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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**REPORT**

Review No. 23-4827

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on April 21, 2023, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Representative George Santos

**NATURE OF THE ALLEGED VIOLATION:** Rep. Santos may have omitted or misrepresented required information in his candidate financial disclosure statements or Federal Election Commission (“FEC”) candidate committee reports. If Rep. Santos failed to disclose or misrepresented required information in his candidate financial disclosure statements or FEC candidate committee filings, then he may have violated House rules, standards of conduct, and federal law.

Rep. Santos’s congressional campaign committee, Devolder-Santos for Congress (the “campaign committee”), reported expenditures that may not have been made for bona fide campaign or political purposes. If Rep. Santos converted campaign committee funds to personal use, then he may have violated House rules, standards of conduct, and federal law.

Rep. Santos’s campaign committee may have accepted excessive contributions in the form of personal loans and contributions that may not have been Rep. Santos’s personal funds. If Rep. Santos’s campaign committee accepted personal loans and contributions that exceeded campaign contribution limits, then Rep. Santos may have violated House rules, standards of conduct, and federal law.

On February 3, 2023, a prospective congressional aide accused Rep. Santos of sexual harassment. If Rep. Santos sexually harassed or discriminated against the complainant, or engaged in an effort to intimidate, take reprisal against, or otherwise discriminate against the complainant for opposing such treatment, then he may have violated House rules, standards of conduct, and federal law.

**RECOMMENDATION:** The Board recommends that the Committee further review the above allegation concerning Rep. Santos because there is substantial reason to believe that Rep. Santos may have omitted or misrepresented required information in his candidate financial disclosure statements or FEC candidate committee reports.

The Board recommends that the Committee further review the above allegation concerning Rep. Santos because there is substantial reason to believe that Rep. Santos’s congressional campaign committee reported expenditures that may not have been made for bona fide campaign or political purposes.

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The Board recommends that the Committee further review the above allegation concerning Rep. Santos because there is substantial reason to believe that Rep. Santos's campaign committee may have accepted excessive contributions in the form of personal loans and contributions that may not have been Rep. Santos's personal funds.

The Board recommends that the Committee dismiss the above allegation concerning Rep. Santos because there is not substantial reason to believe that Rep. Santos sexually harassed or discriminated against the complainant, or engaged in an effort to intimidate, take reprisal against, or otherwise discriminate against the complainant for opposing such treatment.

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: Omar S. Ashmawy, Staff Director & Chief Counsel.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

**FINDINGS OF FACT AND CITATIONS TO LAW**

**TABLE OF CONTENTS**

**I. INTRODUCTION.....5**

    A. Summary of Allegations..... 5

    B. Jurisdictional Statement..... 7

    C. Procedural History ..... 7

    D. Summary of Investigative Activity..... 8

**II. REP. SANTOS MAY HAVE CONVERTED CAMPAIGN FUNDS TO PERSONAL USE AND MISREPORTED REQUIRED INFORMATION TO THE FEC ..... 9**

    A. Applicable Law, Rules, and Standards of Conduct..... 9

    B. Rep. Santos May Have Converted Campaign Funds to Personal Use or Misreported Information to the FEC..... 14

*i. Rep. Santos’s Campaign Committee and Campaign Bank Accounts ..... 15*

*ii. Evidence of Potential Falsification of Campaign Committee Bank Statements Produced to the OCE ..... 16*

*iii. Inconsistencies Between FEC Reported Disbursements and Campaign Bank Statement Expenditures ..... 17*

            a. Unreported Transfers and Unidentified Deposits to and from the Campaign Bank Account..... 18

            b. Campaign Expenditures not Reported as Disbursements to the FEC..... 18

*iv. Repeated Campaign Committee Expenditures Totaling \$199.99 and Potential Recordkeeping Avoidance..... 19*

*v. Additional Expenditures That May Not Have Been For Bona Fide Campaign Purposes..... 21*

**III. REP. SANTOS MAY HAVE ACCEPTED EXCESSIVE CONTRIBUTIONS IN THE FORM OF PERSONAL LOANS, WHICH MAY NOT HAVE BEEN REP. SANTOS’S PERSONAL FUNDS..... 23**

    A. Applicable Law, Rules, and Standards of Conduct..... 23

    B. Rep. Santos’s Campaign Committee May Have Accepted Excessive Contributions in the Form of Personal Loans That May Not Have Been Rep. Santos’s Personal Funds ..... 24

*i. Rep. Santos’s Reported Personal Loans to the Campaign Committee ..... 24*

*ii. Rep. Santos’s Personal Finances 2021 to 2022..... 26*

*iii. Devolder LLC ..... 26*

---

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

**IV. REP. SANTOS MAY HAVE OMITTED OR MISREPRESENTED INFORMATION IN HIS CANDIDATE FINANCIAL DISCLOSURE STATEMENTS..... 28**

- A. Applicable Law, Rules, and Standards of Conduct..... 28
- B. Rep. Santos May Have Omitted and Misrepresented Required Information in His Candidate Financial Disclosure..... 29
  - i. *Rep. Santos Misrepresented His 2021 Income in His 2022 Candidate Financial Disclosure*..... 29
  - ii. *Rep. Santos Failed to Report Clients for Devolder LLC*..... 30

**V. THE OCE DID NOT FIND SUBSTANTIAL REASON TO BELIEVE THAT REP. SANTOS SEXUALLY HARASSED OR DISCRIMINATED AGAINST A CONGRESSIONAL AIDE..... 32**

- A. Applicable Law, Rules and Standards of Conduct..... 32
- B. The OCE Reviewed Allegations that Rep. Santos May Have Sexually Harassed a Former Congressional Aide..... 34

**VI. CONCLUSION..... 36**

**VII. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATION FOR THE ISSUANCE OF SUBPOENAS..... 37**

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 23-4827

On April 21, 2023, 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*).

**I. INTRODUCTION**

**A. Summary of Allegations**

1. Rep. George Santos was recently elected to represent New York’s third congressional district after an initial unsuccessful bid for a congressional seat in 2020.<sup>1,2</sup> Prior to Rep. Santos being sworn in to Congress, there was extensive press coverage discussing Rep. Santos’s fabricating several aspects of his life, including where he attended school, the degrees he attained, his employment history, and his ownership of real estate.<sup>3</sup> In addition to those alleged fabrications, press coverage scrutinized Rep. Santos for improper use of his campaign funds and omissions or misrepresentations on his candidate financial disclosure statements. Finally, Rep. Santos was recently accused of sexual harassment by an intern who was waiting for promotion to a full-time position in his congressional office.
2. As described below, the OCE initiated a review to examine multiple issues concerning Rep. Santos. While the OCE was able to obtain documentary and testimonial evidence from several witnesses, many key witnesses refused to cooperate with the review. Despite this lack of cooperation, the OCE reviewed an extensive number of documents and spoke to multiple witnesses, ultimately finding evidence of misrepresentations on financial disclosure statements and FEC filings, personal use of campaign funds, and improper loans or contributions to the campaign.
3. The OCE reviewed Rep. Santos’s financial disclosure statements, bank statements for his principal campaign committee and Devolder Organization LLC (“Devolder LLC”), and personal income tax returns. The OCE found that the information represented in the financial documents did not support Rep. Santos’s reported wealth and ability to make certain personal loans to the campaign. The OCE’s review also raised concerns about a pattern of

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<sup>1</sup> Member, *Representative George Santos*, <https://www.congress.gov/member/george-santos/S001222> (last visited April 27, 2023).

<sup>2</sup> Biographical Directory of the United States Congress, *George Santos*, <https://bioguide.congress.gov/search/bio/S001222> (last visited April 27, 2023).

<sup>3</sup> See e.g., Grace Ashford and Michael Gold, *Who is Rep.-Elect George Santos? His Resume May Be Largely Fiction*, NY TIMES (December 19, 2022), available at <https://www.nytimes.com/2022/12/19/nyregion/george-santos-ny-republicans.html>; Nia Prater, *What Hasn’t George Santos Lied About*, NY MAGAZINE (December 22, 2022), available at <https://nymag.com/intelligencer/2022/12/what-hasnt-george-santos-lied-about.html>; David Cohen, *Rep. Elect Santos Admits Lying About His Credentials*, POLITICO, (December 26, 2022), available at <https://www.politico.com/news/2022/12/26/george-santos-background-ny-post-00075605>.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

misreporting required information to the FEC, as well as a pattern of campaign spending that may not have been for bona fide campaign purposes. Finally, the OCE has reason to believe that the campaign bank records provided to the OCE may have been altered prior to being submitted for review.

4. Rep. Santos may have omitted or misrepresented required information in his candidate financial disclosure statements or FEC candidate committee reports. If Rep. Santos failed to disclose or misrepresented required information in his candidate financial disclosure statements or FEC candidate committee filings, he may have violated House rules, standards of conduct, and federal law.
5. Rep. Santos's congressional campaign committee, Devolder-Santos for Congress, reported expenditures that may not have been made for bona fide campaign or political purposes. If Rep. Santos converted campaign committee funds to personal use, he may have violated House rules, standards of conduct, and federal law.
6. Rep. Santos's campaign committee may have accepted excessive contributions in the form of personal loans and contributions that may not have been Rep. Santos's personal funds. If Rep. Santos's campaign committee accepted personal loans and contributions that exceeded campaign contribution limits, he may have violated House rules, standards of conduct, and federal law.
7. On February 3, 2023, a prospective congressional aide accused Rep. Santos of sexual harassment. If Rep. Santos sexually harassed or discriminated against the complainant, or engaged in efforts to intimidate, take reprisal against, or otherwise discriminate against the complainant for opposing such treatment, he may have violated House rules, standards of conduct, and federal law.
8. The Board recommends that the Committee further review the above allegation concerning Rep. Santos because there is substantial reason to believe that Rep. Santos may have omitted or misrepresented required information in his candidate financial disclosure statements or FEC candidate committee reports.
9. The Board recommends that the Committee further review the above allegation concerning Rep. Santos because there is substantial reason to believe that Rep. Santos's congressional campaign committee reported expenditures that may not have been made for bona fide campaign or political purposes.
10. The Board recommends that the Committee further review the above allegation concerning Rep. Santos because there is substantial reason to believe that Rep. Santos's campaign committee may have accepted excessive contributions in the form of personal loans and contributions that may not have been Rep. Santos's personal funds.
11. The Board recommends that the Committee dismiss the above allegation concerning Rep. Santos because there is not substantial reason to believe that Rep. Santos sexually harassed or discriminated against the complainant, or engaged in efforts to intimidate, take reprisal against, or otherwise discriminate against the complainant for opposing such treatment.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

**B. Jurisdictional Statement**

12. The allegations that were the subject of this review concern Rep. Santos, a Member of the United States House of Representatives from the 3rd District of New York. The Resolution the United States House of Representatives adopted creating the OCE directs that, “[n]o review shall be undertaken ... by the [B]oard of any alleged violation that occurred before the date of adoption of this resolution.”<sup>4</sup> The House adopted this Resolution on March 11, 2008. Because some of the conduct at issue relates to a successful campaign for election to the United States House of Representatives, review by the Board is also in accordance with the Resolution and House precedent.<sup>5</sup>

**C. Procedural History**

13. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on February 17, 2023. The preliminary review commenced on February 18, 2023.<sup>6</sup>

14. On February 21, 2023, pursuant to OCE rules, the OCE notified Rep. Santos and the Committee of the initiation of the preliminary review and provided them with a statement of the nature of the review.<sup>7</sup> Rep. Santos was notified of his right to be represented by counsel in this matter and notified that invoking his right to counsel would not be held negatively against him.<sup>8</sup>

15. At least three members of the Board voted to initiate a second-phase review in this matter on March 17, 2023. The second-phase review commenced on March 20, 2023.<sup>9</sup> The second-phase review was scheduled to end on May 3, 2023.

