. Communications Adviser provided Representative Broun's campaign with communications advice throughout the course of the 2014 Senate campaign.
141. For example, on August 13, 2013, Communications Adviser emailed Representative Broun talking points on Obamacare, writing, "So we know that Obamacare is a winning message. Here's the one you need to be a little sharper on -- strikes a populist message that will hit the voters we need."²³⁵ In referencing this email, Representative Broun told

²²⁹ Communications Adviser Transcript (Exhibit 11 at 14-2533_00385).

²³⁰ Representative Broun Transcript (Exhibit 1 at 14-2533_00038-00039); Campaign Consultant Transcript (Exhibit 68 at 14-2533_00762-00763); Communications Adviser Transcript (Exhibit 11 at 14-2533_00385); Chief of Staff Transcript (Exhibit 2 at 14-2533_00139); Email from Communications Adviser to various recipients, dated February 5, 2013 (Exhibit 113 at 14-2533_00983); Email from Communications Adviser to various recipients, dated February 10, 2014 (Exhibit 114 at 14-2533_00985-00987); Email from Former Communications Director to Communications Adviser and various recipients, dated February 4, 2013 (Exhibit 115 at 14-2533_00989); Calendar Entry for Representative Paul Broun's Calendar, dated February 5, 2013 (Exhibit 116 at 14-2533_00992); Email from Chief of Staff to Communications Adviser, dated February 5, 2013 (Exhibit 117 at 14-2533_00994) (describing Communications Adviser and Former Communication Director's "job" as being to ensure the speech "is delivered well and looks like it").

²³¹ Communications Adviser Transcript (Exhibit 11 at 14-2533_00386-00388); Chief of Staff Transcript (Exhibit 2 at 14-2533_00140); Emails between Communications Adviser, Chief of Staff, and various recipients, dated May 13, 2013 (Exhibit 118 at 14-2533_00997-00999); Emails between Communications Adviser and Campaign Consultant, dated May 21, 2013 (Exhibit 119 at 14-2533_01001).

²³² Communications Adviser Transcript (Exhibit 11 at 14-2533_00386); Email from Communications Adviser to various recipients, dated April 4, 2013 (Exhibit 120 at 14-2533_01003); Representative Broun Transcript (Exhibit 1 at 14-2533_00036-00038); Email from Communications Adviser to Representative Broun, dated August 20, 2013 (Exhibit 121 at 14-2533_01005).

²³³ Communications Adviser Transcript (Exhibit 11 at 14-2533_00388-00389, 00414); Chief of Staff Transcript (Exhibit 2 at 14-2533_00139); Email from Communications Adviser to Chief of Staff, dated January 9, 2014 (Exhibit 122 at 14-2533_01007); Email from Communications Adviser to Representative Broun, dated January 10, 2014 (Exhibit 123 at 14-2533_01009); Email from Communications Adviser to various recipients, dated January 29, 2014 (Exhibit 124 at 14-2533_01012); Press Secretary Transcript (Exhibit 21 at 14-2533_00537-00538); Representative Broun Transcript (Exhibit 1 at 14-2533_00051).

²³⁴ Representative Broun Transcript (Exhibit 1 at 14-2533_00024).

²³⁵ Email from Communications Adviser to Representative Broun, dated August 13, 2013 (Exhibit 125 at 14-2533_01014).

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the OCE that he would “occasionally” receive talking points or messaging related to his campaign from Communications Adviser.²³⁶

From: Brett O'Donnell <[REDACTED]@odacomunications.com>
Subject: Obamacare
Date: August 13, 2013 5:15:40 PM EDT
To: Paul Broun-Personal <[REDACTED]@aol.com>

Dr. Broun,

So we know now that Obamacare is a winning message. Here's the one you need to be a little sharper on-- strikes a populist message that will hit the voters we need:

"President Obama and the democrats say they care about you and the middle class, but when the president had the choice between middle class Georgians and big business, he chose big business when he delayed the implementation of the employer mandate in Obamacare and he stuck it to the middle class by leaving the individual mandate in place. That means you have to still buy insure, but big business doesn't have to provide it. Guess who's going to pay--you and me! That's why we need to get rid of all the mandates and all of Obamacare and replace it with my patient option act..."

142. On February 10, 2014, Communications Adviser sent various members of the campaign team several paragraphs of his advice on the campaign’s messaging, urging the campaign to stick with the message contained in Representative Broun’s announcement speech, which he attached to the email.²³⁷ One campaign consultant responded suggesting edits, but writing, “As always, you are the craftsman.”²³⁸

E. Communications Adviser’s Campaign-Related Services Likely Were Provided For Compensation Rather Than Voluntarily

143. The evidence before the OCE indicates that Communications Adviser’s services provided to Representative Broun’s 2012 and 2014 campaigns likely were provided for compensation, because: the services Communications Adviser is known for and typically provides are campaign related; the Proposal he submitted to Representative Broun’s congressional office specifically mentioned campaign services; the Consulting Agreement entered into with Representative Broun’s congressional office referred to debate preparation; Communications Adviser began providing campaign-related services within days of entering into the Consulting Agreement; and statements were made during the campaign to the effect that Communications Adviser was being paid for his campaign services.²³⁹

²³⁶ Representative Broun Transcript (Exhibit 1 at 14-2533_00041).

²³⁷ Email from Communications Adviser to various recipients, dated February 10, 2014 (Exhibit 126 at 14-2533_01016-01018).

²³⁸ Email from Campaign Pollster to Communications Adviser, dated February 10, 2014 (Exhibit 114 at 14-2533_00985).

