



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

February 1, 2018

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

Email: oce@mail.house.gov

Re: Rep. Josh Gottheimer's Use of Official Resources in Violation of Ethics Rules

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 Josh Gottheimer and his staff members for violating a basic, clear, and serious House ethics rule—the prohibition on using official resources for campaign and political purposes.

One fundamental ethics rule ensures that taxpayer funds are only used for official House business and citizens are not paying for partisan political activities or for incumbents to run for reelection.¹ This rule broadly prohibits Members from using any official resource for any campaign or political purpose.² Official resources include any funds appropriated for congressional staff time, office equipment and office supplies, and House buildings.³ “The misuse of funds and other resources that the House of Representatives entrusts to Members for the conduct of official House business is a very serious matter.”⁴

In spite of this straightforward rule, Representative Gottheimer's congressional staff member used official House resources to send a campaign-related email.⁵ The content of the email was solely about Gottheimer's campaign fundraising and implications in his political race. The email also solicited campaign-related questions be sent to a House email account. Not only was the email

¹ Comm. on Standards of Official Conduct, U.S. House of Representative, *House Ethics Manual*, at 123.

Additionally, “Members must regularly certify that all official funds have been properly spent. A false certification may bring criminal penalties” *Id.* at 126 (citing 18 U.S.C. § 1001).

² *Id.* at 123.

³ *Id.*

⁴ *Id.* at 124.

⁵ Email (Attached as Exhibit B, sent January 30, 2018, with the subject line “Gottheimer Fundraising Numbers,” with attachment of copy of FEC Form 3, page 3). Herb Jackson, GOP Says Gottheimer Email Touting Fundraising Total May Have Broken the House Ethics Rules, northjersey.com (Exhibit B).

sent using an official House email account, but it also indicates other official resources may have been misused, i.e. congressional staff time, internet, and building resources.

Representative Gottheimer is responsible for his staff's actions and ensuring compliance with the House Ethics rules. Because the email clearly demonstrates that Gottheimer's congressional staff is performing campaign work, the Office of Congressional Ethics should require Gottheimer's staff to produce detailed records of the time spent on official activities and on separate campaign activities.⁶ Moreover, given that a very clear rule was violated and official House resources were blatantly used for partisan purposes and campaign related activity, the Office of Congressional Ethics should investigate Gottheimer's involvement in the email and his policies on staff involvement with his campaign.⁷

The Office of Congressional Ethics is responsible for ensuring each Representative fulfills the public trust inherent to the office and complies with the House's ethical standards. Therefore, we urge the Board to immediately investigate and take appropriate action in response to this violation of the House of Representatives 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, applied to information submitted to the Office of Congressional Ethics.

Respectfully submitted,



Kendra Arnold
Executive Director, Foundation for Accountability & Civic Trust

Enclosure

⁶ House Ethics Manual, at 137 ("Employees who do campaign work while remaining on the House payroll should keep careful records of the time they spend on official activities and, separately, on campaign activities, and demonstrate that campaign work was not done on official time.").

⁷ House Ethics Manual, at 136 (prohibiting Members from "directing or otherwise pressuring" congressional staff to do campaign work).

----- Forwarded message -----

From: **Rahman, Abhi** <Abhi.Rahman@mail.house.gov>
Date: Tue, Jan 30, 2018 at 10:05 AM
Subject: Gottheimer Funding Numbers
To: "Rahman, Abhi" <Abhi.Rahman@mail.house.gov>
Cc: "Fried, Matt" <Matt.Fried@mail.house.gov>

Hello,

My name is Abhi Rahman and I am the Communications Director for Rep. Josh Gottheimer.

In case you missed it, Rep. Gottheimer released his Q4 fundraising numbers this morning.

Q4

- **Cycle Total Receipts:** \$3,003,600.57
- **Cash On Hand:** \$2,608,098.46
- **Q4 Total Receipts:** \$728,826.63

Attached to this email is his quarter 4 receipt. Listed below is a blurb from Politico New Jersey with the key takeaways:

GOTT-MONEY-HEIMER - U.S. Rep. Josh Gottheimer knows how to raise money. Last quarter, he took in almost \$729,000, bringing his total for the last year to \$3 million, according to figures I've seen. He's the only Democrat who realistically could be vulnerable this November, and neither of his potential Republican opponents - Steve Lonegan and John McCann - have shown anything close to that kind of money-raising ability. (Though Lonegan did loan himself \$500,000).

We'd love for you to pass it along or include in any fundraising stories that you might have. If you have any questions, please don't hesitate to reach out. My phone number is [201-978-4386](tel:201-978-4386) or you can get back to me using this email at abhi.rahman@mail.house.gov.