16. On March 20, 2023, pursuant to OCE rules, the OCE notified Rep. Santos and the Committee of the initiation of the second-phase review in this matter, and again notified Rep. Santos of his right to be represented by counsel in this matter, and that invoking that right would not be held negatively against him.<sup>10</sup>

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<sup>4</sup> H. Res. 895 of the 110th Congress § 1(e) (2008) (as amended) (hereafter the “Resolution”).

<sup>5</sup> See e.g., *In the Matter of Allegations Relating to Representative Ruben Kihuen*, H.R. REP. NO. 115-1041, at 5, n. 24 (2d Sess. 2018) (“[T]he Committee has repeatedly noted it has jurisdiction over ‘misconduct relating to a successful campaign for election to the House’”). See also OCE Rules for the Conduct of Investigations, Rule 1.

<sup>6</sup> A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is received by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

<sup>7</sup> Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Santos (Feb. 21, 2023).

<sup>8</sup> *Id.*

<sup>9</sup> According to the Resolution, the Board must vote (as opposed to make a written authorization) on whether to conduct a second-phase review in a matter before the expiration of the 30-day preliminary review. If the Board votes for a second phase, the second phase commences the day after the preliminary review ends.

<sup>10</sup> Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Santos (March 20, 2023).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

17. In a letter dated March 29, 2023, the Chairman and Ranking Member of the Committee requested that the OCE cease its review and refer it to the Committee.<sup>11</sup>
18. The Board considered this request at its next scheduled meeting on April 21, 2023.<sup>12</sup> The Board voted to refer the matter to the Committee for further review and adopted these findings on April 21, 2023.<sup>13</sup>
19. The report and its findings in this matter were transmitted to the Committee on May 1, 2023.

**D. Summary of Investigative Activity**

20. The OCE requested documentary and in some cases testimonial information from the following sources:
  - (1) Rep. George Santos;
  - (2) Devolder LLC;
  - (3) D & D International Investment Services, Inc.;
  - (4) Devaughn Dames;
  - (5) Staffer 1, Rep. Santos's Chief of Staff;
  - (6) Staffer 2, Rep. Santos's Director of Operations;
  - (7) Staffer 3, Rep. Santos's Legislative Director;
  - (8) Witness 1, Former Congressional Aide;
  - (9) Linkbridge Inc.;
  - (10) Red Strategies USA, LLC;
  - (11) Flushing Bank;
  - (12) Ruiz Investment;
  - (13) Gabrielle Lipsky; and
  - (14) Nancy Marks.

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<sup>11</sup> Letter from Chairman Michael Guest and Ranking Member Susan Wild, Committee on Ethics, to Members of the Board, Office of Congressional Ethics (March 29, 2023).

<sup>12</sup> Committee cease and refer requests are governed by House Rule XI, clause 3(r), which was added to the House Rules by H. Res 895, 110th Cong. (2008). Clause 3(r) provides two predicates for a Committee cease and refer request: first, that the Committee must be "investigating" such matter, and second, that such Committee investigation must be underway "upon receipt" of notification of the OCE's review. *See, e.g., Report of the Democratic Members of the Special Task Force on Ethics Enforcement*, H. Rept. 110-1, 110th Cong. 1st Sess. at 17 (Dec. 2007). With respect to this second requirement, the Committee's investigation was not underway "upon receipt" of notification of the OCE's review of this matter. *See* Letter from Board, Office of Congressional Ethics, to Chairman Michael Guest and Ranking Member Susan Wild, Committee on Ethics (Feb. 21, 2023) (providing notice of the OCE's review); *see Statement of the Chairman and Ranking Member of the Committee on Ethics Regarding Representative George Santos* (March 2, 2023) (stating the Committee established an Investigative Subcommittee on February 28, 2023). As a result, the Committee's request to cease and refer this investigation is neither valid nor binding upon the OCE.

<sup>13</sup> Having determined the findings herein sufficiently support its decision to refer this matter for further review to the Committee and to expedite the work of the Investigative Subcommittee, however, the Board voted to conclude its review of this matter and transmit its referral to the Committee prior to the scheduled end of the second-phase review.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

21. The following individuals and entities refused to cooperate with the OCE's review:

- (1) Rep. Santos;
- (2) D&D International Investment Services, Inc.;
- (3) Devaughn Dames;
- (4) Nancy Marks;
- (5) Gabrielle Lipsky;
- (6) Red Strategies USA, LLC;
- (7) Linkbridge Inc.;
- (8) Devolder LLC;
- (9) Ruiz Investment; and
- (10) Flushing Bank.

## II. REP. SANTOS MAY HAVE CONVERTED CAMPAIGN FUNDS TO PERSONAL USE AND MISREPORTED REQUIRED INFORMATION TO THE FEC

### A. Applicable Law, Rules, and Standards of Conduct

#### 22. Federal Statutes

*Under 18 U.S.C. § 1001, “[W]hoever . . . 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, [and] imprisoned not more than 5 years . . . .”*

*18 U.S.C. § 1505 provides that “Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—Shall be fined under this title, [or] imprisoned not more than 5 years. . . .”*

*52 U.S.C. § 30114(b)(1) provides that “A contribution or donation described in subsection (a) shall not be converted by any person to personal use.”*

*Under 52 U.S.C. § 30114(b)(2), “For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office . . . .”*

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*52 U.S.C. § 30104(b)(5)(A) provides that “Each report under this section shall disclose . . . the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of the expenditure.*

*52 U.S.C. § 30104(b)(6)(A) provides that “Each report under this section shall disclose . . . for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such disbursement . . . .”*

*Under 52 U.S.C. § 30104(b), “Each report under this section shall disclose-*

*(1) the amount of cash on hand at the beginning of the reporting period;*

*(2) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all receipts, and the total amount of all receipts in the following categories: . . .*

*(B) for an authorized committee, contributions from the candidate; . . .*

*(G) for an authorized committee, loans made by or guaranteed by the candidate;*

*(H) all other loans; . . .*

*(4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements, and all disbursements in the following categories: . . .*

*(D) for an authorized committee, repayment of loans made by or guaranteed by the candidate; . . .*

*(G) for an authorized committee, any other disbursements . . . .”*

*Under 18 U.S.C. § 1343, “Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.”*

### 23. House Rules

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

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

*House Rule 23, clause 6 states: “A Member, Delegate, or Resident Commissioner— (a) shall keep the campaign funds of such individual separate from the personal funds of such individual; (b) may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures; and (c) except as provided in*

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

*clause 1(b) of rule XXIV, may not expend funds from a campaign account of such individual that are not attributable to bona fide campaign or political purposes.”*

24. Federal Elections Commission Regulations

*11 C.F.R. § 113.1(g) defines “personal use” to mean “any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder. (1)(i) Personal use includes but is not limited to the use of funds in a campaign account for any item listed in paragraphs (g)(1)(i)(A) through (J) of this section: . .*

*(A) Household food items or supplies. . .*

*(F) Admission to a sporting event, concert, theater or other form of entertainment, unless part of a specific campaign or officeholder activity. . .*

*(J) A vacation.”*

*11 C.F.R. § 113.1(g)(1)(ii) provides that “[t]he Commission will determine, on a case-by-case basis, whether other uses of funds in a campaign account fulfill a commitment, obligation or expense that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder, and therefore are personal use. Examples of such other uses include:*

*. . .*  
*(B) Meal expenses;*

*(C) Travel expenses, including subsistence expenses incurred during travel. If a committee uses campaign funds to pay expenses associated with travel that involves both personal activities and campaign or officeholder-related activities, the incremental expenses that result from the personal activities are personal use, unless the person(s) benefiting from this use reimburse(s) the campaign account within thirty days for the amount of the incremental expenses, and*

*(D) Vehicle expenses, unless they are a de minimis amount. If a committee uses campaign funds to pay expenses associated with a vehicle that is used for both personal activities beyond a de minimis amount and campaign or officeholder-related activities, the portion of the vehicle expenses associated with the personal activities is personal use, unless the person(s) using the vehicle for personal activities reimburse(s) the campaign account within thirty days for the expenses associated with the personal activities.”*

*Under 11 C.F.R. § 113.1(g)(8), “[f]or those uses of campaign funds described in paragraphs (g)(1)(i) and (g)(1)(ii) of this section that involve both personal use and either campaign or officeholder use, a contemporaneous log or other record must be kept to document the dates and expenses related to the personal use of the campaign funds. The log must be updated whenever campaign funds are used for personal expenses, as described in paragraph (g)(1) of this section, rather than for campaign or officeholder expenses. The log or other record must also be maintained and preserved for 3 years after the report disclosing the disbursement is filed, pursuant to 11 CFR 102.9 and 104.14(b).”*

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

*11 C.F.R. § 104.3(b)(4) provides that “[e]ach authorized committee shall report the full name and address of each person in each of the following categories, as well as the information required by each category. (i) Each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the election cycle is made by the reporting authorized committee to meet the authorized committee’s operating expenses, together with the date, amount and purpose of each expenditure.”*

*11 C.F.R. § 102.9(b)(1) provides that “[t]he treasurer of a political committee or an agent authorized by the treasurer to receive contributions and make expenditures shall” keep an account “of all disbursements made by or on behalf of the political committee. Such account shall consist of a record of (i) The name and address of every person to whom any disbursement is made; (ii) The date, amount, and purpose of the disbursement; and (iii) If the disbursement is made for a candidate, the name and office (including State and congressional district, if any) sought by that candidate. . . .”*

*Additionally, under 11 C.F.R. § 102.9(b)(2), “a receipt or invoice from the payee or a cancelled check to the payee shall be obtained and kept for each disbursement in excess of \$200 by or on behalf of, the committee, except that credit card transactions, shall be documented in accordance with 11 CFR 102.9(b)(2)(ii) and disbursements by share draft or check drawn on a credit union account shall be documented in accordance with 11 CFR 102.9(b)(2)(iii).”*

## 25. House Ethics Manual

*The House Ethics Manual states that, “[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.”<sup>14</sup>*

*The House Ethics Manual further states: “[a] Member’s use of campaign funds for federal office is permissible only if it complies with the provisions of **both** the House Rules **and** [the Federal Election Campaign Act].”<sup>15</sup>*

*“While FECA and other statutes on campaign activity are not rules of the House, Members and employees must also bear in mind that the House Rules require that they conduct themselves ‘at all times in a matter that shall reflect creditably on the House’ (House Rule 23, clause 1). In addition, the Code of Ethics of Government Service, which applies to House Members and staff, provides in ¶ 2 that government officials should ‘[u]phold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion.’ Accordingly, in violating FECA or another provision of statutory law, a Member or employee may also violate these provisions of the House rules and standards of conduct. . . .”<sup>16</sup>*

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<sup>14</sup> Committee on Ethics, HOUSE ETHICS MANUAL (2022 Print).  
<https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf>  
[hereinafter “HOUSE ETHICS MANUAL”] (emphasis in original) at 123.

<sup>15</sup> *Id.* at 152 (emphasis in original).