²³⁹ The Board notes that misuse of the MRA to pay for campaign-related services also implicates the source and amount restrictions, as well as the reporting requirements, contained within the Federal Election Campaign Act of 1971, as amended. *See* 2 U.S.C. § 441a(f) (prohibited contributions); 2 U.S.C. § 441a(a)(1)(A) (limits on contributions to a candidate’s authorized political committees); 2 U.S.C. § 434(b)(3)(A), (5)(A) (contribution and expenditure reporting requirements); 2 U.S.C. § 431(8)(A)(ii) (defining the term “contribution” to include “the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose”).

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144. Communications Adviser is a prominent campaign debate and campaign communications consultant. Communications Adviser’s company describes itself as providing, in relevant part, “Strategic Communication Consulting Specializing In: Campaign Strategic Communications, Campaign Debate Preparation, Media Interview Preparation and Public Presentation Skills.”²⁴⁰
145. The Proposal that Communications Adviser submitted to Representative Broun, Chief of Staff, and Former Communications Director specifically mentioned campaign debate preparation services, and the Consulting Agreement entered into with Representative Broun specifically mentioned “debate preparation” as within the scope of services to be provided.²⁴¹
146. Finally, Communications Adviser’s services to Representative Broun’s campaigns began and ended with the terms of his Consulting Agreement with Representative Broun’s congressional office.
147. As noted above, Communications Adviser told the OCE that campaign work was not discussed in his initial interviews with Representative Broun.²⁴² Chief of Staff similarly told the OCE that, “at no point did we ever entertain the idea this would be a political adventure” referring to bringing Communications Adviser on in 2012.²⁴³ Yet, in the process of interviewing and retaining Communications Adviser—indeed even before the Consulting Agreement was executed—the evidence suggests that Representative Broun’s office discussed and scheduled campaign debate preparation sessions with Communications Adviser related to Representative Broun’s 2012 campaign.
148. Chief of Staff told the OCE that when Communications Adviser was hired they were very clear that he was being hired only for official matters.²⁴⁴ When asked if they had a conversation in which they made a clear distinction between campaign and official matters, Chief of Staff responded “no, we never said anything about -- we were just sitting down talking to him about official stuff.”²⁴⁵
149. Although witnesses told the OCE that campaign matters were not discussed during Communications Adviser’s two interviews, the June 14, 2012 email from Chief of Staff to Communications Adviser scheduling a campaign debate preparation session, as they had discussed “last week,” indicates that Representative Broun’s campaign debates were discussed with Communications Adviser during the week of June 4-8, 2012—the week prior to the execution of the Consulting Agreement and the same week as

²⁴⁰ See O’Donnell & Associates, *Home Page*, available at http://odacommunications.com/Home_Page.html (last visited Jul. 16, 2014).

²⁴¹ Communications Adviser Proposal, dated June 9, 2014 (Exhibit 8 at 14-2533_00339-00348); Consulting Agreement between Communications Adviser and Representative Paul Broun, dated June 16, 2012 (Exhibit 13 at 14-2533_00457-00460).

²⁴² Communications Adviser Transcript (Exhibit 11 at 14-2533_00397-00398).

²⁴³ Chief of Staff Transcript (Exhibit 2 at 14-2533_00091).

²⁴⁴ *Id.* at 14-2533_00129.

²⁴⁵ *Id.* at 14-2533_00130.

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Communications Adviser's second interview with the office.²⁴⁶ Further, in the same email exchange in which the executed Consulting Agreement was relayed, Communications Adviser responded asking, "Where is prep today?" referring to the campaign debate preparation session that day at the NRCC.²⁴⁷

150. When asked why campaign debate preparation was discussed in the same email exchange in which the Consulting Agreement was relayed, and if that suggested that a campaign debate preparation session was one of the first things Communications Adviser did after being retained, Chief of Staff responded that he does not recall the debate preparation sessions related to the 2012 campaign at all, and that any campaign debate preparation Communications Adviser may have done was separate from the Consulting Agreement.²⁴⁸ Chief of Staff also told the OCE that Communications Adviser began working for the congressional office before the Consulting Agreement was executed and that two or three sessions occurred before campaign debates were even brought up.²⁴⁹ However, the OCE could only identify one consulting session that may have occurred prior to the June 21, 2012 campaign debate preparation session.²⁵⁰
151. Further indication that Communications Adviser and Representative Broun's office discussed campaign debates during their initial meetings is found in an email from Communications Adviser to Director of Operations on June 12, 2012, wherein Communications Adviser sought to schedule a campaign debate preparation session with Representative Broun "since he has a debate on June 22."²⁵¹

<p>From: [REDACTED]@odacommunications.com Subject: Communication Meetings with Dr. Broun Date: June 12, 2012 at 10:52 AM To: teddie.norton@mail.house.gov</p> <p>Hi Teddie,</p> <p>It was nice meeting you last week. I'd like to schedule two sessions with Dr. Broun next week since he has a debate on June 22. What would work for his schedule? I'd like to make sure we have one on the 21st since his debate is on the 22nd.</p> <p>Thanks</p> <p>Brett</p>

²⁴⁶ Emails between Chief of Staff and Communications Adviser, dated June 14, 2012 (Exhibit 62 at 14-2533_00699).

²⁴⁷ Emails between Chief of Staff and Communications Adviser, dated June 21, 2012 (Exhibit 127 at 14-2533_01021-01026).

²⁴⁸ Chief of Staff Transcript (Exhibit 2 at 14-2533_00123-00127).

²⁴⁹ *Id.* at 14-2533_00170.

²⁵⁰ Emails between Communications Adviser and Director of Operations, dated June 19, 2012 (Exhibit 128 at 14-2533_01028-01045) (referring to a meeting between Communications Adviser and Representative Broun in the congressional office that may have occurred on June 19, 2012).

