

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 18-2049

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on July 13, 2018, 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 Rod Blum

NATURE OF THE ALLEGED VIOLATION: Rep. Rod Blum may have omitted required information from his financial disclosure reports related to reportable assets and positions. If Rep. Blum did not include required information in his financial disclosure reports, then he may have violated federal law, House rules, and standards of conduct.

Rep. Blum may have permitted the use of official House resources to support or promote Tin Moon Corporation (“Tin Moon”), a private business in which Rep. Blum holds a financial interest. If Rep. Blum misused official House resources to support a business endeavor, then he may have violated federal law, House rules, and standards of conduct.

Rep. Blum may have permitted Tin Moon to use or employ an unfair or deceptive trade practice in connection with Tin Moon’s solicitation of business clients. If Rep. Blum permitted Tin Moon to engage in deceptive trade practices, then Rep. Blum may have violated federal law, state law, House rules, and standards of conduct.

RECOMMENDATION: The Board recommends that the Committee further review the above allegation concerning omissions from Rep. Blum’s financial disclosure reports because there is substantial reason to believe that Rep. Blum failed to accurately report the value of his interest in Tin Moon in his 2016 financial disclosure statement.

The Board recommends that the Committee further review the above allegation concerning misuse of official resources because there is substantial reason to believe that Rep. Blum’s private company used Rep. Blum’s official congressional photograph on its commercial website.

The Board recommends that the Committee further review the above allegation concerning deceptive trade practices employed by Tin Moon because there is substantial reason to believe that Rep. Blum’s private company utilized deceptive, false, or unsubstantiated endorsements and other marketing materials.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

CONFIDENTIAL

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

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO
THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director & Chief Counsel.

FINDINGS OF FACT AND CITATIONS TO LAW

TABLE OF CONTENTS

I. INTRODUCTION 5

- A. Summary of Allegations..... 5
- B. Jurisdiction Statement 6
- C. Procedural History..... 6
- D. Summary of Investigative Activity 7

II. REP. BLUM MAY HAVE OMITTED REQUIRED INFORMATION FROM HIS FINANCIAL DISCLOSURE STATEMENTS 7

- A. Applicable Law, Rules, and Standards of Conduct..... 7
- B. Rep. Blum May Have Omitted Information Related to His Financial Interest in Tin Moon from His 2016 Financial Disclosure Report 10
 - i. Tin Moon and Digital Canal Background 11
 - ii. Rep. Blum’s Involvement in Tin Moon’s Operations 12
 - iii. Rep. Blum’s Financial Interest in Tin Moon..... 14

III. REP. BLUM MAY HAVE ALLOWED THE USE OF OFFICIAL HOUSE RESOURCES TO PROMOTE HIS PRIVATE BUSINESS..... 18

- A. Applicable Law, Rules, and Standards of Conduct..... 18
- B. Rep. Blum May Have Allowed Tin Moon to Use His Official Congressional Photograph..... 20

IV. REP. BLUM’S BUSINESS MAY HAVE EMPLOYED DECEPTIVE TRADE PRACTICES TO SOLICIT BUSINESS CLIENTS..... 22

- A. Applicable Law, Rules, and Standards of Conduct..... 22
- B. Rep. Blum’s Business May Have Employed Deceptive Trade Practices Through The Use of Deceptive, False, or Unsubstantiated Endorsements and Other Marketing Materials 25
 - i. Rep. Blum’s Chief of Staff’s Video Endorsement of Tin Moon..... 26
 - ii. Additional False and Misleading Endorsements and Materials on Tin Moon’s Website 30
 - a. Displaying Misleading or False Client Testimonials and Success Stories..... 30
 - b. Asserting That Tin Moon Has 11,000 Clients..... 32
 - c. Displaying Awards and Endorsements that Tin Moon Never Received 33