<sup>16</sup> *Id.* at 122.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

*The House Ethics Manual states, “[c]ampaign funds are **not** to be used to enhance a Member’s lifestyle, or to pay a Member’s personal obligations. Members have wide discretion in determining what constitutes a bona fide campaign or political purpose to which campaign funds and resources may be devoted, but Members have **no** discretion whatsoever to convert campaign funds to personal use. Furthermore, House rules require that Members be able to verify that campaign funds have not been used for personal purposes.”<sup>17</sup>*

*Regarding the verification requirement, the House Ethics Manual further states: “The rule by its terms requires that each campaign outlay made by a Member be not only ‘legitimate,’ but also capable of being verified as such. This requirement that the proper purpose of each outlay be verifiable is a commonsense requirement. With the huge number of outlays that Members’ campaigns typically make, often on a nearly continuous basis, the propriety of particular outlays may not be subject to review for months or years after the fact, when recollections as to the circumstances or specific purposes of an outlay may well have faded.”<sup>18</sup>*

*The House Ethics Manual additionally provides: “**Members and their campaign staffs should bear in mind that the verification requirement imposed by the House rules is separate from, and in addition to, whatever record keeping requirements are imposed by the Federal Election Commission on federal candidates generally . . . .**”<sup>19</sup>*

*With respect to meals, the Manual explains: “use of campaign funds to pay for any meal when the only individuals present are a Member and the Member’s personal friends or relatives inherently raises concerns of conversion of campaign funds to personal use. The only circumstance in which payment for such a meal with campaign funds may be permissible is if the other attendees actively work in the Member’s campaign, and if the meal is merely incident to a meeting having a clear, specific agenda of campaign business.”<sup>20</sup>*

*According to the House Ethics Manual, “[a]s to outlays for travel or meals – as well as outlays for the acquisition of goods or services from themselves or their family members – Members must exercise great care, because such outlays by their nature raise a concern of personal use.”<sup>21</sup>*

*The Manual goes on to say: “[i]n order to be able to verify that there was a proper campaign purpose for meal outlays, the Standards Committee strongly advises that campaign committees maintain records that note both the individuals who were present at each meal, and the specific campaign or political purpose served by the outlay. When the attendees include only friends or relatives, and the above-stated requirements for campaign payment for such a meal are satisfied, the maintenance of specific, written records is essential. In these circumstances, the records should specifically describe the campaign agenda of the meal. As with campaign outlays for travel, when*

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<sup>17</sup> *Id.* at 173.

<sup>18</sup> *Id.* at 164.

<sup>19</sup> *Id.* at 165 (emphasis in original).

<sup>20</sup> *Id.* at 169.

<sup>21</sup> *Id.* at 167.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

*the outlays for meals are frequent and extensive, the need to maintain specific, written records is paramount.*"<sup>22</sup>

26. House Committee on Ethics Guidance

*In the Matter of Allegations Relating to Representative Laura Richardson, the Committee found that Rep. Richardson "violated . . . House Rule XXIII clauses 1 [and] 2, and clause 2 of the Code of Ethics for Government Service . . . by obstructing the investigation of the Committee and the Investigative Subcommittee through the alteration or destruction of evidence, the deliberate failure to produce documents responsive to requests for information and a subpoena, and attempting to influence the testimony of witnesses."*<sup>23</sup>

*In July 2020, the Committee published a June 2020 Investigative Subcommittee Report (ISC) explaining: "[t]he ISC is well-aware that Members have demanding schedules that do not afford them the time to tend to the minutiae of every campaign transaction or congressional office task to ensure their campaigns and congressional offices operate in full compliance with relevant rules and laws. Members often delegate such oversight and compliance responsibilities to others . . . But Members must be held to account when they know or should know of ethical violations that occur within the organizations they oversee; abdicate their duty to supervise the staff to whom they delegate substantial responsibilities; disregard concerns as they are brought to their attention; and hamstringing compliance professionals by not supplying necessary information or providing false information."*<sup>24</sup>

**B. Rep. Santos May Have Converted Campaign Funds to Personal Use or Misreported Information to the FEC**

27. In this review, the OCE analyzed a pattern of misreporting of required campaign information, as well as a pattern of campaign spending that did not appear to be for legitimate campaign purposes. Additionally, the OCE found evidence that Rep. Santos may have produced false records to the OCE, which may have been an effort to undermine this investigative process and misrepresent the truth of Rep. Santos's campaign expenditures.

28. Given Rep. Santos's and his associates' lack of cooperation with this congressional investigation and the OCE's expedited timeframe in this review as explained above,<sup>25</sup> there are instances of potential campaign finance fraud that have received public scrutiny but are not addressed below. The findings below represent the information the OCE determined warranted further review; however, there are likely other areas of inquiry related to personal use of campaign funds and campaign finance reporting omissions or misrepresentations by Rep. Santos.

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<sup>22</sup> *Id.* at 170.

<sup>23</sup> In the Matter of Allegations Relating to Representative Laura Richardson, 112<sup>th</sup> Cong., 2<sup>d</sup> Sess. (Aug. 1, 2012) at 2-3.

<sup>24</sup> House Committee on Ethics, Investigative Subcommittee Report, *In the Matter of Allegations Relating to Representative David Schweikert*, 116<sup>th</sup> Cong. 2<sup>d</sup> Sess. (2020) at 2.

<sup>25</sup> *See supra*, notes 12-13.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

29. As explained below, the OCE found evidence that Rep. Santos may have provided false statements in this congressional investigation, misreported information in FEC filings, and may have misused campaign funds for personal use.

*i. Rep. Santos's Campaign Committee and Campaign Bank Accounts*

30. Rep. Santos's principal campaign committee, Devolder-Santos for Congress, filed its first statement of organization with the FEC in October 2019.<sup>26</sup> In that filing, the campaign committee named Nancy Marks as treasurer and custodian of records.<sup>27</sup> According to public reporting and FEC filings, Nancy Marks remained the treasurer of the campaign committee until January 25, 2023.<sup>28</sup>

31. The bank of record for the campaign committee was Empire National Bank ("Empire Bank"), which was later acquired by Flushing Financial Corporation ("Flushing Bank") in 2020.<sup>29</sup> The campaign committee did not change banks, but starting in September 2022, the campaign committee reported additional financial institutions as the campaign's banks or depositories.<sup>30</sup> The campaign committee eventually reported banking with Evolve Bank & Trust,<sup>31</sup> Truist Bank, and Flushing Bank.<sup>32</sup>

32. To verify the legitimacy of Rep. Santos's campaign committee expenditures, the OCE requested the campaign committee's financial records. Rep. Santos did not provide the OCE with a complete set of financial records for his campaign committee. The OCE reviewed what were purported to be all of the campaign committee's bank statements for transactions associated with the bank account maintained at Flushing Bank for 2022.

33. Additionally, Nancy Marks did not cooperate with the OCE's investigation, which left the OCE unable to verify pertinent information concerning the campaign committee's bank accounts and corresponding transactions and records.

34. During witness interviews, the OCE found that Rep. Santos's campaign staff had minimal involvement with campaign finances and expenses. While Rep. Santos's campaign staff provided records for individual campaign expenses to Nancy Marks,<sup>33</sup> the Campaign Manager, Staffer 1, was unaware who had access to campaign debit, credit cards, or the campaign checkbook.<sup>34</sup> Staffer 1 explained that Rep. Santos booked all of his own travel and accommodations.<sup>35</sup> Staffer 1 further explained that he was unaware how many bank accounts

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<sup>26</sup> See Devolder-Santos for Congress, FEC Statement of Organization, filed October 2, 2019.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*; See Grace Ashford and Michael Gold, *George Santos's Treasurer Has Resigned, Leaving a Trail of Questions*, January 31, 2023 NY TIMES, <https://www.nytimes.com/2023/01/31/nyregion/george-santos-treasurer-money.html>.

<sup>29</sup> See Devolder-Santos for Congress, FEC Statement of Organization, filed October 2, 2019; Securities and Exchange Commission Rule 425 Filing, Flushing Financial Corp., File No. 001-33013.

<sup>30</sup> See Devolder Santos for Congress, FEC Statement of Organization, filed September 22, 2022.

<sup>31</sup> *Id.*

<sup>32</sup> See Devolder Santos for Congress, FEC Statement of Organization, filed October 27, 2022.

<sup>33</sup> Transcript of Staffer 1, ("Staffer 1 Transcript"), March 23, 2023 (Exhibit 1 at 23-4827\_0031-0032).

<sup>34</sup> *Id.* at 23-4827\_0031-0032.

<sup>35</sup> *Id.*

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

the campaign committee maintained, although he told the OCE he had access to a campaign debit card.<sup>36</sup> Rep. Santos’s campaign committee had approximately two or three full-time campaign staffers and some consultants working for his 2022 election cycle.<sup>37</sup> Based on the testimony provided, the OCE was unable to ascertain who had access to review or spend campaign committee funds, aside from Staffer 1, Rep. Santos, and Nancy Marks.

ii. Evidence of Potential Falsification of Campaign Committee Bank Statements Produced to the OCE

35. During this review, the OCE requested campaign committee bank statements from Rep. Santos. Rep. Santos provided purportedly unaltered campaign committee bank statements from January 2022-December 2022. The OCE found a number of unusual transactions on the campaign committee bank statements that Rep. Santos produced to the OCE.<sup>38</sup> The manner in which these transactions were reported on the bank statements raised concerns that the documents may have been altered prior to being provided to OCE investigators as a means to obscure personal use of campaign funds. The OCE spoke informally with a customer service representative of the bank, who confirmed the unusual nature of the entries described below. Additionally, as further discussed in the next section, the OCE notes that the unusual entries frequently were not reported in the campaign committee’s FEC filings as disbursements.

36. For instance, there were several transactions that included brief and informal descriptions such as a first and last name, with no further details or transaction reference codes or numbers.

	07/08 DBT Purchase EXXONMOBIL 97 EXXONMOBIL 97662 HUNTINGTON NY US Seq#754767 Date 7/07/22 Time 10:09	\$40.00-	\$820.57	\$228,583.97
➔	07/08 Vernon Hill		\$5,800.00	\$234,343.97
	07/08 REMOTE DEPOSIT		\$2,500.00	\$236,843.97
	07/08 REMOTE DEPOSIT		\$175.00	\$237,018.97

37. There were also transactions described as payroll taxes for campaign staffers, which included staffer nicknames and misspellings, raising further concerns of alteration of the records.

➔	10/28 WinRed WinRed 102		\$4,065.58	\$236,656.38
	10/28 taxes Charley and Gaby	\$3,666.50-		\$232,989.88
	10/28 PREFUND XFER-BATCH NAME:Payroll-	\$14,224.26-		\$218,765.62
	10/28 Julie Santos	\$2,671.48-		\$216,094.14
	10/28 REMOTE DEPOSIT		\$5,000.00	\$221,094.14
	10/28 REMOTE DEPOSIT		\$6,090.00	\$227,184.14

<sup>36</sup> Staffer 1 Transcript (Exhibit 1 at 23-4827\_0028-0029,0032).

<sup>37</sup> *Id.* (Exhibit 1 at 23-4827\_0012-0013).

<sup>38</sup> Flushing Bank Statement of Account, Devolder Santos for Congress (“Campaign Bank Statements”), January 1, 2022-December 31, 2022 (Exhibit 2 at 23-4827\_0079-0162).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

➔	08/30	PREFUND XFER-BATCH NAME:Payroll-		\$251.66	\$131,724.57
	08/30	Charley 3 months taxes June, Jul	\$5,484.78-		\$126,239.79
	08/30	REMOTE DEPOSIT	\$8,476.98-		\$117,762.81
	08/30	REMOTE DEPOSIT		\$8,450.00	\$126,212.81
				\$11,000.00	\$137,212.81

38. Notably, on September 26, 2022, the campaign bank statements included a transaction labeled “balance \$3,800,” which is unusual since the transaction was in fact, a deposit into the account for \$15,000.