²⁵¹ Email from Communications Adviser to Director of Operations, dated June 12, 2012 (Exhibit 129 at 14-2533_01047).

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152. Communications Adviser initially told the OCE that the June 22, 2012 campaign debate preparation session was the first session of any kind with Representative Broun, then stated that it might not have been the first session, but one of the “first few” sessions.²⁵²
153. When Communications Adviser was introduced to Representative Broun’s congressional and campaign staff, Campaign Consultant congratulated him on joining Representative Broun’s campaign, but confused his role as being that of a media consultant as opposed to a communications adviser. By email, Campaign Consultant wrote, “Congrats! Had no idea we were close to making a decision!” Chief of Staff responded, clarifying, “This is not a media consultant for the campaign...that part is dragging...”²⁵³
154. Certain evidence reviewed by the OCE also appears to directly contradict the claim that Communications Adviser’s services were voluntary. During January 2014 Communications Adviser asked a colleague of his to fill in for him while he was traveling to do one or two debate preparation sessions in advance of the January 18, 2014 GOP Senate debate in Adel, Georgia.²⁵⁴ On January 14, 2014, Chief of Staff emailed Press Secretary, copying Communications Adviser, and wrote, referring to Communications Adviser’s absence, “Since our debate consultant actually abandoned us on our first debate for a bunch of Ethiopians who don’t pay him, I may need to send you to Adel this weekend if you are able to go?”²⁵⁵

From: David Bowser [REDACTED]@yahoo.com
Subject: Re: [FWD: politico story]
Date: January 14, 2014 at 7:54 PM
To: Christine Hardman [REDACTED]@gmail.com
Cc: Brett O'Donnell [REDACTED]@odcommunications.com

Since our debate consultant actually abandoned us on our first debate for a bunch of Ethiopians who don't pay him, I may need to send you to Adel this weekend if you are able to go?

155. On February 24, 2014, Communications Adviser sent a lengthy email to one of Representative Broun’s campaign advisers, copying Representative Broun, Chief of Staff, and others, with his thoughts on campaign debate strategy.²⁵⁶ In the email, Communications Adviser wrote, “You hired me to coach the candidate. I won’t make

²⁵² Communications Adviser Transcript (Exhibit 11 at 14-2533_00405-00406).

²⁵³ Emails between Chief of Staff and Campaign Consultant, dated June 14, 2012 (Exhibit 12 at 14-2533_00454). This “media consultant” position should not be confused with Communications Adviser’s role or services to the campaign, but rather was a position involving the campaign’s paid advertisements and online media. This separate media consultant position appears to have been subsequently filled. Email from Chief of Staff to various recipients, dated November 14, 2013 (Exhibit 130 at 14-2533_01051) (announcing the addition of a “new media consultant” replacing the campaign’s former media consultant). But it is also worth noting that although Chief of Staff and Representative Broun both explained that one indication Communications Adviser was not retained to provide services to his campaign is that very little campaign activity occurred during the period when Communications Adviser was retained, this email suggests that campaign matters were being considered at the time Communications Adviser was retained. Representative Broun Transcript (Exhibit 1 at 14-2533_00013-00014); Chief of Staff Transcript (Exhibit 2 at 14-2533_00094).

²⁵⁴ Communications Adviser Transcript (Exhibit 11 at 14-2533_00415-00416); Chief of Staff Transcript (Exhibit 2 at 14-2533_000143).

²⁵⁵ Email from Chief of Staff to Press Secretary, dated January 14, 2014 (Exhibit 131 at 14-2533_01053).

²⁵⁶ Email from Communications Adviser to various recipients, dated February 24, 2014 (Exhibit 132 at 14-2533_01056).

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ads, write mail pieces, manage the online program or the campaign, but lets trust each other to play the roles we were hired to do.”²⁵⁷ When asked about this email, Representative Broun said “beats me” why Communications Adviser would refer to himself as being hired to coach the candidate, “cause we never hired him.”²⁵⁸

156. The extent of services provided by Communications Adviser to Representative Broun’s campaigns—particularly his 2014 Senate campaign—also suggests that Communications Adviser was being compensated for his work. Communications Adviser told the OCE that he has provided his services on a volunteer basis to federal campaigns on “multiple occasions” in the past.²⁵⁹ But when asked if he has had the same level of activity on a volunteer basis with any other federal candidates besides Representative Broun, Communications Adviser responded, “Not federal candidates. With state candidates.”²⁶⁰
157. Communications Adviser explained to the OCE that when he provides campaign debate preparation services to a candidate for pay he provides much more comprehensive services than the services he provided to Representative Broun, and is typically paid \$4,500 to \$6,000 per month for such services.²⁶¹ When asked if Communications Adviser’s payment of a lesser amount by Representative Broun—\$2,500 per month for most months—explained why he provided less comprehensive services to Representative Broun’s campaigns, he responded, “No.”²⁶²
158. Witnesses told the OCE that Representative Broun’s Senate campaign was short on financial resources.²⁶³ The Board notes that if the campaign had wished to pay for Communications Adviser’s services—let alone expanded services—out of the campaign account, it may not have been feasible to do so.
159. The Board also notes that although Communications Adviser, Chief of Staff, and Representative Broun each told the OCE that Communications Adviser’s services for the campaign were voluntary, their explanations differed in how his volunteer status was established.
160. Representative Broun told the OCE that Communications Adviser’s status on his campaigns was always that of a “volunteer” and that Representative Broun “made that crystal clear to him and to my staff.”²⁶⁴ When asked when he made it clear to Communications Adviser that his services were to be provided voluntarily, Representative Broun said, “all along.”²⁶⁵ He added that such conversations occurred

²⁵⁷ *Id.*

²⁵⁸ Representative Broun Transcript (Exhibit 1 at 14-2533_00062).

