

OFFICE OF CONGRESSIONAL ETHICS

COOLIDGE-REAGAN FOUNDATION)
1629 K Street, N.W., Suite 300)
Washington, D.C. 20006)
)
<i>Complainant,</i>)
)
v.)
)
REP. ALEXANDRIA OCASIO-CORTEZ)
229 Cannon HOB)
Washington, DC 20515,)
)
<i>Respondent.</i>)
_____)

VERIFIED COMPLAINT

Introduction

This Complaint alleges Representative Alexandria Ocasio-Cortez improperly converted U.S. House resources to her non-official, personal use by obtaining an official “@mail.house.gov” e-mail address for her boyfriend, despite the fact he was not employed by her congressional office. Moreover, it appears she obtained the e-mail address for him by falsely designating him a “staff” member.

PARTIES

1. Complainant COOLIDGE-REAGAN FOUNDATION is a non-profit 501(c)(3) organization dedicated to defending, protecting, and advancing liberty by promoting free speech and fair elections.
2. Respondent REP. ALEXANDRIA OCASIO-CORTEZ serves as a Member of Congress from New York’s 14th Congressional District.

JURISDICTION

3. The Office of Congressional Ethics has jurisdiction over this Complaint pursuant to Rule 1 of the Rules for the Conduct of Investigations (Jan. 23, 2015).

4. This Complaint is brought against Rep. Alexandria Ocasio-Cortez, who is a Member of the U.S. House of Representatives. *See* Rule 1(1).

5. This Complaint arises from conduct that occurred after March 11, 2008. *See* Rule 1(2).

6. This Complaint alleges violations of the House Committee on Standards of Official Conduct's Ethics Manual, House Committee on House Administration's Members Congressional Handbook, U.S. House Code of Official Conduct, and the U.S. Criminal Code. All of these provisions were in effect at the time of Rep. Ocasio-Cortez's alleged actions and applied to her in the performance of her official duties. *See* Rule 1(3).

APPLICABLE PROVISIONS ALLEGEDLY VIOLATED

7. The U.S. House of Representatives Ethics Manual states, "[O]fficial resources of the House must, as a general rule, be used for the performance of official business of the House" U.S. House Comm. On Standards of Official Conduct, House Ethics Manual, 110th Cong., 2d Sess. 123 (2008 ed.) (hereafter, "House Ethics Manual").

8. The U.S. House Committee on House Administration's Members Congressional Handbook, 116th Cong., at 3 (hereafter, "Members Handbook"), states, "Incidental personal use of equipment and supplies owned or leased by, or the cost of which is reimbursed by the House of Representatives is permitted only when such use is negligible in nature, frequency, time consumed, and expense." *See also* House Ethics Manual, *supra* at 126.

9. The U.S. House Code of Official Conduct states, “A Member . . . may not authorize or otherwise allow an individual . . . not under the direction and control of the House to use the words . . . “House of Representatives” . . . or any combination of words thereof, on any letterhead or envelope.” Rules of the House of Representatives, 116th Cong., Rule XXIII(11) (hereafter, “Code of Official Conduct” or “Code”). The Code further states, “A Member . . . shall adhere to the spirit and the letter of the Rules of the House.” *Id.* R. XXIII(2).

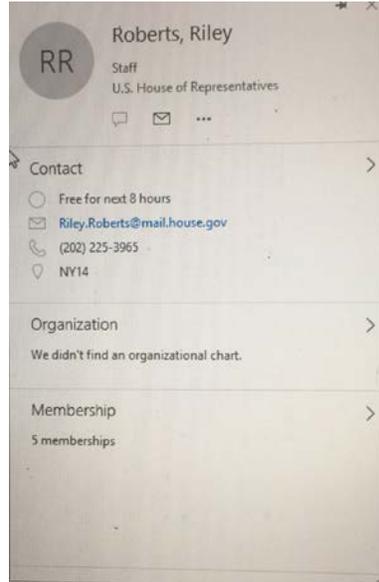
10. The U.S. Criminal Code provides it is a federal crime for any person “in any matter within the jurisdiction of the . . . legislative . . . branch of the Government of the United States, knowingly and willfully . . . [to] make[] any materially false, fictitious, or fraudulent statement or representation.” 18 U.S.C. § 1001(a)(2). For matters within the legislative branch’s jurisdiction, this prohibition applies to “administrative matters,” including “a matter related to the procurement of property or services, personnel or employment practices, or support services.” *Id.* § 1001(c)(1).