➔	09/26	WinRed WinRed 092		\$1,523.16	\$356,648.89
	09/26	Balance \$3,800		\$15,000.00	\$371,648.89

39. The potential alteration of these documents produced to the OCE raises concerns about Rep. Santos’s credibility, the veracity of the documents provided to the OCE, and the intent behind providing false documents to OCE investigators. The OCE made efforts to confirm the legitimacy of these transactions with Flushing Bank<sup>39</sup> by making a formal Request for Information (“RFI”) for the bank statements in question. However, Flushing Bank refused to cooperate and cited inapplicable statutes and other privacy concerns that do not apply to Congress or duly authorized congressional investigations.

40. The OCE further notes that any effort to falsify, conceal, or cover up a material fact in records provided to the OCE could have criminal implications under the federal False Statement Act.<sup>40</sup>

*iii. Inconsistencies Between FEC Reported Disbursements and Campaign Bank Statement Expenditures*

41. While reviewing campaign committee bank statements<sup>41</sup> and FEC filings for Rep. Santos’s principal campaign committee, the OCE found evidence of misuse of campaign funds for personal use and a pattern of carelessness and inconsistent reporting of campaign disbursements. Below are representative examples of the inconsistencies between FEC reported disbursements and campaign bank statements.

<sup>39</sup> The OCE made efforts to confirm whether the transactions in question reflected the true nature of the underlying transactions in the campaign committee bank account. On March 22, 2023, the OCE had an informal conversation with a customer service representative at Flushing Bank through their public customer service phone number. The OCE asked whether it was possible to override the bank’s transaction descriptors on the bank’s mobile phone application. The customer service representative explained that while Flushing Bank customers can add personal notes to transactions on the mobile phone application, these details would not show up in a bank statement. Internal Memorandum on file with the OCE, March 22, 2023. Subsequently, after identifying Flushing Bank as a witness, the OCE contacted Flushing Bank’s Counsel on March 31, 2022. On April 3, 2023, the OCE sent an RFI to Flushing Bank’s Counsel and all further communications occurred through counsel.

<sup>40</sup> 18 U.S.C. § 1001.

<sup>41</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_0079-0162).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

a. Unreported Transfers and Unidentified Deposits to and from the Campaign Bank Account

42. As evidenced in the bank statements, Rep. Santos's campaign made several transfers and received multiple deposits that went unreported in FEC filings. For example, on January 24, 2022, there were two deposits totaling \$22,799 to the Flushing Bank campaign committee account from two unidentified accounts.<sup>42</sup> One day later, there were two transfers made from the Flushing Bank campaign committee account to two different unidentified accounts totaling \$25,000.<sup>43</sup> The OCE compared these deposits and transfers to the campaign committee's FEC reports and did not find any evidence that these transactions were reported.
43. Most notably, on November 29, 2022, the campaign bank account transferred \$20,000 to an account linked to Devolder LLC, which as discussed below, is Rep. Santos's personal business bearing his name.<sup>44</sup> However, there were no corresponding records of this transfer in the campaign committee's FEC filings. This unreported transfer of funds from the campaign committee to Rep. Santos's personal business is alarming and heightens concerns about misuse of campaign committee resources.
44. Despite requests, the OCE did not receive records of any of Rep. Santos's personal bank accounts, or a complete record of Devolder LLC or campaign committee bank statements. Thus, the OCE was unable to verify the purpose of the transfers and deposits. This activity calls into question the source of funds received by the campaign committee, as well as the recipient of large sums of unidentified and undisclosed campaign funds.

b. Campaign Expenditures not Reported as Disbursements to the FEC

45. In addition to patterns of large, unreported sums of money being transferred in and out of the campaign committee bank account, the OCE found that Rep. Santos's campaign committee expenditures contained several discrepancies that did not align with the campaign committee's FEC reports. Below, the OCE notes some representative examples of the discrepancies in the limited bank statements the OCE was provided. These examples further demonstrate the possibility that Rep. Santos used his campaign funds for his own personal benefit and ignored his campaign finance reporting obligations.
46. For example, in February 2022, the campaign committee FEC reports show two disbursements to Fogo de Chao in Orlando, Florida, a Brazilian steakhouse.<sup>45</sup> The disbursements were made on February 17, 2022, and February 25, 2022—for \$1,000 and \$1,576.98, respectively.<sup>46</sup> However, bank statements reflect only one transaction at the restaurant on February 17, 2022 for \$500.<sup>47</sup> Without cooperation from Rep. Santos or Nancy

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<sup>42</sup> *Id.* at 23-4827\_0081.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 23-4827\_0153.

<sup>45</sup> Devolder-Santos for Congress, FEC April 2022 Quarterly Report of Receipts and Disbursements, filed April 15, 2022 at 138.

<sup>46</sup> *Id.*

<sup>47</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_0085).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

Marks, the OCE could not verify the reason for this inconsistency, and whether it was human error or an attempt to obscure the true nature of the related expenses.

47. The OCE also found that on February 20, 2022, in the same week, the campaign committee made a \$1,500 purchase at “MAX PETS” in Astoria, New York which was not reported to the FEC.<sup>48</sup>
48. Further, while reviewing and comparing campaign bank statements with FEC reports, the OCE found a pattern of unreported expenditures at restaurants, fast casual eateries, gas stations, and department stores that went unreported on FEC reports and may not have been for campaign purposes. For example, during the sample representative month of July 2022, the campaign committee bank statements reflect \$1,403.39 in unreported expenditures ranging from an \$8.50 purchase at Panera Bread to \$130.38 at Town Cellars Wines & Liquors in Manorville, New York.<sup>49</sup>
49. Similarly, in August 2022, the campaign debit card made \$1,696.25 in purchases that went unreported to the FEC.<sup>50</sup>
50. The facts as identified above are indicative of a lack of transparency in reporting and support a conclusion that campaign funds may have been used for personal use.

*iv. Repeated Campaign Committee Expenditures Totaling \$199.99 and Potential Recordkeeping Avoidance*

51. While disbursements over \$200 are subject to certain recordkeeping requirements for committees under the FEC’s rules, House rules require more robust recordkeeping for campaigns so that all disbursements can be verified. Rep. Santos may have taken advantage of the FEC’s \$200 threshold by repeatedly reporting disbursements valued at \$199.99. The OCE found that, in many cases, the \$199.99 reported amount may represent false accounting to avoid recordkeeping. Even so, Rep. Santos has additional obligations pursuant to House rules to verify the legitimacy of all expenditures.
52. In 2021, Rep. Santos’s campaign committee reported 40 campaign disbursements valued between \$199 and \$200.<sup>51</sup> Of those 40 disbursements, 37 were for exactly \$199.99,<sup>52</sup> which is just one cent below the FEC requirement to maintain a receipt, canceled check or invoice.<sup>53</sup>
53. Many of the \$199.99 disbursements were for hotels, Ubers, and restaurants. Most notably, the campaign committee reported it spent \$199.99 on numerous occasions for the same

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<sup>48</sup> *Id.* at 23-4827\_0085.

<sup>49</sup> *Id.* at 23-4827\_0115-0121.

<sup>50</sup> *Id.* at 23-4827\_0123-0128.

<sup>51</sup> Devolder-Santos for Congress, FEC October 2022 Quarterly Report of Receipts and Disbursements, filed October 15, 2022.

<sup>52</sup> *Id.*

<sup>53</sup> FEC, Recording Disbursements, <https://www.fec.gov/help-candidates-and-committees/keeping-records/records-disbursements> (last visited April 27, 2023).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

vendor. The OCE found seven disbursements to Il Bacco Ristorante of Little Neck, NY, five disbursements of the same amount to Uber, and four disbursements to Delta Airlines.<sup>54</sup>

54. In accordance with House rules, the OCE requested supporting documentation for all campaign disbursements totaling \$199.99. However, Rep. Santos did not provide any supporting documents. Because most of the expenditures totaling \$199.99 occurred in 2021, and Rep. Santos only produced some partial bank statements for 2022, the OCE was unable to verify the legitimacy of these disbursements.
55. However, based on a comparison of campaign committee spending with the same vendors in 2022, it is unlikely that any of these charges, even if aggregated, would have repeatedly totaled \$199.99—the exact number necessary to avoid record retention. For instance, according to FEC filings, Rep. Santos’s campaign committee made twelve disbursements to Il Bacco Ristorante in 2022.<sup>55</sup> These disbursements range from \$45.39 to \$8,000.00.<sup>56</sup> None of the disbursements are for \$199.99. Additionally, the 2022 campaign committee bank statements do not show any purchases made at Il Bacco Ristorante for \$199.99.
56. In 2022, the campaign made 133 disbursements to Uber.<sup>57</sup> According to the campaign committee bank statements, none of the disbursements were for \$199.99.<sup>58</sup> The cumulative Uber charges for the representative months of November and December 2022 were \$926.76 and \$1,118.78, respectively.<sup>59</sup>
57. Further, in 2022, Rep. Santos’s campaign committee reported only one disbursement to the FEC totaling \$199.99.<sup>60</sup> According to the filing, this disbursement was for office supplies at Best Buy on February 7, 2022.<sup>61</sup> However, the campaign committee bank statements (from the campaign committee’s only reported bank at the time) do not include any purchases at Best Buy for the month of February.<sup>62</sup>
58. The number of \$199.99 disbursements made in 2021, and the lack of their existence for similar vendors in 2022, indicate that the disbursements actually may not have been in that specific amount. Moreover, this inconsistency may establish that the reported disbursements were falsely reported to be that amount to avoid disclosing the details of the actual payments and corresponding recipients, or to avoid maintaining records for those expenses.

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<sup>54</sup> Devolder-Santos for Congress, FEC April 2022 Quarterly Report of Receipts and Disbursements, filed October 15, 2022.

<sup>55</sup> *Id.*

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

<sup>57</sup> See Devolder-Santos for Congress, 2022 FEC Reports of Receipts and Disbursements.

<sup>58</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_00790-0162).

<sup>59</sup> *Id.* (Exhibit 2 at 23-4827\_0148-0154, 0156-0161).

<sup>60</sup> Devolder-Santos for Congress, FEC April 2022 Quarterly Report of Receipts and Disbursements, filed April 15, 2022, at 117.