²⁵⁹ Communications Adviser Transcript (Exhibit 11 at 14-2533_00356-00357).

²⁶⁰ *Id.* at 14-2533_00431.

²⁶¹ *Id.* at 14-2533_00400-00404.

²⁶² *Id.* at 14-2533_00404.

²⁶³ Campaign Manager Transcript (Exhibit 73 at 14-2533_00816) (describing the campaign as “very underfunded”);

Campaign Consultant Transcript (Exhibit 68 at 14-2533_00788).

²⁶⁴ Representative Broun Transcript (Exhibit 1 at 14-2533_00031).

²⁶⁵ *Id.*

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“periodically through the whole time that he was helping us. . . . I’d say, ‘I’ll remind you, this is -- you’re volunteering for this.’”²⁶⁶

161. Chief of Staff told the OCE that he recalls Communications Adviser offering to volunteer on the campaign if there was anything they needed him to do,²⁶⁷ and that this conversation occurred around the time Representative Broun announced his candidacy for the Senate.²⁶⁸ He later told the OCE that following one of their initial sessions in 2012, Communications Adviser offered to volunteer for the campaign.²⁶⁹
162. Communications Adviser also told the OCE that he discussed with Chief of Staff that if Representative Broun made it through the Senate primary election that he would work on a paid basis for the general election.²⁷⁰ As he stated, “what Chief of Staff and I pretty much verbally agreed on was that if he made it through the primary, they would hire me on through the campaign.”²⁷¹ Chief of Staff told the OCE that he does not recall any such conversation or agreement.²⁷² When asked if he ever had a conversation about paying Communications Adviser out of the campaign if he made it through the Republican primary, Representative Broun responded, “Never.”²⁷³
163. Communications Adviser told the OCE that he never had any conversations with Representative Broun about the voluntary nature of his services to the campaign, but told the OCE that he recalled having such conversations with Chief of Staff.²⁷⁴ Communications Adviser told the OCE that he was asked if he would be willing to give Representative Broun “a few tips” for the 2012 campaign debates, and agreed to do so.²⁷⁵ Communications Adviser told the OCE, “I never felt like any of my campaign work was expected as part of my duties,”²⁷⁶ but explained, “Most of us have had bosses where they ask us to do something that’s outside of our regular duties and we say, ‘Okay. We’ll do that,’ knowing that it’s not expected of us but we’re doing it because we want to keep our boss happy.”²⁷⁷
164. The Board notes that although no witness told the OCE that they were directed to respond to the OCE’s questions about Communications Adviser’s role on Representative Broun’s campaigns in a certain way, there is evidence that Chief of Staff and Communications Adviser coordinated an effort to tell the OCE that Communications Adviser’s services to Representative Broun’s campaigns were voluntary rather than compensated, and, with

²⁶⁶ *Id.* at 14-2533_00062-00063.

²⁶⁷ Chief of Staff Transcript (Exhibit 2 at 14-2533_00101, 00120).

²⁶⁸ *Id.* at 14-2533_00120-00121.

²⁶⁹ *Id.* at 14-2533_00133.

²⁷⁰ Communications Adviser Transcript (Exhibit 11 at 14-2533_00418-00419, 00429-00430).

²⁷¹ *Id.* at 14-2533_00430.

²⁷² Chief of Staff Transcript (Exhibit 2 at 14-2533_00121-00122).

²⁷³ Representative Broun Transcript (Exhibit 1 at 14-2533_00033).

²⁷⁴ Communications Adviser Transcript (Exhibit 11 at 14-2533_00436-00437).

²⁷⁵ *Id.* at 14-2533_00398, 00406.

²⁷⁶ *Id.* at 14-2533_00394, 00429.

²⁷⁷ *Id.* at 14-2533_00427.

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regard to the Chief of Staff, may have suppressed certain documentary and testimonial evidence from being provided to the OCE.

165. Specifically, Press Secretary, Campaign Consultant, and Campaign Manager told the OCE that they believed Communications Adviser was volunteering for Representative Broun's campaign, but they did not have any personal knowledge of how or whether Communications Adviser was being paid for his campaign services.²⁷⁸ These witnesses were told by Chief of Staff or Communications Adviser that Communications Adviser was volunteering for the campaign only after the media and the OCE began reviewing Communications Adviser's payments.
166. Campaign Consultant told the OCE that, "when the news articles broke, it was made clear that he was a part of the official side. So obviously, anybody that's doing anything campaign would be volunteering."²⁷⁹
167. Campaign Manager told the OCE that after media inquiries began questioning Communications Adviser's payments, Chief of Staff told him, "any work that [Communications Adviser] did on the campaign on those emails was volunteer stuff."²⁸⁰
168. Press Secretary told the OCE that she was told by either Communications Adviser or Chief of Staff that Communications Adviser was volunteering for the campaigns, but could not recall details of the conversation.²⁸¹ When asked if she spoke with Communications Adviser in the days leading up to her interview with the OCE, Press Secretary responded, "[N]o."²⁸² A few moments after her interview ended, however, she asked to go back on the record to tell the OCE that she had lied, and in fact, spoken with Communications Adviser in the morning on the day of her interview. Press Secretary explained that she called Communications Adviser and, as she stated, "we were just discussing the roles that -- the role that [Communications Adviser] had in this office."²⁸³ When asked if the word "volunteer" came up during the conversation, Press Secretary stated that "it could have."²⁸⁴
169. Chief of Staff told the OCE that during the OCE's review process he had conversations with the congressional staff, and told "everybody that asked" that to the extent Communications Adviser did campaign work, it was as a volunteer.²⁸⁵

²⁷⁸ Former Communications Director Transcript (Exhibit 3 at 14-2533_00206, 00233-00234); Press Secretary Transcript (Exhibit 21 at 14-2533_00516-00517, 00521); Campaign Consultant Transcript (Exhibit 68 at 14-2533_00790-00791); Campaign Manager Transcript (Exhibit 73 at 14-2533_00863-00865).

