



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

January 30, 2017

Honorable Judy Biggert and Board Members
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, DC 20515-0895

Re: Ethics Violations by Rep. John Lewis and Chief of Staff Michael Collins

Dear Chairman Biggert and Board Members:

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good. We write today to request that the Office of Congressional Ethics investigate Representative John Lewis and his Chief of Staff, Michael Collins, for violating important and serious House ethics rules prohibiting outside employment.

Representative John Lewis's chief of staff, Michael Collins, is a senior staff employee of the House.¹ On March 18, 2015, Representative Lewis's principal campaign committee filed an amended statement of organization, which identified its campaign treasurer as Collins.² Collins's campaign work was also reflected on his 2015 personal financial disclosure, in which Collins reported the campaign paid him a "salary" of \$27,495. Representative Lewis's dual employment of Collins as both his chief of staff and campaign treasurer indicates that both Lewis and Collins violated ethics rules prohibiting this type of employment and outside salary limitations.

House Ethics rules impose significant limitations on outside employment.³ These rules both prohibit specific types of employment in which Members and senior staff employees may engage and limit the amount they may earn from outside employment. The rules on outside employment were enacted to address numerous concerns, including avoiding any appearance of impropriety, prohibiting the use of public office or employment for private gain, ensuring that Members and senior staff employees do not have other interests that conflict with their duty to act in the best interest of the public, and ensuring that those being paid with public funds are actually performing quality work for the compensation.⁴

¹ Lachlan Markay, *Top Aide to Rep. John Lewis Again Skirts Ethics Rules*, Washington Free Beacon, Jan. 18, 2017 (attached as Exhibit A).

² *Id.*; see also John Lewis for Congress, FEC Form 1 Statement of Organization, filed Mar. 18, 2015.

³ See, e.g., House Ethics Manual, at 185.

⁴ House Ethics Manual, at 185-187, 206-207, 222.

One rule that addresses these ethical concerns is that senior staff employees are prohibited from paid board service, including serving on “campaign organizations.”⁵ As an example, the Ethics Manual explains that a senior staff employee may not be “paid as the campaign’s treasurer” for their own member.⁶ Another rule limits the amount a Member or senior staff employee may earn from outside employment, which was \$27,255 in 2015.⁷ Finally, a Member must ensure his own campaign committee and staff operate in compliance with the ethics rules.⁸

In this case, not only did Collins directly violate these rules,⁹ but Representative Lewis also violated the ethics rules because his own campaign employed Collins in a prohibited position and paid him a prohibited salary. The Office of Congressional Ethics is responsible for ensuring compliance with the House’s ethical standards. The outside employment ethics rules are based on fundamental and important principals that require enforcement to maintain the public’s trust. Therefore, we urge the Board to immediately investigate and take appropriate action in response to this violation of the House Ethics Rules.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.

Respectfully submitted,

Matthew G. Whitaker
Executive Director, Foundation for Accountability & Civic Trust

Enclosure

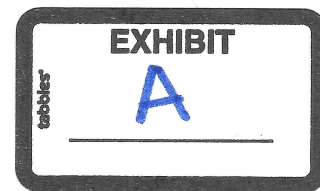
⁵ House Ethics Manual, at 222. House Rule 25, clause 2, provides a senior staff employee may not “serve for compensation as an officer or member of the board of an association, corporation, or other entity.”

⁶ House Ethics Manual, at 223.

⁷ House Ethics Manual, at 228.

⁸ See, e.g., House Ethics Manual, at 123 (Moreover, under these rules, 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.”); *Id.*, at 206-207 (“The House Code of Official Conduct specifically provides that a Member ‘may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation he receives.’” (quoting House Rule 23, cl. 8)).

⁹ Lachlan Markay, *Top Adie to Rep. John Lewis Again Skirts Ethics Rules*, Washington Free Beacon, Jan. 18, 2017 (attached as Exhibit A); see also *In re Michael Collins*, U.S. House of Rep., Comm. on Ethics Findings on Aug. 5, 2011.