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

<sup>62</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_0084-0087).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

v. *Additional Expenditures That May Not Have Been For Bona Fide Campaign Purposes*

59. The OCE found a pattern of campaign committee expenditures for travel and other personal services that may not have represented legitimate and verifiable campaign expenditures. These instances, combined with the details described above about reporting lapses and other discrepancies, heighten concerns about conversion of campaign funds to personal use.
60. From July 23, 2022 to July 24, 2022, Rep. Santos’s campaign spent \$2,281.52 at resorts in Atlantic City, New Jersey.<sup>63</sup> When asked if there were campaign events in Atlantic City, Staffer 1 stated he was not aware of any events in Atlantic City and did not attend any campaign events in Atlantic City.<sup>64</sup>
61. Likewise, in the same month, the campaign spent \$1,400 at Virtual Skin Spa in Jericho, New York, a full-service medical spa based in Long Island that performs cosmetic procedures such as Botox, micro needling and facials.<sup>65</sup> While the OCE was unable to interview Rep. Santos about this expense, the OCE asked Staffer 1 whether there would have been a legitimate campaign purpose for an expense at a cosmetic skin spa.<sup>66</sup> In response, Staffer 1 stated that he could not recall “in past campaigns where there was ever anything spent on cosmetics.”<sup>67</sup>
62. On August 26, 2022, the campaign spent \$225 at CityMD in Huntington, New York.<sup>68</sup> CityMD is the largest provider of urgent care services in New York and New Jersey.<sup>69</sup> When asked about this charge, Staffer 1 stated he was unfamiliar with “what that could be.”<sup>70</sup> However, FEC reports show this disbursement as “campaign staff urgent care visit.”<sup>71</sup> Thus, Rep. Santos, or another campaign staffer may have used campaign funds to receive emergency medical services.
63. Finally, the campaign bank statements reflect extensive travel outside of Rep. Santos’s district. While it is not unusual for a candidate to travel outside of their district for campaign events, the OCE found that the amount of out-of-state travel evidenced by the campaign bank statements did not align with testimonial evidence provided by Staffer 1.
64. Staffer 1 stated that to the best of his recollection, there were only two trips out of state during the campaign—to Washington, D.C. and Florida.<sup>72</sup> However, a review of the

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<sup>63</sup> *Id.* (Exhibit 2 at 23-4827\_0119).

<sup>64</sup> Staffer 1 Transcript (Exhibit 1 at 23-4827\_0038).

<sup>65</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_0119); Virtual Skin Spa, *About us*, <https://virtualskinspa.com/> (last visited April 27, 2023).

<sup>66</sup> Staffer 1 Transcript (Exhibit 1 at 23-4827\_0050).

<sup>67</sup> *Id.* (Exhibit 1 at 23-4827\_0050).

<sup>68</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_0126).

<sup>69</sup> CityMD, *About Us*, <https://www.citymd.com/> (last visited April 27, 2023).

<sup>70</sup> Staffer 1 Transcript (Exhibit 1 at 23-4827\_0049).

<sup>71</sup> Devolder-Santos for Congress, FEC April 2022 Quarterly Report of Receipts and Disbursements, filed October 15, 2022 at 202.

<sup>72</sup> Staffer 1 Transcript (Exhibit 1 at 23-4827\_0018-0019).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

campaign bank statements show a substantial number of transactions within Florida throughout 2022, primarily at restaurants and hotels.<sup>73</sup>

65. For example, bank records show that in the three-day span between November 18 and November 20, 2022, the campaign debit card was used in Las Vegas, Nevada; Washington, DC; Queens, New York; and Miami, Florida—to purchase lodging, ground transportation and meals.<sup>74</sup>
66. Staffer 1 stated that Rep. Santos attended the Republican Jewish Coalition Leadership Conference, which took place in Las Vegas, NV from November 18 to November 20, 2022.<sup>75</sup> The OCE confirmed that Rep. Santos attended the conference as a guest speaker on November 19, 2022.<sup>76</sup> However, on that same day, there was a \$1,290 charge at the Breakers Hotel in Miami, Florida—a luxury Palm Beach five star resort<sup>77</sup>—as well as a charge for cab fare in Queens, New York.<sup>78</sup> Since Rep. Santos could not have physically been present in three states in one day, these charges raise concerns about who had access to campaign committee funds and the true nature of the expenditures.
67. The pattern of conduct identified above indicates that Rep. Santos may have repurposed funds meant to promote his candidacy to instead support his lifestyle and other forms of personal use.<sup>79</sup> Similarly, the campaign committee appears to have frequently misreported information to the FEC, while attempting to conceal the legitimate purpose for such expenditures. Additionally, Rep. Santos’s lack of cooperation and potential alteration of bank statements produced to the OCE may have obstructed the OCE’s investigation and impeded the OCE’s ability to properly examine the campaign committee’s spending practices.
68. Based on the foregoing, the Board finds that there is substantial reason to believe that Rep. Santos converted campaign funds to personal use and misreported required information to the FEC.

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<sup>73</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_0079-0082, 0084-0087, 0094-0098, 0139-0146, 0157-0161).

<sup>74</sup> *Id.* (Exhibit 2 at 23-4827\_0152).

<sup>75</sup> Staffer 1 Transcript (Exhibit 1 at 23-4827\_0040); Republican Jewish Coalition, Events, *RJC- Annual Leadership Meeting*, [https://www.rjchq.org/vegas\\_redirect\\_20221118](https://www.rjchq.org/vegas_redirect_20221118) (last visited April 27, 2023).

<sup>76</sup> C-SPAN, *Representative Elect George Santos Speaks at Republican Jewish Coalition*, Nov. 19, 2022, available at <https://www.c-span.org/video/?524302-103/representative-elect-george-santos-speaks-republican-jewish-coalition>.

<sup>77</sup> The Breakers, Palm Beach, *About the Breakers*, <https://www.thebreakers.com/> (last visited April 27, 2023).

<sup>78</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_0152).

<sup>79</sup> During the review, the OCE also found evidence of frequent small dollar purchases that may not have been for campaign purchases. The campaign committee bank statements contained regular purchases at fast food restaurants, supermarkets and hotels near Rep. Santos’s district. When combined with the information above, and given the nature of the expenses, the OCE found a high likelihood that Rep. Santos used campaign committee funds for everyday personal purchases.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

**III. REP. SANTOS MAY HAVE ACCEPTED EXCESSIVE CONTRIBUTIONS IN THE FORM OF PERSONAL LOANS, WHICH MAY NOT HAVE BEEN REP. SANTOS'S PERSONAL FUNDS**

**A. Applicable Law, Rules, and Standards of Conduct**

**69. Federal Statutes**

*Under 52 U.S.C. § 30104(b)(3), "Each report shall under this section shall disclose . . . the identification of each—*

*(A) person . . . who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the cause of an authorized committee of a candidate for Federal office) . . .*

*(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan. . . ."*

**70. Federal Election Commission Regulations**

*11 C.F.R. § 110.10 states that "[C]andidates for Federal office may make unlimited expenditures from personal funds as defined in 11 CFR 100.33."*

*11 C.F.R. § 100.33 defines "personal funds of a candidate" to mean "the sum of all the following:*

*(a) Assets. Amounts derived from any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had -*

- (1) Legal and rightful title; or*
- (2) An equitable interest;*

*(b) Income. Income received during the current election cycle, of the candidate, including:*

- (1) A salary and other earned income that the candidate earns from bona fide employment;*
- (2) Income from the candidate's stocks or other investments including interest, dividends, or proceeds from the sale or liquidation of such stocks or investments*

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

*Pursuant to 11 CFR § 110.1(b)(1), “No person shall make contributions to any candidate, his or her authorized political committees or agents with respect to any election for Federal office that, in the aggregate, exceed \$2,000.”<sup>80</sup>*

*Pursuant to 11 C.F.R. § 104.3(a)(1), “Each report filed under § 104.1 shall disclose the total amount of receipts for the reporting period and for the calendar year (or for the election cycle, in the case of an authorized committee) and shall disclose the information set forth at paragraphs (a)(1) through (a)(4) of this section. . . . (1) CASH ON HAND. The amount of cash on hand at the beginning of the reporting period, including: currency; balance on deposit in banks, savings and loan institutions, and other depository institutions; traveler’s checks owned by the committee; certificates of deposit, treasury bills and any other committee investments valued at cost.”*

**B. Rep. Santos’s Campaign Committee May Have Accepted Excessive Contributions in the Form of Personal Loans That May Not Have Been Rep. Santos’s Personal Funds**

*i. Rep. Santos’s Reported Personal Loans to the Campaign Committee*

71. During this review, the OCE analyzed loans that Rep. Santos reported to the FEC as personal loans to the campaign committee. However, the OCE could not verify the source of Rep. Santos’s personal funds for these loans nor determine whether the loans actually came from another unreported source.
72. According to FEC reports, Rep. Santos made a series of personal loans to his campaign in the 2021 to 2022 election cycle totaling \$705,000.<sup>81</sup> The first of these personal loans from Rep. Santos was reported on June 30, 2021, for \$80,000.<sup>82</sup> Next, Rep. Santos reported a \$500,000 personal loan to the campaign committee on March 31, 2022,<sup>83</sup> and finally reported a \$125,000 personal loan on October 26, 2022.<sup>84</sup>

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<sup>80</sup> This limit applies to each election the candidate participates in (e.g., primary, general, run-off, etc.) and is adjusted for inflation every two years. See 11 C.F.R. § 110.1(b). For the 2021 to 2022 election cycle, the contribution limit was \$2,900. See FEC, *Contribution Limits for 2021-2022*, <https://www.fec.gov/updates/contribution-limits-2021-2022/> (last visited April 27, 2023).

<sup>81</sup> Devolder-Santos for Congress, FEC October 2022 Quarterly Report of Receipts and Disbursements, filed October 15, 2022 (amended January 24, 2023) at 238-246; Devolder-Santos for Congress, FEC January 2022, Year-End Report, filed January 31, 2023 at 50.

<sup>82</sup> Devolder-Santos for Congress, FEC October 2022 Quarterly Report of Receipts and Disbursements, filed October 15, 2022 at 237.

<sup>83</sup> *Id.* at 238.

<sup>84</sup> Devolder-Santos for Congress, FEC April 2022 Quarterly Report of Receipts and Disbursements, filed April 15, 2022 at 12. According to FEC reports, Rep. Santos has made ten total personal loans to his campaign committee dating back to January 2019, in amounts ranging from \$2,000 to \$500,000. See Devolder-Santos for Congress, FEC April 2020 Quarterly Report of Receipts and Disbursements, filed April 15, 2020 at 16-20; Devolder-Santos for Congress, FEC April 2022 Quarterly Report of Receipts and Disbursements, filed April 15, 2022 at 12, Devolder-Santos for Congress, FEC July 2021 Quarterly Report of Disbursements, filed July 15, 2021. Of the \$81,250 in personal loans in that election cycle, the campaign committee has repaid \$31,200 to Rep. Santos. Due to the lack of cooperation from Rep. Santos and Nancy Marks, the OCE was unable to verify the source of these loans and focused on personal loans made during the latest election cycle.

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73. The campaign committee’s bank statements include a \$125,000 “remote deposit” on October 26, 2022, which is consistent with the loan reported for that date.<sup>85</sup> However, there is no similar deposit in or around March 2022 for \$500,000.<sup>86</sup>
74. Additionally, the bank statements show the campaign committee had a \$85,616.14 balance at the end of March, which does not support the \$821,293.77 cash on hand reported by the campaign committee to the FEC for that period.<sup>87</sup> As discussed more fully below, based on Rep. Santos’s 2021 personal income tax returns, he may not have been able to afford personally loaning his campaign committee \$80,000 in 2021.
75. The OCE notes that in each quarterly loan filing, Rep. Santos’s campaign gave inconsistent accounts of the source of these loans. Boxes to indicate that the loans came from Rep. Santos’s personal funds were checked in some places but not in other places. The most recent filings do not indicate where the money originated, if not from Rep. Santos personally. It is unclear whether these were deliberate amendments, or further evidence of careless record keeping and reporting.
76. Additionally, documents provided to the OCE by Rep. Santos were substantially different than the loans reported to the FEC. The OCE requested documents supporting all loans made to Rep. Santos’s campaign. In response, Rep. Santos provided copies of three checks from his personal bank account to the campaign committee.<sup>88</sup> Below are the date(s) and amount(s) of each check:

<b>Date of Issue:</b>	<b>Amount:</b>
April 20, 2022	\$100,000
September 10, 2022	\$300,000
October 10, 2022	\$100,000

77. None of the above loans were reported to the FEC or appeared connected to the \$125,000 or \$500,000 loans that were reported to the FEC.
78. On September 19, 2022, an unidentified deposit was made into the campaign committee bank account for \$300,000, simply identified as “deposit” on the campaign committee bank

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<sup>85</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_0145).