REP. ALEXANDRIA OCASIO-CORTEZ CONVERTED U.S. HOUSE RESOURCES TO HER NON-OFFICIAL, NON-INCIDENTAL PERSONAL USE BY OBTAINING A “@MAIL.HOUSE.GOV” E-MAIL ADDRESS FOR HER BOYFRIEND

11. On February 15, 2019, Luke Thompson disseminated a Tweet containing a screenshot showing Robert Riley, Rep. Ocasio-Cortez’s boyfriend, had been assigned an official House of Representatives e-mail address, Riley.Roberts@mail.house.gov. The Tweet is at:

https://twitter.com/lthomпсо/status/1096407285851713537/photo/1?ref_src=twsrc%5Etfw%7Ct_wcamp%5Etweetembed%7Ctwtterm%5E1096407285851713537.

12. The screenshot contained in the tweet is reproduced below:

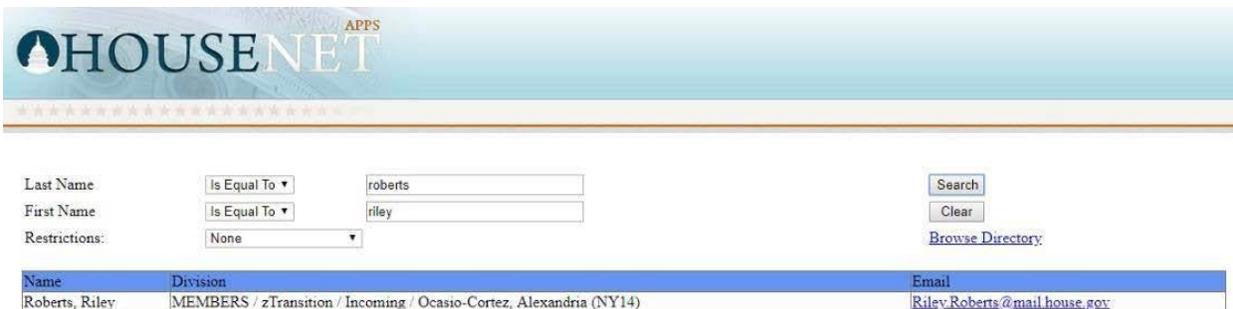


13. This screen shot shows Roberts was assigned the official U.S. House e-mail address Riley.Roberts@mail.house.gov.

14. The screen shot also reveals that Riley was designated a “Staff” member of the “U.S. House of Representatives,” associated with New York’s 14th Congressional District (“NY14”), represented by Rep. Ocasio-Cortez.

15. On February 20, 2019, Thompson published an article entitled “The Congresswoman Loves the Swamp. Her Wealthy Chief of Staff Used a PAC to Pay Her Boyfriend,” on Medium, which provides further confirmation Rep. Ocasio-Cortez obtained an official U.S. House of Representatives e-mail address for her boyfriend, Roberts. <https://medium.com/@ltthomps/the-congresswoman-loves-the-swamp-d33296ec251e>.

16. The Medium article contained the following screenshot:



17. The screenshot confirms Roberts as having the e-mail address Riley.Roberts@mail.house.gov.

18. Rep. Ocasio-Cortez repeatedly publicly denied that her boyfriend was a staff member of her congressional office.

19. On February 15, 2019, Rep. Ocasio-Cortez’s chief of staff, Saikat Chakrabarti, tweeted, “He’s [Roberts] not paid. We have no volunteers in the office. He’s not doing any government work. He can see her calendar just like spouses/partners/family members in other congressional office. [sic] Check your [vulgarity redacted] facts before you report [vulgarity redacted]. Lazy journos need to learn to do their jobs.”

20. Rep. Ocasio-Cortez had previously converted official funds raised through contributions to her candidate committee to personal use by transferring a total of \$6,191.32 from her campaign committee to Brand New Congress PAC in late August and September 2017, which contemporaneously had its affiliated LLC pay \$6,000 to her boyfriend, Roberts. By funneling her campaign funds through Brand New Congress PAC and Brand New Congress LLC, Ocasio-Cortez attempted to mask the fact she was transferred them to her boyfriend. The Coolidge-Reagan Foundation has filed a separate administrative complaint with the U.S. Federal Election Commission concerning these transactions and Rep. Ocasio-Cortez’s inaccurate reporting of them.

21. All of the actions alleged herein occurred sometime between November 9, 2018, and February 15, 2019.

VIOLATIONS

COUNT I

Non-Incidental, Non-Official Use of House Resources in Violation of House Ethics Manual

22. Complainant hereby re-alleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

23. The U.S. House of Representatives Ethics Manual allows official House resources to be used only for the “performance of official business of the House,” House Ethics Manual, *supra* at 123, although the Members Handbook allows “[i]ncidental personal use” of House equipment and supplies when it is “negligible in nature, frequency, time consumed, and expense.” Members Handbook, *supra* at 3.