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

d. Statements About GMP President’s Title and Certifications 34

**V. INDIVIDUALS AND ENTITIES THAT REFUSED TO COOPERATE WITH THE
OCE REVIEW..... 35**

VI. CONCLUSION 36

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

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 18-2049

On July 13, 2018, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*). The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. In this review, the OCE examined multiple issues related to Rep. Blum’s company, Tin Moon, an Iowa-based search engine optimization (“SEO”) business for which Rep. Blum is the seventy percent owner and serves as a Director.¹
2. Rep. Blum may have omitted required information from his financial disclosure reports related to reportable assets and positions. If Rep. Blum did not include required information in his financial disclosure reports, then he may have violated federal law, House rules, and standards of conduct.
3. Rep. Blum may have permitted the use of official House resources to support or promote Tin Moon, a private business in which Rep. Blum holds a financial interest. If Rep. Blum misused official House resources to support a business endeavor, then he may have violated federal law, House rules, and standards of conduct.
4. Rep. Blum may have permitted Tin Moon to use or employ an unfair or deceptive trade practice in connection with Tin Moon’s solicitation of business clients. If Rep. Blum permitted Tin Moon to engage in deceptive trade practices, then Rep. Blum may have violated federal law, state law, House rules, and standards of conduct.
5. The Board recommends that the Committee further review the above allegation concerning omissions from Rep. Blum’s financial disclosure reports because there is substantial reason to believe that Rep. Blum failed to accurately report the value of his interest in Tin Moon in his 2016 financial disclosure statement.
6. The Board recommends that the Committee further review the above allegation concerning misuse of official resources because there is substantial reason to believe that Rep. Blum’s

¹ Tin Moon Corporation, Articles of Incorporation with the Secretary of State of Iowa (May 3, 2016) (Exhibit 1 at 18-2049_0002-0005); Rep. Blum 2016 Amended Financial Disclosure Statement, filed Feb. 21, 2018, at 5; Transcript of Interview of GMP President (“GMP President Transcript”), May 22, 2018 (Exhibit 2 at 18-2049_0045).

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

private company used Rep. Blum’s official congressional photograph on its commercial website.

7. The Board recommends that the Committee further review the above allegation concerning deceptive trade practices employed by Tin Moon because there is substantial reason to believe that Rep. Blum’s private company utilized deceptive, false, or unsubstantiated endorsements and other marketing materials.

B. Jurisdiction Statement

8. The allegations that were the subject of this review concern Rep. Blum, a Member of the United States House of Representatives from the 1st District of Iowa. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics directs that, “[n]o review shall be undertaken... by the board of any alleged violation that occurred before the date of adoption of this resolution.”² The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

9. The OCE received a written request for preliminary review in this matter signed by at least two members of the Board on March 6, 2018. The preliminary review commenced on March 7, 2018.³
10. On March 8, 2018, the OCE notified Rep. Blum of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.⁴
11. At least three members of the Board voted to initiate a second-phase review in this matter on April 5, 2018. The second-phase review commenced on April 6, 2018.⁵ The second-phase review was scheduled to end on May 20, 2018.
12. On April 6, 2018, the OCE notified Rep. Blum of the initiation of the second-phase review in this matter, and again notified him of his right to be represented by counsel in this matter, and that invoking that right would not be held negatively against him.⁶

² H. Res. 895 of the 110th Congress § 1(e) (2008) (as amended) (hereafter “the Resolution”).

³ 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.

⁴ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Blum (Mar. 8, 2018). On March 7, 2018, the OCE delivered an initial letter to Rep. Blum explaining that the Board of the OCE had taken an action concerning him and requesting the opportunity to schedule a meeting to discuss the matter and to provide related documents. After receiving a designation of counsel from Rep. Blum, the OCE provided Rep. Blum’s counsel with materials related to the review on March 8, 2018.

⁵ 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.

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

13. The Board voted to extend the second-phase review by an additional period of fourteen days on May 10, 2018. The additional period ended on June 3, 2018.
14. The Board voted to refer the matter to the Committee on Ethics for further review and adopted these findings on July 13, 2018.
15. The report and its findings in this matter were transmitted to the Committee on Ethics on July 19, 2018.