<sup>86</sup> *Id.* (Exhibit 2 at 23-4827\_0089-0091); The OCE notes that in its review, Rep. Santos only provided campaign committee bank statements for 2022. Because the \$80,000 loan to the campaign was made in 2021, the OCE was unable to compare the FEC reports and campaign committee bank statements for that transaction.

<sup>87</sup> *Compare* Rep. Santos Campaign Bank Statements (Exhibit 2 at 23-4827\_0089-0091) *with* Devolder-Santos for Congress, FEC April 2022 Quarterly Report of Receipts and Disbursements, filed April 15, 2022 at 4.

<sup>88</sup> Checks from Rep. Santos to Devolder-Santos for Congress (Exhibit 3 at 23-4827\_0163-0166).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

statements.<sup>89</sup> It is possible this corresponded with the September 10, 2022 personal check; however, this amount was still never reported to the FEC. Additionally, there were no other corresponding deposits into the campaign bank account for the April 20, 2022 and October 10, 2022 checks. It is unclear into which account the rest of these checks were deposited.<sup>90</sup>

79. Without cooperation from Rep. Santos or Nancy Marks, the OCE could not verify the actual amount that Rep. Santos loaned to his campaign committee from his personal funds in the 2021 to 2022 election cycle.

ii. Rep. Santos's Personal Finances 2021 to 2022

80. Additionally, the OCE sought to confirm whether Rep. Santos was financially able to make the above-mentioned loans to his campaign committee. To this end, the OCE requested Rep. Santos's personal income tax returns and bank statements dating back to 2018. However, the OCE was only provided Rep. Santos's 2021 personal income tax returns.

81. Rep. Santos's 2021 personal income tax returns state that in 2021, Rep. Santos had an income of \$70,481.00, of which \$20,304 were for unemployment benefits.<sup>91</sup> The OCE did not receive Rep. Santos's 2022 personal income tax returns and thus was unable to verify Rep. Santos's 2022 personal income. However, based on his 2021 income, it appears improbable that Rep. Santos had the financial means to make such large loans to his campaign committee from his personal funds.

iii. Devolder LLC

82. The OCE sought to verify whether Rep. Santos's business, Devolder LLC, provided the income or business returns to support the above-mentioned loans.

83. In a 2022 financial disclosure candidate report filed during his second run for the House, Rep. Santos reported he was a Managing Principal at Devolder LLC, a New York-based "capital intro consulting company" in which he held a 100% interest.<sup>92</sup> The report states that the company earned between \$1,000,001 and \$5,000,000 in income in 2021 and 2022, and that Rep. Santos received \$750,000 in compensation from Devolder LLC in both years.<sup>93</sup> These amounts directly contradict Devolder LLC bank statements, as well as balance sheets provided to the OCE by Devolder LLC's registered agent and accountant, Devaughn Dames.<sup>94</sup>

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<sup>89</sup> Campaign Bank Statements (Exhibit 2 at 23-4827\_0133).

<sup>90</sup> The OCE notes that starting in September 2022, the campaign committee reported additional financial institutions as the campaign's banks or depositories. *See Supra* para. 33. The OCE only received bank statements for a limited period of time for one of these institutions. As such, the OCE was unable to confirm into which bank account some of the personal loans were deposited.

<sup>91</sup> Rep. Santos Personal Income Tax Returns 2021 (on file with the OCE).

<sup>92</sup> Rep. Santos 2022 Candidate Financial Disclosure Report, filed September 6, 2022.

<sup>93</sup> *Id.*

<sup>94</sup> Devolder LLC 2021 Profit and Loss Statement, (Created January 11, 2023) (Exhibit 4 at 23-4827\_0168); Devolder LLC 2021 Profit and Loss Statement, (Amended on March 1, 2023) (Exhibit 5 at 23-4827\_0170).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

84. Devolder LLC was first registered in May 2021, according to records filed with the Florida Department of State.<sup>95</sup> The OCE reviewed bank statements for Devolder LLC from May 26, 2021 to December 23, 2021.<sup>96</sup> The bank statements provided do not support Devolder LLC's reported income or the stated \$1,000,001 to \$5,000,000 value of the company reported in Rep. Santos's 2022 candidate financial disclosure filing.<sup>97</sup> A 2021 profit and loss statement for Devolder LLC indicates that the company had \$4,155.27 in assets for 2021, with a net income of \$54,293.65.<sup>98</sup> The same document for 2022 states that Devolder LLC had a net income of \$367,403.79 and a total gross income of \$667,960.<sup>99</sup> Moreover, the Devolder LLC 2021 profit and loss statement does not substantiate Rep. Santos's reported \$750,000 in individual compensation, and Devolder LLC refused to cooperate further hindering the OCE's ability to understand these discrepancies.
85. On April 17, 2023, only days before the Board made its determination concerning these matters, Rep. Santos provided a 2021 profit and loss statement for Devolder LLC that reflects a different net and gross income for the company.<sup>100</sup> In the most recent Profit & Loss Statement provided by Rep. Santos, Devolder LLC has a net income of -\$13,795.54 and a gross income of \$614.00.<sup>101</sup> While these figures are vastly different from the numbers represented in the original profit and loss statement, the OCE found that neither of the documents support Rep. Santos's reported \$750,000 salary from Devolder LLC for 2021.
86. In sum, Rep. Santos may have loaned his campaign committee between \$705,000 and \$1.205 million from his personal funds in the 2021 to 2022 election cycle. If Rep. Santos's primary source of wealth was Devolder LLC from 2021 to 2022, based on the evidence provided, he may not have been able to provide such substantial loans to his campaign from personal funds. This raises serious concerns about the true source of the loans, or whether the campaign committee inflated its cash on hand without actually holding the reported funds. Since Rep. Santos refused to interview or provide a complete set of financial records in this review, the OCE could not verify the source of the loans or the accuracy of the campaign's financial reporting. Moreover, if the source of the funds was not Rep. Santos himself, this raises concerns that the campaign committee accepted excessive contributions from an alternative source.

Based on the foregoing, the Board finds that there is substantial reason to believe that Rep. Santos may have accepted excessive contributions in the form of personal loans, that may not have been Rep. Santos's personal funds.

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<sup>95</sup> See Devolder LLC, Articles of Org. for Florida Limited Liability Company, FLORIDA DEPT. OF STATE, DIV. OF CORPS., filed May 11, 2021.

<sup>96</sup> Devolder LLC 2021 Profit and Loss Statement (Created January 11, 2023) (Exhibit 4 at 23-4827\_0168).

<sup>97</sup> Rep. Santos 2022 Candidate Financial Disclosure Report, filed September 6, 2022.

<sup>98</sup> Devolder LLC 2021 Profit and Loss Statement (Created January 11, 2023) (Exhibit 4 at 23-4827\_0168).

<sup>99</sup> Devolder LLC 2022 Profit and Loss Statement (Created January 11, 2023) (Exhibit 6 at 23-4827\_0172).

<sup>100</sup> Devolder LLC 2021 Profit and Loss Statement (Amended on March 1, 2023) (Exhibit 5 at 23-4827\_0170).

<sup>101</sup> *Id.* (Exhibit 5 at 23-4827\_0170).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

**IV. REP. SANTOS MAY HAVE OMITTED OR MISREPRESENTED INFORMATION IN HIS CANDIDATE FINANCIAL DISCLOSURE STATEMENTS**

**A. Applicable Law, Rules, and Standards of Conduct**

**87. Federal Statutes**

*The Ethics in Government Act of 1978 states,*

*“(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.”<sup>102</sup>*

*Pursuant to the Ethics in Government Act of 1978, the contents of a financial disclosure report must include “[t]he identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds \$1,000 as of the close of the preceding calendar year . . . .”<sup>103</sup>*

*The Ethics in Government Act states that each report must include a statement of “[t]he source, type, and amount or value of income . . . from any source (other than from current employment by the United States Government) . . . aggregating \$200 or more in value. . . .”<sup>104</sup>*

*The Ethics in Government Act states that “[i]f any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of \$5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report-*

*(i) the identity of each source of such compensation; and (ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.”<sup>105</sup>*

*The Ethics in Government Act states that “[i]t shall be unlawful for any person to knowingly and willfully—(i) falsify any information that such person is required to report under section 102; and*

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<sup>102</sup> 5 U.S.C. app. 4 § 101(c).

<sup>103</sup> 5 U.S.C. app. 4 § 102(a)(3).

<sup>104</sup> 5 U.S.C. app. 4 § 102(a)(1)(A).

<sup>105</sup> 5 U.S.C. app. 4 § 102(a)(6)(B).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

(ii) fail to file or report any information that such person is required to report under section 102.”<sup>106</sup>

88. House Rules

*House Rule 26, clause 2 provides, “[f]or the purposes of this rule, the provisions of title I of the Ethics in Government Act of 1978 shall be considered Rules of the House as they pertain to Members, Delegates, the Resident Commissioner, officers, and employees of the House.”*

89. House Committee on Ethics Guidance on Reporting Violations

*In the Matter of Allegations Relating to Representative Vernon G. Buchanan, the Committee noted that inadvertent errors and omissions “are not uncommon” in financial disclosure statements.<sup>107</sup> The Committee described the potential for concern with respect to errors and omissions that “are knowing or willful, or appear to be significantly related to other potential violations.”<sup>108</sup> The Committee went on to explain that “accurate and complete reporting on Financial Disclosure Statements should be every filer’s goal and is necessary to be in compliance with House Rules and federal law. All filers are encouraged to promptly file amendments whenever they learn of errors or omissions. Failure to do so may constitute a knowing and willful violation.”<sup>109</sup>*

**B. Rep. Santos May Have Omitted and Misrepresented Required Information in His Candidate Financial Disclosure**

*i. Rep. Santos Misrepresented His 2021 Income in His 2022 Candidate Financial Disclosure*

90. The OCE reviewed Rep. Santos’s candidate financial disclosure report filed in 2022 and found various potential misrepresentations or inaccuracies. Rep. Santos’s 2022 candidate financial disclosure filing states that in 2021, he received \$750,000 in compensation from Devolder LLC,<sup>110</sup> which contradicts what is reflected in his 2021 personal income taxes.<sup>111</sup>

91. Additionally, the candidate financial disclosure report indicated that Devolder LLC generated between \$1,000,001 and \$5,000,000 in 2021 and 2022.<sup>112</sup>

92. As stated above, Rep. Santos’s 2021 personal income tax return reflects a salary of \$70,481.<sup>113</sup> Further, based on documents provided by Devolder LLC’s registered agent, the

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<sup>106</sup> 5 U.S.C. app. 4 § 104(a)(2)(A)(i)-(ii).

<sup>107</sup> *In the Matter of Allegations Relating to Representative Vernon G. Buchanan*, 112th Cong., 2d Sess. (July 10, 2012) at 5.

<sup>108</sup> *Id.*

<sup>109</sup> *Id.* at 6.

<sup>110</sup> Rep. Santos 2022 Candidate Financial Disclosure Report, filed September 6, 2022.