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Top Aide to Rep. John Lewis Again Skirts Ethics Rules

Posted By *Lachlan Markay* On January 18, 2017 @ 2:45 pm In Politics | [No Comments](#)

The top aide to Rep. John Lewis (D., Ga.) served dual roles in the congressman's office and on his 2016 reelection campaign, possibly running afoul of House ethics rules, public records show.

Michael Collins, Lewis' chief of staff, served as the campaign's treasurer in 2015 and 2016, according to Federal Election Commission records. Ethics rules bar senior House staffers from working in any fiduciary role for a political organization, including congressional campaigns.

Senior staff "may not receive any compensation for either providing legal services to a political organization, or for serving as an officer (such as treasurer) of such an organization," according to the [House ethics manual](#).

That rule applies to all members of Congress and employees who earn the "senior staff" rate of pay; the salary threshold in 2015 was \$121,956. According to congressional research service Legistorm, Collins made \$167,000 that year.

"On its face it looks like a clear ethics violation that simply cannot be explained away," said former U.S. Attorney Matthew Whitaker.

Whitaker's conservative ethics watchdog group, the Foundation for Accountability and Civic Trust, is "weighing" an official complaint against Collins, Whitaker said in an email. The group "probably will pursue one," he added.

FEC filings show Lewis' campaign committee [paid Collins \\$27,550](#) in "consulting fees" in 2015. Collins' [personal financial disclosure form](#) for that year, the latest publicly available disclosure, states he earned a \$27,495 "salary" from the campaign.

Those payments appear to have been designed to meet the outside income cap for senior House staffers. But Collins' reported income for 2015 actually exceeded the [\\$27,225 limit for that year](#). In an apparent oversight, his 2015 compensation instead aligned with the 2016 outside income cap of \$27,495, the exact sum that Collins reported in his annual financial disclosure.

Though he did not serve as treasurer in prior years, FEC filings show Collins consulted for Lewis' campaign committee and was compensated the exact amount of the outside income cap for those years.

From 2012 to 2014, the cap was \$26,955. During those three years, Collins reported salary payments from the campaign of [\\$26,955](#), [\\$26,955](#), and [\\$26,500](#), respectively.

The prohibition on senior staff serving as campaign treasurers was designed to avoid just the sorts of professional arrangements whereby senior congressional staffers are in positions to write themselves salary checks, explained Craig Engle, a partner at the D.C. law firm Arent Fox.

"The [FEC] and Congress have declared that fiduciary responsibilities for a campaign are not appropriate for highly paid staffers," Engle said in a Tuesday interview. "They don't want a staffer in the position of making disbursements or being responsible legally for the paperwork for another government agency, the FEC."

Engle said he advises congressional clients against appointing official staffers as campaign treasurers, but added that he saw no indication of intentional unethical conduct on the parts of Collins or the Lewis campaign.

"This is just being careless, and they should fix it," he said.

Carelessness was Collins' explanation for previous ethical lapses. The House Ethics Committee officially sanctioned him in 2011 for failing to disclose or pay taxes on \$54,000 in outside income for work on Lewis' campaigns.

"These mistakes were not intentional but were due to an inadvertent omission in disclosure," he said at the time. "Regardless, I fully recognize that as a senior staff member in the U.S. House of Representatives and most importantly as a chief of staff, it is my responsibility to know and follow the rules of financial disclosure."

Collins and a Lewis spokesperson did not respond to requests for comment on his role as treasurer and payments he received from the campaign in subsequent years.

In addition to his work for Lewis, Collins is an unpaid board member of a nonprofit group that has received tens of thousands of dollars in payments from Lewis' campaign committee.

FEC records show the committee has paid the Faith & Politics Institute more than \$50,000 since 2002 in the form of general contributions to the group and tickets to its events.

The institute regularly hosts "experiential pilgrimages, weekly reflection groups, weekend retreats and public forums," according to its website. Its events have previously been scrutinized for providing private companies and special interest groups access to members of Congress.

Engle said he saw no evidence that anything improper occurred in the Lewis campaign's contributions to the group, but added that they demonstrated the rationale for prohibitions on staffers serving in fiduciary roles.

"This is one of the reasons that the law says that a campaign staffer shouldn't be the treasurer of the campaign," Engle said. "It creates these questions that are easily avoided by not being the treasurer."

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