D. Summary of Investigative Activity

16. The OCE requested documentary and in some cases testimonial information from the following sources:
 - (1) Rep. Blum;
 - (2) John Ferland, Rep. Blum's Chief of Staff;
 - (3) Digital Canal Corporation ("Digital Canal");
 - (4) Tin Moon;
 - (5) Ed Graham, President of Digital Canal and Tin Moon;
 - (6) Monty Alexander, Employee of Digital Canal and Tin Moon;
 - (7) GetMePlacement, LLC President ("GMP President");
 - (8) Jonathan Van Norman, Former Media Director and Former District Scheduler/Driver for Rep. Blum;
 - (9) District Staffer; and
 - (10) Former District Staffer.

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

- (1) Rep. Blum;
- (2) John Ferland;
- (3) Digital Canal;
- (4) Tin Moon;
- (5) Ed Graham;
- (6) Monty Alexander; and
- (7) Jonathan Van Norman.

II. REP. BLUM MAY HAVE OMITTED REQUIRED INFORMATION FROM HIS FINANCIAL DISCLOSURE STATEMENTS

A. Applicable Law, Rules, and Standards of Conduct

18. Federal Statutes

The Ethics in Government Act of 1978, 5 U.S.C. App'x § 102(a)(3) states, "[e]ach report filed pursuant to section 101 (d) and (e) shall include a full and complete statement with respect to the following: . . . The identity and category of value of any interest in property held during the

⁶ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Blum (Apr. 6, 2018).

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

Ethics in Government Act of 1978, 5 U.S.C. App’x § 102(a)(6)(A) states, “[e]ach report filed pursuant to section 101 (d) and (e) shall include a full and complete statement with respect to the following: . . . The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States.”

19. House Rules

House Rule 26, clause 2 states, “[f]or the purposes of this rule, the provisions of title I of the Ethics in Government Act of 1978⁷ shall be considered Rules of the House as they pertain to Members, Delegates, the Resident Commissioner, officers, and employees of the House.”

20. House Ethics Manual

*According to the House Ethics Manual, “[i]ndividuals must disclose any nongovernmental positions, whether or not compensated, that they **currently** hold, unless the [financial disclosure] Statement is the first one filed with the House. On an individual’s first Statement, the individual must disclose all positions they currently hold as well as those held in the previous two years. Included are such positions as officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise”⁸*

21. House Committee on Ethics Financial Disclosure Statements Instruction Guide

The House Committee on Ethics Instruction Guide for Financial Disclosure Statements requires filers to report ownership interests in privately-held partnerships, corporations, and other business entities in Schedule A of the financial disclosure statement.⁹ The Instruction Guide explains that, “[t]o disclose your ownership interest (or that of your spouse or dependent child) in a privately-held company that is actively engaged in a trade or business (such as a restaurant or car dealership), you must provide (1) the name of the business; (2) a brief description of the nature of its activities; and (3) its geographic location (city and state) in Block A of Schedule A. For example, ‘Peterson Construction Company, residential home builder, Phoenix, AZ.’ It is not

⁷ This statute establishes financial disclosure requirements for certain categories of federal employees, including Members of Congress.

⁸ House Ethics Manual (2008) at 260 (emphasis in original).

⁹ House Comm. on Ethics, Calendar Year 2017 Instruction Guide for Financial Disclosure Statements and Periodic Transaction Reports at 22; *see also* House Comm. on Ethics, Calendar Year 2016 Instruction Guide for Financial Disclosure Statements and Periodic Transaction Reports at 19.

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

necessary to provide an itemized list of the assets of the business. You need only list the total value of your interest in the business and not such items as office equipment."¹⁰

*In discussing the valuation of assets, the Instruction Guide explains, "[f]or each asset you disclose, you must indicate the category of its period-end value. Providing a good faith estimate of the fair market value of an asset if the exact value is neither known nor easily obtainable is an acceptable, and often the simplest, method of valuation . . . You may also value assets by any of the following alternative methods."*¹¹ *Some of the methods provided in the Instruction Guide include the "year-end book value of an interest in a non-publicly traded company. . . [t]he net worth of a business partnership; or [the] value of an individually-owned business."*¹²