<sup>111</sup> Rep. Santos’s 2021 Personal Income Tax Returns (on file with the OCE).

<sup>112</sup> Rep. Santos 2022 Candidate Financial Disclosure Report, filed September 6, 2022.

<sup>113</sup> See *supra* note 91.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

company only made \$54,293.65 in 2021 and there was no indication that his individual compensation reached \$750,000.<sup>114</sup> Thus, the OCE found that Rep. Santos misrepresented his 2021 salary and Devolder LLC's 2021 income in his candidate financial disclosure report.

ii. Rep. Santos Failed to Report Clients for Devolder LLC

93. Federal law requires that Members report any income or compensation from clients in excess of \$5,000 on their candidate financial disclosure.<sup>115</sup> Additionally, the candidate must identify the source of compensation, along with a description of the services provided. Notably, this requirement only applies if the Member has an ownership interest in the employer.
94. Rep. Santos filed his candidate financial disclosure on September 6, 2022 and was required to report compensation in excess of \$5,000 from any client between January 2020 and approximately 30 days from the date he filed the disclosure.<sup>116</sup>
95. The OCE found that Devolder LLC had at least three clients, at least one of which provided compensation to Devolder LLC during the reporting period for the candidate filing. As stated above, Rep. Santos has a 100% ownership interest in Devolder LLC.
96. The OCE requested information from Rep. Santos about all clients who have engaged in business with Devolder LLC. Rep. Santos provided the name of two entities, Ruiz Investment, a Florida-based LLC managed by Alexander Ruiz, and Acrisure LLC, an insurance company located in Garden City, New York.
97. However, a review of Devolder LLC's 2021 bank statements shows two deposits totaling \$14,458.67 from what appears to be a third client, Red Strategies USA LLC.<sup>117</sup>
98. Red Strategies USA LLC is a Florida-based corporation, first registered in May 2021<sup>118</sup>—the same month and year Devolder LLC was registered.<sup>119</sup> Notably, Devolder LLC is listed as a registered agent of Red Strategies USA LLC, as is R.I.A Concepts Holding LTD, a New York compliance firm linked to Nancy Marks.<sup>120</sup>
99. From June 28, 2021 to December 31, 2021, Red Strategies USA LLC received over \$100,000 in disbursements from Tina Forte's primary campaign committee, Tina Forte for

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<sup>114</sup> Devolder LLC Profit and Loss Statement 2021 (Exhibit 4 at 23-4827\_0168).

<sup>115</sup> 5 U.S.C. app. 4 § 102(a)(6)(B).

<sup>116</sup> See Comm. on Ethics, 2023 Instruction Guide: Financial Disclosure Statements and Periodic Transaction Reports at 7.

<sup>117</sup> Devolder LLC Bank Statements ("Devolder LLC Citibank Bank Statements"), May 26, 2021-December 21, 2021, (Exhibit 7 at 23-4827\_0174-0193).

<sup>118</sup> See Red Strategies USA LLC, Articles of Org. for Florida Limited Liability Company, FLORIDA DEPT. OF STATE, DIV. OF CORPS, filed May 4, 2021.

<sup>119</sup> See Devolder Organization LLC, Articles of Org. for Florida Limited Liability Company, FLORIDA DEPT. OF STATE, DIV. OF CORPS, filed May 11, 2021.

<sup>120</sup> See Red Strategies USA LLC, Articles of Org. for Florida Limited Liability Company, FLORIDA DEPT. OF STATE, DIV. OF CORPS, filed May 4, 2021.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

Congress.<sup>121</sup> According to the FEC reports, the disbursements were for digital consulting and fundraising.<sup>122</sup>

100. On August 9, 2021, a \$9,458.67 payment was made to Devolder LLC from Red Strategies USA LLC, followed by a September 23, 2021 payment for \$5,000.<sup>123</sup> It is unclear what, if any, services Devolder LLC performed for Red Strategies USA LLC or Ms. Forte's campaign committee. However, based on the evidence provided, Red Strategies USA LLC compensated Devolder LLC for services in excess of \$5,000 within the required reporting timeframe.
101. The two additional clients of Devolder LLC, Ruiz Investment and Acrisure LLC, that were identified by Rep. Santos also compensated Devolder LLC in excess of \$5,000 but did so outside of the reporting period.<sup>124</sup>
102. On September 12, 2022, Devolder LLC entered into a service agreement with Ruiz Investment.<sup>125</sup> Ruiz Investment is managed by Alexander Ruiz.<sup>126</sup> Alexander Ruiz is the CEO of Cigarette Racing Team, a Miami-based company that specializes in custom-made, powerboats.<sup>127</sup> Devolder LLC contracted to provide capital introductory services to Ruiz Investment for a period of twelve months to secure \$225 million in funding to attain full ownership of Cigarette Racing.<sup>128</sup>
103. According to the agreement, Ruiz Investment was to pay Devolder LLC \$250,000 upon signing, with an additional \$750,000 at the conclusion of the project.<sup>129</sup> A review of Devolder LLC bank statements for September 2022, showed a \$250,000 deposit from A-RU Holdings LLC, a Florida-based corporation that lists Alexander Ruiz as a director.<sup>130</sup>

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<sup>121</sup> See Tina Forte for Congress, FEC 2021 Year-End Report, filed January 30, 2022 at 40-57. Tina Forte ran for election to the House to represent New York's 14th Congressional district. She lost in the general election on November 8, 2022.

<sup>122</sup> *Id.*

<sup>123</sup> Devolder LLC Citibank Bank Statements (Exhibit 7 at 23-4827\_0178).

<sup>124</sup> Devolder LLC Flushing Bank Statements ("Devolder LLC Flushing Bank Statements") (Exhibit 8 at 23-4827\_0195-0205).

<sup>125</sup> Service Agreement between Devolder LLC and Ruiz Investment, September 12, 2022 ("Service Agreement between Devolder LLC and Ruiz Investment") (Exhibit 9 at 23-4827\_0207-0212).

<sup>126</sup> After conducting a search for Ruiz Investment at its corresponding address, the OCE was unable to find any information on the company with the Florida Department of State. However, results yielded the name of another company, Cigarette Racing Team LLC, which lists Alexander Ruiz as the CEO. Further, the agreement between Devolder LLC and Ruiz Investment was for Devolder LLC to provide capital introductory services to Ruiz Investment to obtain full ownership of Cigarette Racing LLC. Based on this information, the OCE found that Ruiz Investment, while not legally incorporated, belongs to Alexander Ruiz.

<sup>127</sup> Cigarette Racing Team, *Learn More*, <https://www.cigaretteracing.com/> (last visited April 27, 2023).

<sup>128</sup> Service Agreement between Devolder LLC and Ruiz Investment (Exhibit 9 at 23-4827\_0211).

<sup>129</sup> *Id.* (Exhibit 9 at 23-4827\_0211).

<sup>130</sup> Devolder LLC Flushing Bank Statements (Exhibit 8 at 23-4827\_0200); See A-RU Holdings LLC, Articles of Org. for Florida Limited Liability Company, FLORIDA DEPT. OF STATE, DIV. OF CORPS, filed August 13, 2020.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

104. On February 1, 2022, Devolder LLC entered a contract with John V. Bach, “Special Advisor” to Acrisure LLC, an insurance company based out of Garden City, New York.<sup>131</sup> The agreement stated that Devolder LLC would “assist in identifying, engaging, and discussing potential acquisition candidates for company which result in the company acquiring the candidate.”<sup>132</sup>
105. A review of a Devolder LLC account Transaction Detail Report shows a \$288,000 deposit on December 8, 2022, followed by a \$99,960 deposit on December 12, 2022.<sup>133</sup>
106. Based on the foregoing, the Board finds that there is substantial reason to believe that Rep. Santos omitted and misrepresented required information in his candidate financial disclosure report.

**V. THE OCE DID NOT FIND SUBSTANTIAL REASON TO BELIEVE THAT REP. SANTOS SEXUALLY HARASSED OR DISCRIMINATED AGAINST A CONGRESSIONAL AIDE**

**A. Applicable Law, Rules and Standards of Conduct**

107. Federal Statutes

*The Congressional Accountability Act of 1995 (“CAA”), as amended, provides, “[a]ll personnel actions affecting covered employees shall be made free from any discrimination based on — (1) race, color, religion, sex, or national origin . . . .”<sup>134</sup> The CAA further provides, “[i]t shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this chapter, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this chapter.”<sup>135</sup>*

*The Congressional Accountability Reform Act of 2018 has extended protection against discrimination based on race, color, religion, sex, national origin, age or disability to certain unpaid staff members who carry out official duties of those employing offices but are not paid by the employing offices for doing so, including interns, individuals detailed to employing offices, or individuals participating in fellowship programs.<sup>136</sup>*

108. The Office of Congressional Workplace Rights Guidance

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<sup>131</sup> Finder’s Fee Agreement between Devolder LLC and John V. Bach, (“Referrer”) “Special Advisor” to Acrisure LLC/ The Whitmore Agency, (“Acrisure Finder’s Fee Agreement”) February 1, 2022 (Exhibit 10 at 23-4827\_0214-0221).

<sup>132</sup> *Id.* (Exhibit 10 at 23-4827\_0214).

<sup>133</sup> Devolder LLC 2022 Transaction Detail Report (“Devolder LLC Transaction Report”) (Exhibit 11 at 23-4827\_0223).

<sup>134</sup> 2 U.S.C. § 1311(a).

<sup>135</sup> 2 U.S.C. § 1317(a).

<sup>136</sup> Office of Congressional Workplace Rights, *CAA- Covered Community*, available at <https://www.ocwr.gov/the-congressional-accountability-act/covered-community/>, (last visited April 27, 2023).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

*The Office of Congressional Workplace Rights defines sexual harassment as: “[u]nwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment.”<sup>137</sup>*

109. House Rules

*House Rule 23, clause 1 states that “[a] Member . . . shall conduct himself at all times in a manner that shall reflect creditably on the House.”*

*House Rule 23, clause 2 states that “[a] Member . . . shall adhere to the spirit and the letter of the Rules of the House . . . .”*

*House Rule 23, clause 9 states that “[a] Member . . . may not discharge and may not refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of the race, color, religion, sex (including marital or parental status), disability, age, or national origin of such individual, but may take into consideration the domicile or political affiliation of such individual.”*

*House Rule 23, clause 18 states that “[a] Member . . . may not engage in a sexual relationship with any employee of the House who works under the supervision of the Member...or who is an employee of a committee on which the Member serves. This paragraph does not apply with respect to any relationship between two people who are married to each other.”*

*Additionally, House Rule 23, clause 18 further states that “[a] Member...may not engage in unwelcome sexual advances or conduct towards an employee of the House. In this clause, the term ‘employee’ includes an applicant for employment, a paid or unpaid intern (including an applicant for an internship), a detailee, and an individual participating in a fellowship program.”*

110. House Ethics Manual and Committee on Ethics Precedent

*The Committee on Ethics has affirmed that sexual harassment is a form of sex discrimination, and that the CAA and House Rule 23, clauses 1, 2, and 9 prohibit intimidation, reprisal, or discrimination against a person related to their opposition to sexual harassment.<sup>138</sup> The Committee also has “stressed that the applicable provision of the Code (House Rule 23, clause 9) tracks the language of Title VII of the Civil Rights Law of 1964 and should be interpreted in*

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<sup>137</sup> Office of Congressional Workplace Rights, *Avoiding and Responding to Sexual Harassment Claims*, available at <https://www.ocwr.gov/publications/general-counsels-brown-bag-outlines/avoiding-and-responding-to-sexual-harassment-claims/> (last visited April 27, 2023).