²⁷⁹ Campaign Consultant Transcript (Exhibit 68 at 14-2533_00791).

²⁸⁰ Campaign Manager Transcript (Exhibit 73 at 14-2533_00858-00860).

²⁸¹ Press Secretary Transcript (Exhibit 21 at 14-2533_00516-00517).

²⁸² *Id.* at 14-2533_00564.

²⁸³ *Id.* at 14-2533_00565.

²⁸⁴ *Id.* at 14-2533_00566.

²⁸⁵ Chief of Staff Transcript (Exhibit 2 at 14-2533_00162-00163).

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170. Chief of Staff also told the OCE that he spoke with Communications Adviser between the times of Communications Adviser and Chief of Staff's interviews with the OCE, but claims that they did not discuss the questions asked by the OCE.²⁸⁶ Chief of Staff told the OCE, however, that during the course of the OCE's review he and Communications Adviser did discuss Communications Adviser's role on the campaign as being that of a volunteer.²⁸⁷
171. In another instance, the OCE requested documents from and an interview with all Representative Broun's congressional staffers that the OCE believed may have knowledge of Communications Adviser's relationship to Representative Broun's campaigns. The OCE was told by Chief of Staff that many of the staffers identified did not have relevant information. Chief of Staff then sent those staff members an email. The email assumes that its recipients did not possess documents related to the OCE's review.²⁸⁸

From:	Seuser, David
Sent:	Monday, June 09, 2014 4:05 PM
To:	Hayes, Jessica; Reitz, Jim; Heenan, David; Paul Kilgore; Josh Findlay
Importance:	High

Team, I spoke to the counsel at the Office of Congressional Ethics regarding the packets you all received from them last week. I told them that none of you really had any relevant, direct conversations or interactions with Bret O'Donnell (to my knowledge). If that is indeed the case, then you won't need to turn over any information (since you don't have anything outside of being on group emails that Bret was also on) and they won't need to interview you. What I need from you ASAP are the two pages that came with the packet (Acknowledgement of Receipt and Request for Information Certification) filled out, signed, scanned in and sent back to me along with a individual note from each of you along the lines as follows... obviously Kilgore and Josh will put "The Paul Broun Committee" instead of "Congressman Paul C Broun, Jr.". Please note, that depending on what the information shows, they reserve the right to contact you again later for an interview if they determine it appropriate. Please let me know if you have any questions, thanks!

172. In one instance, after receiving a similar email from Chief of Staff, Congressional Staffer interpreted the email as expressing an expectation that Congressional Staffer certify to the OCE that they did not have any information responsive to the OCE's request.²⁸⁹
173. Congressional Staffer, who had not provided information to the OCE, called the OCE to ask if "perjury" applied to documents or statements submitted to the OCE. The OCE recommended that Congressional Staffer direct such questions to their own legal counsel, but explained that the False Statements Act applies to both documentary and testimonial information submitted to the OCE. Congressional Staffer submitted documents to the OCE later that day.²⁹⁰

²⁸⁶ *Id.* at 14-2533_00164-00165.

²⁸⁷ *Id.* at 14-2533_00165.

²⁸⁸ Email from Chief of Staff to various recipients, dated June 9, 2014 (Exhibit 133 at 14-2533_01058).

²⁸⁹ Congressional Staffer MOI (Exhibit 100 at 14-2533_00942-00943).

²⁹⁰ *Id.*

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174. The following day, Congressional Staffer called the OCE to inquire when Representative Broun's office would become aware that Congressional Staffer had cooperated with the OCE's review. Congressional Staffer, audibly concerned and upset, explained that Chief of Staff expected Congressional Staffer to certify to the OCE that Congressional Staffer had no documents responsive to the OCE's Request for Information, and that Congressional Staffer feared an adverse employment action for cooperating with the OCE's review.²⁹¹

IV. CONCLUSION

175. Representative Broun retained Communications Adviser in June 2012 as a messaging and communications consultant to his congressional office. Between June 2012 and March 2014, Communications Adviser was paid \$43,750 for various services to the congressional office that were impermissible for even a contractor to provide.

176. Between June 2012 and March 2014, Communications Adviser also provided various services, including campaign debate preparation services, to Representative Broun's 2012 congressional and 2014 Senate campaigns.

177. The evidence obtained by the OCE gives rise to a substantial reason to believe that Representative Broun used MRA funds to retain an individual as a consultant to his congressional office, in violation of House rules and federal law.

178. The evidence obtained by the OCE gives rise to a substantial reason to believe that Representative Broun used MRA funds to compensate an individual for services provided to one or more of his election campaigns, in violation of House rules and federal law.

²⁹¹ *Id.*

Exhibit 4

1 MR. MORGAN: Speaking is Bryson Morgan,
2 Investigative Counsel with the Office of
3 Congressional Ethics. I'm here with Paul Solis and
4 Ryan Cortazar with the Office of Congressional
5 Ethics as well, and we are joined by Representative
6 Paul Broun on June 25th, 2014.

7 BY MR. MORGAN:

8 Q. And Congressman, we just went over the
9 application of the False Statements Act to the
10 interview, so I think we'll go ahead and get
11 started with our questions.

12 A. Sure.

13 Q. Sir, first want to ask you how it was that
14 you became acquainted with Brett O'Donnell and how
15 it was that he came to be retained by the
16 Congressional Office?