24. A “@mail.house.gov” e-mail address is an official e-mail address of the U.S. House of Representatives and involves usage of House computer systems, servers, technical and administrative personnel, and equipment.

25. At the time Rep. Ocasio-Cortez obtained an official House e-mail address for her boyfriend, Roberts, he was neither a staff member nor volunteer for her congressional office. In fact, he held no official position with the U.S. House of Representatives.

26. Obtaining and providing an official U.S. House of Representatives e-mail address for someone not affiliated with the House is more than “incidental personal use” of House resources, and constitutes impermissible conversion of House-funded resources, services, and equipment for personal use.

27. An official U.S. House of Representatives e-mail address is not required to allow a close associate to access a Member’s calendar. Many Members’ spouses are able to access the official calendars of their husbands and wives serving in Congress without the use of official U.S. House e-mail addresses or accounts.

WHEREFORE, Respondent Rep. Alexandria Ocasio-Cortez violated restrictions on personal use of House services and equipment set forth in the House Ethics Manual.

COUNT II

Improper Provision of Official House E-mail Account to Outside Person

28. Complainant hereby re-alleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

29. The U.S. House Code of Official Conduct prohibits a member from allowing an individual “not under the direction and control of the House to use the words . . . ‘House of Representatives’ . . . or any combination of words thereof, on any letterhead or envelope.” Code of Official Conduct, Rule XXIII(11). The Code further states, “A Member . . . shall adhere to the spirit and the letter of the Rules of the House.” *Id.* R. XXIII(2).

30. Obtaining an official “@mail.house.gov” e-mail address for a private person who neither works nor volunteers for the House of Representatives is substantially equivalent to allowing them to use official letterhead or envelopes bearing the words “House of Representatives.” Electronic mail serves the same function as, and is the modern equivalent of, letterhead and envelopes.

31. Rep. Ocasio-Cortez, at the very least, violated the “spirit” of Rule XXIII(11) by obtaining an official U.S. House e-mail account, with an “@mail.house.gov” e-mail address, for her boyfriend, Roberts, who neither worked nor volunteered for the House.

WHEREFORE, Respondent Alexandria Ocasio-Cortez violated House Rule XXIII(2), (11).

COUNT III
False Statement in Violation of 18 U.S.C. § 1001(a)(2)

32. Complainant hereby re-alleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

33. The U.S. Criminal Code provides it is a federal crime for any person “in any matter within the jurisdiction of the . . . legislative . . . branch of the Government of the United States, knowingly and willfully . . . [to] make[] any materially false, fictitious, or fraudulent statement or representation.” 18 U.S.C. § 1001(a)(2). For matters within the legislative branch’s jurisdiction, this prohibition applies to “administrative matters,” including “a matter related to the procurement of property or services, personnel or employment practices, or support services.” *Id.* § 1001(c)(1).

34. Rep. Ocasio-Cortez either stated, or allowed to be stated, that Roberts was a “staff” member of the U.S. House of Representatives for the purpose of allowing him to receive an official House account and e-mail address to which he was not entitled and which numerous House Rules and other provisions prohibited him from having.

35. The assertion that Roberts is a “staff” member of either Rep. Ocasio-Cortez, New York’s 14th Congressional District, or the U.S. House of Representatives is false or fraudulent.

36. The assertion that Roberts is a “staff” member was material, because he otherwise was ineligible to receive an official “@mail.house.gov” e-mail address, or would not have been assigned one.

37. As a result of the statement Rep. Ocasio-Cortez made, directed to be made, or otherwise authorized, Roberts was falsely designated a “staff” member in House records, as memorialized in the screenshots copied above in ¶¶ 12 and 16.

38. This false statement falls within § 1001(c)(1), because it related to the procurement of an official “@mail.house.gov” e-mail address from the U.S. House of Representatives,

concerned Roberts' purported employment with the House, and related to the improper use of the House's support services in the procurement of an official e-mail address for Ocasio-Cortez's and Roberts' personal use.

WHEREFORE, Respondent Alexandria Ocasio-Cortez violated 18 U.S.C. § 1001(a)(2).

CONCLUSION

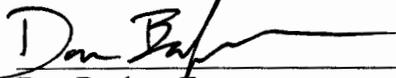
For these reasons, this Office should investigate this Complaint, authorize preliminary and second-phase reviews, and refer this matter to the U.S. House Committee on Ethics, the House Office of Inspector General, and the U.S. Department of Justice.

VERIFICATION

I declare under penalty of perjury the foregoing is true and correct to the best of my personal knowledge. 18 U.S.C. § 1001 applies to the information I am providing.

Dated March 7, 2019

Respectfully submitted,



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