<sup>138</sup> See HOUSE ETHICS MANUAL at 268-69; House Comm. on Standards of Official Conduct, *In the Matter of Representative Jim Bates*, H. Rep. 101-293, 101st Cong., 1st Sess. 8-10 (1989); House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Alcee L. Hastings*, 113th Cong., 2nd Sess. 2-3 (Dec. 11, 2014).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended  
*light of judicial and administrative decisions (e.g., those of the Equal Employment Opportunity Commission) construing that law.*"<sup>139</sup>

*In November 2018, the Ethics Committee released its report on allegations that Representative Ruben Kihuen had sexually harassed several women between 2013 and 2017.<sup>140</sup> In that matter, the Committee found that, while serving as a Member of Congress, Representative Kihuen engaged in unwanted physical contact by repeatedly kissing a D.C. Firm Employee's cheek and touching her shoulders and lower back, and engaged in unwanted verbal advances by commenting on a D.C. Firm Employee's physique, commenting on her appearance, inquiring about her relationship status, asking D.C. Firm Employee if she lived alone, commenting that he lived alone, and insinuating that he would help D.C. Firm Employee with her career in exchange for a romantic relationship.<sup>141</sup> The Committee also found that Representative Kihuen behaved inappropriately when inquiring whether a partner at the D.C. Firm would cheat on her spouse during a conversation about Representative Kihuen's behavior towards women. The Committee agreed with the ISC that the behavior by Representative Kihuen violated clause 1 and clause 2 of the Code of Official Conduct.<sup>142</sup>*

*Further, the Committee made it clear that, "[w]hile Members are free to pursue romantic and intimate relationships outside of the House, there is an inherent power imbalance when Members romantically pursue individuals who are required to interact with Members as part of their professional responsibilities."<sup>143</sup> The Committee went on to state that service as an elected official involves power imbalances that Members must be careful not to exploit and ultimately found that each of the complainants had potential career opportunities affected by their efforts to avoid continued advances by Representative Kihuen.<sup>144</sup>*

**B. The OCE Reviewed Allegations that Rep. Santos May Have Sexually Harassed a Former Congressional Aide**

111. On February 3, 2023, a prospective congressional staffer to Rep. Santos, Witness 1, filed a police report.<sup>145</sup> Witness 1 briefly volunteered for Rep. Santos's congressional office while awaiting a permanent appointment in the office.<sup>146</sup> Witness 1 claimed that Rep. Santos sexually harassed him during this period.<sup>147</sup>

<sup>139</sup> HOUSE ETHICS MANUAL at 269 (citing *In the Matter of Representative Jim Bates*, H. Rep. 101-293, 101st Cong., 1st Sess. (1989)).

<sup>140</sup> House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Ruben Kihuen*, 115th Cong., 2nd Sess. at 2 (November 20, 2018).

<sup>141</sup> *Id.* at 4.

<sup>142</sup> *Id.*

<sup>143</sup> *Id.* at 6.

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

<sup>145</sup> Witness 1, ("Witness 1 Twitter"), TWITTER, Feb. 3, 2023, 4:16PM, <https://twitter.com/Witness1/status/1621618743620018176/photo/1>; see also Grace Ashford and Michael Gold, *George Santos is Accused of Sexual Harassment in His Capitol Office*, NY TIMES (February 4, 2023), available at <https://www.nytimes.com/2023/02/04/nyregion/george-santos-harassment-Witness1.html>.

<sup>146</sup> Witness 1, ("Witness 1 Twitter"), TWITTER, Feb. 3, 2023, 4:16PM, <https://twitter.com/Witness1/status/1621618743620018176/photo/1>.

<sup>147</sup> *Id.*

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

112. Specifically, Witness 1 alleged that on January 25, 2023 in Rep. Santos’s office, Rep. Santos asked Witness 1 whether he had a profile on Grindr, a popular dating app.<sup>148</sup> Then, Witness 1 alleged that Rep. Santos invited him to karaoke and touched his groin, assuring him that his husband was out of town.<sup>149</sup> Witness 1 alleged that his job offer was rescinded when he did not accept Rep. Santos’s sexual advances.<sup>150</sup>
113. The OCE reviewed documentary and testimonial evidence to examine the abovementioned claims. In its review, the OCE interviewed Witness 1, as well as two current staffers in Rep. Santos’s office—Staffer 1 and Staffer 2, Director of Operations, and found the evidence directly contradicted Witness 1’s claims regarding his termination.
114. During an interview with the OCE, Staffer 2 explained that Witness 1 followed him on Twitter, and after Rep. Santos was sworn in, reached out to Staffer 2 to meet and expressed interest in working for Rep. Santos.<sup>151</sup> Staffer 2 went on to explain that after their meeting, he kept Witness 1 in mind when Rep. Santos mentioned needing a staff assistant.<sup>152</sup>
115. Staffer 2 further explained that he submitted Witness 1’s resume to Rep. Santos and Staffer 1.<sup>153</sup> Staffer 2 subsequently set up an interview for Witness 1. According to Witness 1 and current staffers, Witness 1 received an offer letter that same day, January 24, 2023.<sup>154</sup>
116. Witness 1 was then asked to come in on January 25, 2023 to meet the rest of the staff and get acquainted in the office.<sup>155</sup> Staffer 2 explained that Witness 1 was allowed to do minor tasks around the office, such as paperwork, “grabbing stuff from the printer,” or helping Staffer 2 escort Rep. Santos to votes.<sup>156</sup>
117. When asked about the allegations, Staffer 2 stated that in the brief encounters Witness 1 had with Rep. Santos, there was not a moment where Witness 1 would have been alone with Rep. Santos.<sup>157</sup>
118. According to testimonial evidence, Witness 1’s offer was withdrawn shortly after it was extended due to past criminal legal issues that were brought to Staffer 1’s attention.<sup>158</sup> In fact, Staffer 2 stated that, “if it’s not me that’s with the [C]ongressman at all times, it’s either the ledge [sic] director or the chief, or the comms [sic] director, but—when those folks are not there, its always me. I am always by his side.”<sup>159</sup> The OCE found Staffer 2’s testimony credible.

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<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

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

<sup>151</sup> Transcript of Staffer 2, March 27, 2023, (“Staffer 2 Transcript”) (Exhibit 12 at 23-4827\_0235-236).

<sup>152</sup> *Id.* at 23-4827\_0235-0236.

<sup>153</sup> *Id.* at 23-4827\_0236-0237.

<sup>154</sup> *Id.* at 23-4827\_0237.

<sup>155</sup> *Id.* at 23-4827\_0237; Transcript of Witness 1, April 6, 2023, (“Witness 1 Transcript”) (Exhibit 13 at 23-4827\_0285-0287).

<sup>156</sup> Staffer 2 Transcript (Exhibit 12 at 23-4827\_0240).

<sup>157</sup> *Id.* (Exhibit 12 at 23-4827\_0245).

<sup>158</sup> Staffer 1 Transcript (Exhibit 1 at 23-4827\_0062).

<sup>159</sup> Staffer 2 Transcript (Exhibit 12 at 23-4827\_0244).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

119. Further, the OCE reviewed text messages between Witness 1 and Staffer 2 and found that Witness 1 acknowledged that his offer was rescinded due to his past legal troubles and not due to refusing sexual advances from Rep. Santos.<sup>160</sup>
120. Additionally, testimony from current staff contradicted the testimony from Witness 1, who described spending some time alone in Rep. Santos's office on January 25, 2023.<sup>161</sup> Moreover, the OCE found that Witness 1's potential motivations for coming forward with the allegations raised concerns regarding the credibility of his allegations.
121. Witness 1 stated that he did not tell anyone about the alleged incident because he felt that Rep. Santos's behavior was not criminal or anything more than inappropriate.<sup>162</sup> However, on January 30, 2023, Witness 1 went to the FBI Washington, D.C., field office to file a report about the incident and express interest in becoming a confidential informant for any ongoing investigation into Rep. Santos.<sup>163</sup>
122. Subsequently, Witness 1 continued to express a strong interest in working for Rep. Santos.<sup>164</sup> In fact, Witness 1 offered to volunteer in Rep. Santos's office without pay after his termination<sup>165</sup> and continued to text Staffer 2 as recently as March 9, 2023, asking "if he brought me back, what can we do about the complaint?...I just want my job back."<sup>166</sup>
123. As such, because of contradictory testimony and unclear motivations, the OCE was unable to corroborate Witness 1's allegations.
124. Based on the foregoing, the Board finds that the evidence currently before it does not support a finding that there is substantial reason to believe that Rep. Santos may have sexually harassed a former congressional aide.

## VI. CONCLUSION

125. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Santos may have omitted or misrepresented required information in his candidate financial disclosure statements or FEC candidate committee reports.
126. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Santos's congressional campaign committee, Devolder-Santos for Congress, reported expenditures that may not have been made for bona fide campaign or political purposes.

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<sup>160</sup> Text Messages between Witness 1 and Staffer 2, ("Text Messages") January 24, 2023 – March 9, 2023 (Exhibit 14 at 23-4827\_0348-0406).

<sup>161</sup> Witness 1 Transcript (Exhibit 13 at 23-4827\_0306-0308).

<sup>162</sup> *Id.* at 23-4827\_0312.

<sup>163</sup> *Id.* at 23-4827\_0313.

<sup>164</sup> *Id.* at 23-4827\_0329-0330.

<sup>165</sup> Text Messages (Exhibit 14 at 23-4827\_0400).

<sup>166</sup> *Id.* (Exhibit 14 at 23-4827\_0406).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

127. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Santos's campaign committee may have accepted excessive contributions in the form of personal loans and contributions that may not have been Rep. Santos's personal funds.
128. Based on the foregoing information, the Board finds that there is not substantial reason to believe that Rep. Santos sexually harassed or discriminated against the complainant, or engaged in an effort to intimidate, take reprisal against, or otherwise discriminate against the complainant for opposing such treatment.
129. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Santos may have omitted or misrepresented required information in his candidate financial disclosure statements or FEC candidate committee reports.
130. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Santos's congressional campaign committee, Devolder-Santos for Congress, reported expenditures that may not have been made for bona fide campaign or political purposes.
131. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Santos's campaign committee may have accepted excessive contributions in the form of personal loans and contributions that may not have been Rep. Santos's personal funds.
132. Accordingly, the Board recommends that the Committee dismiss the above allegation that Rep. Santos sexually harassed or discriminated against the complainant, or engaged in an effort to intimidate, take reprisal against, or otherwise discriminate against the complainant for opposing such treatment.

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

133. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE review:
  - (a) Rep. Santos;
  - (b) D&D International Investment Services, Inc.;
  - (c) Devaughn Dames;
  - (d) Nancy Marks;
  - (e) Gabrielle Lipsky;
  - (f) Red Strategies USA, LLC;
  - (g) Linkbridge Inc.;
  - (h) Devolder LLC;
  - (i) Ruiz Investment; and
  - (j) Flushing Bank.
134. The Board recommends that the Committee on Ethics issue subpoenas to:
  - (a) Rep. Santos;
  - (b) D&D International Investment Services, Inc.;
  - (c) Devaughn Dames;

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

- (d) Nancy Marks;
- (e) Gabrielle Lipsky;
- (f) Red Strategies USA, LLC;
- (g) Linkbridge Inc.;
- (h) Devolder LLC;
- (i) Ruiz Investment; and
- (j) Flushing Bank.