17 A. I was very eager to have somebody help me
18 with our electronic media communications in our
19 staff. Doing a lot of TV interviews and we
20 actually had talked to several people prior to
21 hiring Mr. O'Donnell.

22 In fact, I had a conversation with -- with
23 -- what's the guy's name that's on TV all the time
24 with on Fox News that -- raising issues all the

1 time and is around here? Forgetting his name but
2 he came here a day. We didn't hire him. I just
3 talked to him about I wanted to communicate
4 better --

5 Q. Um-hmm.

6 A. -- as a member of Congress with all these
7 TV interviews and he came in, spent an hour or so
8 just talking about words that work and things like
9 that.

10 Q. Is that Frank Luntz?

11 A. Frank Luntz, Frank Luntz. I talked to
12 Frank Luntz, wanted to hire him to be part of our
13 communications staff to help me be able to
14 communicate as a Congressman with the --
15 particularly with TV interviews --

16 Q. Um-hmm.

17 A. -- and Frank was -- I got to know him just
18 through my contact here as a member. He did not
19 want to come on board.

20 So then we hired a lady that I had hoped --
21 I don't remember her name either, but I had hoped
22 to have an ongoing process of helping me to be a
23 bit better communicator.

24 So we had a lady come in that my

1 communications director had searched out an
2 individual. She spent a couple of hours with me
3 and the communications director and gave us some
4 suggestions.

5 I thought it was a bare -- beginning in the
6 process but I still wanted somebody on an ongoing
7 basis to help us with our electronic
8 communications, with our radio interviews as well
9 as our TV interviews.

10 So when the lady was -- if I remember
11 correctly, is from out of town somewhere. That was
12 not going to be an ongoing process. So I charged
13 my staff to try to find somebody who can help me on
14 an ongoing press -- on an ongoing basis to help
15 with our communications here and our communications
16 office. Principally, with -- from the electronic
17 side, doing radio interviews as well as TV
18 interviews and to help me learn how to communicate
19 better.

20 As a medical doctor, my propensity is to
21 overexplain things and to try to help my patients
22 understand what's going on and so, I realized that
23 I needed somebody to help me be a better
24 interviewee for radio and TV and I wanted somebody

1 as part of our communications team to do so.

2 We -- we got some applications. We
3 interviewed actually three individuals, and one
4 took himself out of the consideration and the other
5 two -- it was just a decision we made to hire Brett
6 O'Donnell to -- to be that individual and either
7 one of them I thought could do a good job and
8 that's what he came on board for.

9 Q. I'm going to show you this document which
10 is PBTN5 and this is a calender item on a calender
11 managed by Teddie Norton. The subject is, "Meeting
12 with Brett O'Donnell, Bachmann's debate coach at
13 the NRCC." Date is May 31st, 2012. Do you recall
14 was this, you know, end of May about the first time
15 that you met with Brett O'Donnell?

16 A. I don't remember when we met him, and I've
17 never seen this document as far as I know.

18 Q. Okay. You --

19 A. I don't -- I don't remember when we hired
20 him. I know we hired him in 2012 --

21 Q. Okay.

22 A. -- but I dont' remember. We started the
23 process. As I said, we did several interviews, the
24 three people that they brought to me as potential

1 -- as potential media advisors and part of our
2 communications team. They -- I don't remember how
3 many interviews. I think we did two interviews
4 with Brett before we hired him. I don't know that
5 for certain --

6 Q. Okay.

7 A. -- but we -- I know I interviewed him one
8 time and I think a second time.

9 Q. Do you recall where those interviews took
10 place?

11 A. No, I don't. Most of them were over across
12 the street at NRCC --

13 Q. Okay.

14 A. -- just out of convenience.

15 Q. Out of convenience. Okay. Show you this
16 -- well, this is PBDB120 through 130. This is an
17 email from Brett O'Donnell on Friday, June 1st,
18 2012 to you. That email address appears to be an
19 email account belonging to you. Is that -- that
20 right? This drpbroun?

21 A. Yes, that's my personal email address.

22 Q. All right. CC-ing David Bowser and
23 Meredith Griffanti. You know, says, "Thank you for
24 meeting with me yesterday." Skipping a sentence

1 there. He says, "Attached is my proposal to assist
2 you," and then there's a proposal attached. Do you
3 recall seeing this proposal?

4 A. I did not look at the proposal. I do
5 recall getting this email but --

6 Q. Okay.

7 A. -- what -- what I basically have counted my
8 chief of staff on doing is -- is wean out any kind
9 of staff hires to -- what I've told my chief is
10 that what I'd for him to do is to sort all of those
11 details out, just bring the bottom line to me,
12 whether he thinks that we ought to hire this person
13 or not and that's for all staff, not only with --

14 Q. Okay.

15 A. -- Mr. Mr. O'Donnell but all our staff and
16 so what -- since he is the manager, what I've said
17 to him is that "Whoever we're going to hire --
18 staff, unless I have a check -- in my spirit about
19 hiring them, if this is a person that you think --
20 I'm going to rely you." I'm not a micro manager.
21 Maybe I ought to be. My wife thinks I ought to be
22 more but anyway --

23 Q. Okay --

24 A. -- so I -- I didn't go through this

1 proposal at all.

2 Q. Okay.

3 A. So I let -- I just depended upon him to do
4 so.

5 Q. Going back to those you said one or two
6 meetings with Brett O'Donnell when you were
7 interviewing him, what was discussed regarding what
8 his role with the Congressional Office would be?

9 A. I made it very clear to Mr. O'Donnell all
10 along that he was being hired to be part of our
11 communications team. Actually, with anybody I talk
12 to that -- being hired as part of our
13 communications team here to hep me with my radio
14 and TV interviews and that's solely the -- the
15 purpose of -- of our interviews. That's the
16 purpose of our looking to hire them.