Best regards,

Abhi Rahman | Communications Director
213 Cannon House Office Building
Washington DC | [720-299-0654](tel:720-299-0654)
REP. JOSH GOTTHEIMER
NEW JERSEY'S 5th DISTRICT
Sign up for updates [HERE](#).

[ATTACHMENT: JG total receipts Q4 2017.pdf]

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 05/2016)

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Write or Type Committee Name

Josh Gottheimer for Congress

Report Covering the Period:

From:

10

01

2017

To:

12

31

2017

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. Contributions (other than loans) FROM:

**(a) Individuals/Persons Other Than
Political Committees**

(i) Itemized (use Schedule A)

525548.46

2104895.61

(ii) Unitemized

16666.78

89091.70

(iii) TOTAL of contributions
from individuals

542215.24

2193987.31

(b) Political Party Committees

764.86

1810.11

(c) Other Political Committees
(such as PACs)

159280.78

691980.78

(d) The Candidate

0.00

0.00

(e) TOTAL CONTRIBUTIONS
(other than loans) (add lines
11(a)(iii), (b), (c), and (d))

702260.88

2887778.20

**12. TRANSFERS FROM OTHER
AUTHORIZED COMMITTEES**

25000.00

25000.00

13. LOANS:

(a) Made or Guaranteed by the
Candidate

0.00

0.00

(b) All Other Loans

0.00

0.00

(c) TOTAL LOANS (add
Lines 13(a) and (b))

0.00

0.00

**14. OFFSETS TO OPERATING
EXPENDITURES (Refunds,
Rebates, etc.)**

338.07

89594.69

**15. OTHER RECEIPTS
(Dividends, Interest, etc.)**

1227.68

1227.68

**16. TOTAL RECEIPTS (add Lines
11(e), 12, 13(c), 14, and 15) (Carry
Total to Line 24, page 4)**

728826.63

3003600.57

GOP says Gottheimer email touting fund-raising totals may have broken House ethics rules

[Herb Jackson](#) Updated 10:54 a.m. ET Jan. 31, 2018

Rep. Josh Gottheimer, D-Wyckoff, discusses bipartisan Problem Solvers Caucus he co-chairs on June 6, 2017 and argues the group should be involved in writing a bill to revamp taxes and fund infrastructure. Herb Jackson/NorthJersey.com

The political arm of the House Republican caucus criticized Rep. Josh Gottheimer's office on Tuesday for using an official congressional email account to tout the Wyckoff Democrat's campaign fund-raising totals, an apparent violation of House rules.

"This is a troubling misuse of taxpayer dollars that deserves more scrutiny," said Chris Martin, spokesman for the National Republican Campaign Committee.

Gottheimer's press secretary, Matt Fried, said the email was a mistake.

"The office has a very strict policy banning any campaign work on official time," Fried said. "We have had extensive briefings and take this extremely seriously. Unfortunately, one staff member made a mistake in violation of our policy. It should not have happened. We re-issued our guidelines and reminded everyone to be meticulous in following the rules."

The email from the official house.gov account of Abhi Rahman, Gottheimer's communications director, highlighted that the congressman's re-election

campaign raised \$729,000 during the last three months of 2017, and since the 2016 election ended had raised \$3 million.

LOCAL: [New Milford terror victim's parents attend State of the Union](#)

POLITICS: [Josh Gottheimer to Phil Murphy: Don't hike taxes on NJ millionaires](#)

SOTU: [Despite Donald Trump's call for unity, State of the Union reaction exposes deep mistrust](#)

It also quoted a blurb from a Politico newsletter saying that, "Neither of his potential Republican opponents — Steve Lonegan and John McCann — have shown anything close to that kind of money-raising ability."

Rules laid out in the [House Ethics Manual](#) say that emails like that should not come from government accounts, which must be used only for official House business. The rules specifically bar using House equipment and time for campaign press releases and "the creation or issuance of a campaign mailing."

Meredith McGehee, a [government ethics expert](#) at the Campaign Legal Center, said the rule is one of the few areas where the ethics committee of the House has consistently applied the rules and punished violators.

"It's one of those clear lines," she said. "It's the line you don't cross."

But she said there would likely be leniency if it was a mistake.

"If you show it was a mistake, that it was not willful and not repetitive, they say don't do that again," she said.

Gottheimer, a freshman, ousted Republican Rep. Scott Garrett in 2016 after

the [most expensive House race](#) in New Jersey history. The 5th District, which leans Republican, is dominated by Bergen County and also includes parts of Passaic and Sussex counties.