22. House Committee on Ethics Discussion of Financial Disclosure Omissions and Amendments

*Regarding amendments to financial disclosure statements, the Committee published a Memorandum explaining that, "the Committee will adopt a two-pronged test for determining whether an amendment is considered to be filed with a presumption of good faith: First, whether it is submitted within the appropriate amendment period (close-of-year); and second, a 'circumstance' text [sic] addressing why the amendment is justified. In this latter regard, filers will be expected to submit with the amendment a brief statement on why the earlier FD is being revised."*¹³ *This test was cited by the Committee In the Matter of Representative Charles B. Rangel, in finding that Representative Rangel did not file timely amendments within the close of the year.*¹⁴

*In a 2012 report, the Committee on Ethics noted that many financial disclosure statements contain inadvertent errors that once identified can be corrected.*¹⁵ *The Committee described the potential for greater concern when "errors or omissions are knowing or willful, or appear to be significantly related to other potential violations."*¹⁶

¹⁰ House Comm. on Ethics, Calendar Year 2017 Instruction Guide for Financial Disclosure Statements and Periodic Transaction Reports at 22-23 (emphasis omitted); *see also* House Comm. on Ethics, Calendar Year 2016 Instruction Guide for Financial Disclosure Statements and Periodic Transaction Reports at 19.

¹¹ House Comm. on Ethics, Calendar Year 2017 Instruction Guide for Financial Disclosure Statements and Periodic Transaction Reports at 16.

¹² *Id.* The Instruction Guide provides general guidance for how to assess the value of a privately-held business. In the case of a reportable interest in a farm, a filer "must reflect the aggregate value of the farm (e.g., land, buildings, farm equipment, crops, and livestock)." *Id.* at 16-17.

¹³ House Comm. on Standards of Official Conduct, *Memorandum for All Members, Officers, and Employees Regarding Policy Regarding Amendments to Financial Disclosure Statements* (Apr. 23, 1986) (available at House Ethics Manual at 379).

¹⁴ House Comm. on Standards of Official Conduct, *Statement of Alleged Violation in the Matter of Representative Charles B. Rangel*, Count IX (June 17, 2010).

¹⁵ Report of the Comm. on Ethics, *In the Matter of Allegations Relating to Representative Vernon G. Buchanan*, H. Rep. 112-588, 112th Cong., 2d Sess. (2012), at 5.

¹⁶ *Id.*

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

B. Rep. Blum May Have Omitted Information Related to His Financial Interest in Tin Moon from His 2016 Financial Disclosure Report

23. Rep. Blum is a Director and seventy percent owner of Tin Moon, an Iowa-based SEO business that was incorporated in May 2016.¹⁷
24. Rep. Blum's original 2016 financial disclosure statement did not disclose his financial interest in or position with Tin Moon.¹⁸ After learning in late February 2018 of a forthcoming Associated Press article that discussed Rep. Blum's interest in the company and his financial disclosure reporting omissions, Rep. Blum amended his 2016 financial disclosure statement.¹⁹
25. According to a letter Rep. Blum provided to the Committee on Ethics on March 14, 2018 and later provided to the OCE, Rep. Blum's Chief of Staff, John Ferland, spoke to the Committee about the Associated Press article.²⁰ Thereafter, Rep. Blum amended his financial disclosure report "correcting the oversights regarding Tin Moon Corporation."²¹
26. In the amended 2016 financial disclosure statement, Rep. Blum reported that he served as Director of Tin Moon in 2016.²² In the amended statement, Rep. Blum explained, "[i]t was an administrative oversight that this was not listed due to the company being basically worth less than \$1,000 and not doing business in 2016."²³ In the amendment, he also reported that the value of his interest in the company was \$700 and that he holds a seventy percent interest in the company.²⁴
27. Besides providing the OCE with the March 14, 2018 letter that he submitted to the Committee, and an accompanying email between Mr. Ferland and Committee staff, Rep. Blum refused to provide the OCE with any documents in response to the OCE's requests for information.²⁵ He also refused to interview with the OCE.
28. In spite of non-cooperation by Rep. Blum, Tin Moon, and other entities and individuals connected to Rep. Blum, the OCE found that Rep. Blum's interest in Tin Moon in 2016

¹⁷ Tin Moon Corporation, Articles of Incorporation with the Secretary of State of Iowa (May 3, 2016) (Exhibit 1 at 18-2049_0002-0005); GMP President Transcript (Exhibit 2 at 18-2049_0045); Rep. Blum 2016 Amended Financial Disclosure Statement, filed Feb. 21, 2018, at 5.