17 Q. Okay. Did you discuss with him your
18 campaign or your political activities during those
19 interviews?

20 A. I don't remember doing so, no.

21 Q. Was there --

22 A. 'Cause it was -- this was a all on an
23 official basis. I've -- all along, not only with
24 Mr. O'Donnell but anybody else. I don't -- I've --

1 I tried not to even get near the line, so that you
2 guys don't have to come talk to me, so and I've --
3 I've always just been very clear to everybody no
4 matter what we do that there is a division between
5 the official side as well as campaign side.

6 So Mr. O'Donnell was hired strictly for the
7 purpose of being part of our communications team to
8 help us develop our messaging, to help me to
9 understand how I can communicate better in my radio
10 and TV interviews.

11 Q. Want to show you now the -- the consulting
12 agreement that was entered into between your office
13 and Mr. O'Donnell. This is PBDB114. So that this
14 first page is an email from Brett O'Donnell to
15 David Bowser attaching the consulting agreement.
16 Attached to it is a consulting agreement, and one
17 of the things mentioned in the consulting agreement
18 in a couple of locations, more specifically under
19 engagement on the first page there, it says,
20 "Client hereby engages consultant to render as an
21 independent contractor the consulting services
22 associated with media interview, public speaking
23 message, debate preparation for Representative
24 Broun, such other services as maybe agreed to in

1 writing." Was campaign debate preparation
2 discussed --

3 A. Never.

4 Q. -- in the process of entering into this
5 agreement?

6 A. I haven't gone through this. I didn't see
7 this document either.

8 Q. Okay.

9 A. Just like I did -- the other. It's -- I
10 don't -- I can't make a comment about that 'cause
11 we never talked about campaign function during this
12 whole negotiation period of time. The --
13 everything I had contact with Mr. O'Donnell about
14 was just about being part of communications team on
15 the official side.

16 BY MR. SOLIS:

17 Q. We had a chance to speak with David
18 yesterday and he had mentioned to us that -- that
19 there was some discussion that Brett had offered
20 during that negotiation phase to do some
21 volunteering for the campaign. So to what extent,
22 you know, do you recall those -- those
23 conversations?

24 A. Well, I wasn't involved in those

1 conversations at all, so I can't comment about
2 those.

3 BY MR. MORGAN:

4 Q. You know, in this -- this email where the
5 consulting agreement was attached, Brett writes, "I
6 wasn't sure that you settled on how I would be
7 paid, so I left the address blank." Were you
8 involved in any discussions about how he would be
9 paid?

10 A. Negative.

11 Q. What was your understanding at the time
12 about how he would be paid?

13 A. My understanding was that he would be a
14 part time independent contractor for us for our
15 communications team.

16 Q. Be paid by the -- out of the --

17 A. Out of "MRA," right.

18 Q. Okay. So I mean, looking at this
19 consulting agreement right now, this is the first
20 time you've seen it or should I say --

21 A. I don't recall ever seeing that before.

22 Q. Okay. And wonder if you -- tell us the
23 timeline a little bit? It appears like this
24 consulting agreement was in place for a couple of

1 months and then it was renewed on a couple of
2 occasions. Do you recall that?

3 A. No.

4 Q. Those conversations with Brett O'Donnell
5 who would've had those with him --

6 A. Assume David --

7 Q. Okay.

8 A. -- David Bowser 'cause like I say, I count
9 on him being my chief and helping to -- to do
10 whatever needs to be done as far as trying to hire
11 staff and manage our staff.

12 Q. Okay. Show you this document here. This
13 is PBDB86, and you -- you're on the first email
14 here at the -- at the very bottom. This is an
15 email from David Bowser on June 14, 2012 to Brett
16 O'Donnell and to Broun, all staff, you know, the
17 Congressional staff, CC-ing you and a few other
18 individuals and he -- he -- he says, "We are
19 pleased to announce the addition of Brett O'Donnell
20 to Team Broun as a communications and messaging
21 consultant to our official office." There's a
22 response to that email from Jordan Chinouth --

23 A. Um-hmm.

24 Q. He says, "Had no idea we are close to

1 making a decision," and then David Bowser responds
2 saying, "This is not a media consultant for the
3 campaign. That part is dragging." Now, I don't --
4 I don't know if you had seen those two emails
5 before but was there some discussion around that
6 same time that you were bringing Brett O'Donnell on
7 about hiring a media consultant on the campaign
8 side?

9 A. No.

10 Q. Okay.

11 A. Never. In fact, we weren't going to hire a
12 media consultant --

13 Q. So was there a discussion in which you
14 decided that you wouldn't hire a media consultant
15 --

16 A. No. There was no consideration of a media
17 consultant at that time. We didn't have the money
18 from the campaign respective -- to hire a media
19 consultant. In 2012, the -- this -- I don't
20 remember June 14th. It's probably just very
21 shortly before the -- the primary which was -- I
22 didn't have a -- a -- didn't have a general
23 election opponent, so --

24 Q. But it was Mr. Simpson, I think for the

1 primary?

2 A. That's right. And we -- I'm not sure at
3 what point but we -- we had decided that we weren't
4 going to -- really going to engage in -- in any
5 kind of a forum or debate or anything else. So
6 there was just no consideration of having a media
7 consultant. We weren't doing TV. We weren't doing
8 radio. We weren't doing any of those types of
9 normal things -- didn't feel like we needed to --

10 Q. Was that -- was that a competitive primary?

11 A. Not really.

12 Q. Not really.

13 A. Got 69 percent of the vote in the -- in the
14 primary. Simpson didn't have any money and just
15 didn't see any need of having anybody on board at
16 that time.

17 Q. Okay. When --

18 A. It seems like he and I had one forum
19 together and that was all.

20 Q. I do have a couple of questions about that.
21 We'll get to that in a little bit, but do you
22 recall when -- when it was that the consultant
23 agreement with Brett O'Donnell ended?

24 A. I don't remember. The --

1 Q. He's not -- is he still a consultant for
2 the --

3 A. No, no, no.

4 Q. When did that relationship end?

5 A. Well, it ended when he thought that his
6 being part of our team because of -- of -- I guess
7 y'all looking into him and what he was doing for
8 other members -- he thought it might be
9 advantageous for us -- for him to -- for us to
10 cease that agreement. So he ceased being part of
11 -- of our communications team at that time.

12 Q. Do you recall when about that was?

13 A. I do not remember.

14 Q. Would that have been, you know, shortly
15 after the WSB-TV story and the initiation of our
16 review --

17 A. I don't remember --

18 Q. Okay.

19 A. -- I really don't remember.

20 Q. Okay. So want to ask you some questions
21 about the work that Brett O'Donnell did on the
22 official side --

23 A. Um-hmm.

24 Q. -- for the office. How would you -- you

1 know, he was introduced here by David Bowser as a
2 communications and messaging consultant. The
3 consulting agreement lays out some of his duties,
4 but how would you, you know, looking back on what
5 he did for the office, how would you describe his
6 role?

7 A. Well, he helped us on an ongoing basis. It
8 was -- I had phone conversations with him at times
9 about how to deal with a radio interview or a TV
10 interview. He would -- I think my staff talked to
11 him on a routine basis about what was coming up,
12 about what our messaging was going to be, how to
13 deal with that messaging, what our -- whenever I
14 was requested to do a TV interview or radio
15 interview, it's my understanding that my
16 communications director would contact him about
17 what our message was, what our bottom line --

18 Q. Um-hmm.

19 A. -- statement would be and I would talk to
20 him about how to approach the interview and what to
21 do with it and that's the way we operated.

22 Q. Who, who in the Congressional staff did he
23 -- he being Brett O'Donnell, interact with the most
24 frequently?

1 A. Mostly with the -- with communications
2 director who is Meredith Griffanti --

3 Q. And is now Christine Hardman?

4 A. She's not a communications director. She's
5 a press secretary --

6 Q. Okay.

7 A. So a little different function.

8 Q. Okay.

9 A. But Christine replaced Meredith.

10 Q. Who else would he interact with? Would he
11 interact with chief of staff quite a bit --

12 A. I don't know.

13 Q. Okay.

14 A. I don't know. I'm sure he interacted some --
15 or had some action with our scheduler just to
16 schedule calls and sometimes he'd come here in the
17 office and we'd sit down and talk about issues.
18 That happened not infrequently, so.

19 Q. All right.

20 A. He'd come here and we'd talk about the
21 interview or we'd consult by phone. He was -- he
22 always told me that he was available anytime that I
23 needed to call and I -- I did try to touch base
24 with him before every interview that we did -- most

1 every interview unless I already had it -- and
2 about what we were doing.

3 Q. Would you communicate with Brett
4 independently of your staff? Would you reach out
5 to him on your own or would that usually go through
6 your staff?

7 A. Sometimes I would. Not on an ongoing basis,
8 but he had my cell phone. I had his.

9 Q. Okay.

10 A. Rarely would he call me. Rarely would I
11 call him. Most times, it was what -- we knew we
12 had an interview scheduled and so, we'd schedule
13 sometime for us to either talk in person. He'd
14 come here, or we'd talk by phone.

15 Q. Okay. We've seen quite a bit of reference
16 to weekly sessions that Brett would do with you --

17 A. Yeah.

18 Q. Does that -- describe those too...

19 A. Well, he would come in here and we'd just
20 talk about how I needed to approach a TV interview.
21 At the time, I was -- not done a lot and I'd get
22 kind of uptight on the TV interview, particularly
23 these national interviews -- national TV and
24 sometimes my brain would freeze up and I couldn't

1 think about what I wanted to say and -- and he
2 would just help me in that process of trying to get
3 through it, so that I could do these interviews and
4 so it was an ongoing process or just basically
5 trying to teach me about how to organize my
6 thoughts, how to express what I wanted to have the
7 audience to hear with whatever interview I did
8 about whatever the topic was.

9 Q. Did those sessions occur on about a weekly
10 basis?

11 A. Pretty much, yeah. It was three or four
12 times. Well, two to three times a month 'cause
13 we're not here but generally two weeks and then off
14 week, so -- or home a week. So he would come in
15 here not every week that we were here but he would
16 come frequently most weeks.

17 Q. Where were those -- where were those
18 typically held?

19 A. Right here --

20 Q. Were they sometimes held over the NRCC as
21 well?

22 A. I don't recall doing any over there. Most
23 of them were right here --

24 Q. Okay.

1 A. -- there may have been -- I can't remember
2 any over there --

3 Q. Okay.

4 A. -- at all.

5 Q. And so I want -- take me through what a
6 typical session would entail? You said prep for
7 interviews --

8 A. We just sat down and talk about the -- what
9 the interview was. If -- if we had an interview
10 upcoming --

11 Q. Um-hmm.

12 A. -- what he and I would work through is try
13 to -- as well as the communications director would
14 try to determine what our -- my first sentence was
15 going to be which was the bottom line of the
16 interview.

17 Q. Okay.

18 A. The point we wanted to make and then we
19 would -- from that point we wanted to make, we'd
20 develop how I thought about the process, so that I
21 could go through a three minute or five minute
22 interview with --

23 Q. Okay.

24 A. -- with the TV personality, whether it was