¹⁸ Rep. Blum 2016 Financial Disclosure Statement, filed Aug. 12, 2017.

¹⁹ Ryan J. Foley, *Iowa Congressman Failed to Disclose New Company*, ASSOCIATED PRESS (Feb. 22, 2018), <https://www.apnews.com/a4e79337ba934e87af7c7177caec5e10/Iowa-congressman-failed-to-disclose-internet-company>; Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0052-0054); Rep. Blum 2016 Amended Financial Disclosure Statement, filed Feb. 21, 2018.

²⁰ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0052).

²¹ *Id.*; Rep. Blum 2016 Amended Financial Disclosure Statement, filed Feb. 21, 2018.

²² Rep. Blum 2016 Amended Financial Disclosure Statement, filed Feb. 21, 2018.

²³ *Id.*

²⁴ *Id.*

²⁵ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0052-0054); E-mails between John Ferland and Comm. on Ethics Staff (Feb. 8, 2018 – Feb. 22, 2018) (Exhibit 4 at 18-2049_0057-0059).

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

likely exceeded the \$700 he reported in his amended 2016 financial disclosure statement and may have been valued at as much as \$91,000.

i. Tin Moon and Digital Canal Background

29. In May 2016, Rep. Blum and Ed Graham founded Tin Moon.²⁶ Tin Moon is an SEO business that aims to help companies improve their online visibility with search engines like Google and Yahoo.²⁷ The company, which is sometimes referred to as Tin Moon Labs, also provides online reputation management services by helping to minimize negative information that may appear in search results.²⁸ For example, Tin Moon promises to remove U.S. Food and Drug Administration (“FDA”) warning letters that companies receive from the first page of search results “so [they] no longer [damage] your business and reputation!”²⁹
30. Rep. Blum and Ed Graham are also business partners in Digital Canal, with Mr. Graham serving as President of that company.³⁰ In 2016, Rep. Blum reported a \$1,000,001 to \$5,000,000 interest in Digital Canal and a position as CEO for the company in his annual financial disclosure statement.³¹ Digital Canal was incorporated in Iowa in 2001.³² Digital Canal sells software for use in the design and construction industry.³³
31. Digital Canal and Tin Moon’s websites both list the same business contact address in Dubuque, Iowa.³⁴ Mr. Graham also serves as Treasurer to Rep. Blum’s congressional campaign committee, Blum for Congress, and that committee uses the same mailing address as Digital Canal and Tin Moon’s business address.³⁵
32. In addition to Mr. Graham’s roles at both companies, the OCE found that Tin Moon and Digital Canal share other employees.

²⁶ Tin Moon Corporation, Articles of Incorporation with the Secretary of State of Iowa (May 3, 2016) (Exhibit 1 at 18-2049_0002-0005) (identifying Rep. Blum and Ed Graham as Tin Moon’s two Directors).

²⁷ Tin Moon Corporation, *Home*, <http://tinmoonlabs.com/> (last visited July 16, 2018); Tin Moon Corporation, *Why SEO*, <http://tinmoonlabs.com/why-seo/> (last visited July 16, 2018).

²⁸ Tin Moon Corporation, *Why Reputation Management*, <http://tinmoonlabs.com/why-reputation-management/> (last visited July 16, 2018).

²⁹ Tin Moon Corporation, *FDA*, <http://tinmoonlabs.com/fda/> (last visited July 16, 2018); Tin Moon Corporation, *FDA*, <http://tinmoonlabs.com/fda/> (Archived May 29, 2018) (Exhibit 5 at 18-2049_0061-0063).

³⁰ Digital Canal Corporation, Articles of Incorporation with the Secretary of State of Iowa (June 15, 2001) (Exhibit 6 at 18-2049_0065-0067); Digital Canal Corporation, *Why Us Company*, <https://digitalcanal.com/why-us-company/> (last visited July 16, 2018).

³¹ Rep. Blum 2016 Amended Financial Disclosure Statement, filed Feb. 21, 2018.

³² Digital Canal Corporation, Articles of Incorporation with the Secretary of State of Iowa (June 15, 2001) (Exhibit 6 at 18-2049_0065-0067).

³³ Digital Canal Corporation, *Products*, <https://digitalcanal.com/#products> (last visited July 16, 2018).

³⁴ Digital Canal Corporation, *Contact*, <https://digitalcanal.com/contact/> (last visited July 16, 2018); Tin Moon Corporation, *Contact Us*, <http://tinmoonlabs.com/contact-us/> (last visited July 16, 2018).

³⁵ See, e.g., Blum for Congress, Federal Election Commission Form 1 Statement of Organization (filed Mar. 28, 2018).

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

33. Monty Alexander appears to work as a Sales Representative for Digital Canal and in a similar role for Tin Moon.³⁶ The Tin Moon website describes Mr. Alexander as a Reputation Management Professional.³⁷ GMP President, the President of GetMePlacement, LLC (“GMP”), a company that provides training and software to Tin Moon, told the OCE that Mr. Alexander serves as a Tin Moon Sales Representatives.³⁸ On September 23, 2017, Mr. Alexander posted on his personal Facebook account that, “[t]he Company I’ve worked at almost 17 years has put me in charge of Tin Moon Corporation.”³⁹
34. Additionally, Kristin Wubben serves as Office Coordinator for Digital Canal Corporation, and the OCE found that Ms. Wubben answered the business phone for both Tin Moon and Digital Canal.⁴⁰
35. Ed Graham, Monty Alexander, Digital Canal, and Tin Moon all refused to respond to the OCE’s requests for information and interviews. Mr. Graham provided the OCE with a two-page letter responding to certain allegations in the Associated Press article, but provided no further documents and refused to respond to the OCE’s emails and phone calls.⁴¹
36. Without cooperation from Rep. Blum, Ed Graham, Tin Moon or Mr. Alexander, the OCE could not definitively determine how many individuals Tin Moon employs and the nature of their employment.

ii. Rep. Blum’s Involvement in Tin Moon’s Operations

37. The OCE found that Rep. Blum likely exercised some control over Tin Moon’s business, marketing efforts, and strategic decision making, although he may not have been involved in its everyday operations.
38. From approximately July 29, 2016 until late February 2018, Tin Moon’s website identified Rep. Blum as Tin Moon’s CEO.⁴² By February 23, 2018, Tin Moon amended its website to

³⁶ Tin Moon Corporation, *FDA*, <http://tinmoonlabs.com/fda/> (last visited July 16, 2018); Tin Moon Corporation, *FDA*, <http://tinmoonlabs.com/fda/> (Archived May 29, 2018) (Exhibit 5 at 18-2049_0061-0063); GMP President Transcript (Exhibit 2 at 18-2049_0019).

³⁷ Tin Moon Corporation, *FDA*, <http://tinmoonlabs.com/fda/> (last visited July 16, 2018); Tin Moon Corporation, *FDA*, <http://tinmoonlabs.com/fda/> (Archived May 29, 2018) (Exhibit 5 at 18-2049_0061-0063).

³⁸ GMP President Transcript (Exhibit 2 at 18-2049_0019).

³⁹ Monty Alexander, FACEBOOK (Sept. 23, 2017), <https://www.facebook.com/monty.alexander.7/posts/10210288844805754> (Exhibit 7 at 18-2049_0069).

⁴⁰ Kristen Wubben, LINKEDIN, <https://www.linkedin.com/in/kristen-wubben-6a47b767/> (last visited July 16, 2018). Ms. Wubben was listed as a contact on the since deleted “careers” page on the Digital Canal website. Digital Canal Corporation, *Careers*, <https://digitalcanal.com/company/careers/> (Archived Mar. 29, 2018) (Exhibit 8 at 18-2049_0071-0072).

⁴¹ Letter from Ed Graham to Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics (Apr. 26, 2018) (Exhibit 9 at 18-2049_0074-0075). Mr. Graham also included a document acknowledging that 18 U.S.C. § 1001, the False Statements Act, applied to the letter he provided to the OCE.

⁴² GetMePlacement, LLC Archived Copy of Tin Moon Website About Us Section (Archived July 29, 2016) (Exhibit 10 at 18-2049_0078); Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Jan. 25, 2018) (Exhibit 11 at 18-2049_0080-0083); Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Feb. 23, 2018) (Exhibit 12 at 18-2049_0085-0088). GMP President told the OCE that Tin Moon’s website was created on July 29, 2016. E-mail from GMP President to Helen Eisner, Investigative Counsel, Office of Cong.

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

identify Rep. Blum as the company's majority shareholder.⁴³ Shortly after that change, Tin Moon completely removed any mention of Rep. Blum from its website.⁴⁴

39. In Rep. Blum's March 14, 2018 letter to the Committee, he stated that he has "nothing to do with the operations of this company."⁴⁵ Mr. Graham stated in his letter to the OCE that, "Representative Blum has never been involved with any of the operations of Tin Moon."⁴⁶
40. GMP President told the OCE that Mr. Graham had mentioned to him early in their business relationship that a "U.S. Congressman was involved or would be involved in the business," however, GMP President was under the impression that Rep. Blum was "not necessarily an active partner."⁴⁷
41. In contrast, the OCE found that Mr. Graham may communicate directly with Rep. Blum about Tin Moon's operations and business. GMP President provided the OCE with a copy of a phone recording from a February 26, 2018 phone call between GMP President and Ed Graham.⁴⁸ During the call, Mr. Graham indicated that he planned to speak with Rep. Blum that day about the details of the conversation with GMP President, which related to Tin Moon's marketing materials, content on Tin Moon's website, and continuing press coverage of Tin Moon's business.⁴⁹
42. District Staffer, who has served in Rep. Blum's Dubuque district office, told the OCE that Rep. Blum has a personal office within Digital Canal's office suite.⁵⁰ The OCE could not confirm whether Digital Canal and Tin Moon share office space, or if they have separate offices within the same building in Dubuque. According to District Staffer, Blum for Congress also had office space in the same building at one point in time.⁵¹
43. Due to Rep. Blum and Mr. Graham's refusal to provide requested documents or participate in interviews, the OCE could not further review the breadth of Rep. Blum's involvement in Tin Moon's operations, including during the approximately year-and-a-half period when Tin Moon's website publicly identified Rep. Blum as the company's CEO.

Ethics (May, 7, 2018) (Exhibit 13 18-2049_0090-0091); GMP President Transcript (Exhibit 2 at 18-2049_0027-0028).

⁴³ Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Feb. 23, 2018) (Exhibit 12 at 18-2049_0085-0088).

⁴⁴ Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Mar. 20, 2018) (Exhibit 14 at 18-2049_0093-0096).

⁴⁵ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0053).

⁴⁶ Letter from Ed Graham to Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics (Apr. 26, 2018) (Exhibit 9 at 18-2049_0074).

⁴⁷ GMP President Transcript (Exhibit 2 at 18-2049_0013-0014).

⁴⁸ *Id.* (Exhibit 2 at 18-2049_0037-0047). GMP President recorded this phone call as part of a routine practice of recording some business phone calls. He retained the digital recording in his records. The transcript to this recording is included in GMP President's Transcript.

⁴⁹ *Id.* (Exhibit 2 at 18-2049_0046).

⁵⁰ Transcript of Interview of District Staffer ("District Staffer Transcript"), May 15, 2018 (Exhibit 15 at 18-2049_0106).

⁵¹ *Id.* (Exhibit 15 at 18-2049_0104-0106).

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

iii. Rep. Blum's Financial Interest in Tin Moon

44. In anticipation of the publication of the Associated Press article, Rep. Blum released a statement to the Associated Press on February 21, 2018, which he posted to his official Twitter account.⁵² In the statement, Rep. Blum said of Tin Moon, “[t]he company in question in which I was listed as Director in a business filing, was worth basically nothing in value and not functioning: therefore not listed in my filing as an asset. I have spoken with the Committee on Ethics and the filing has been amended due to this oversight.”⁵³
45. In his March 14, 2018 letter to the Committee, Rep. Blum explained, “[i]n 2016, I made a \$700 investment into Tin Moon Corporation. The company had no revenues in 2016, and it had no employees in 2016.”⁵⁴
46. The OCE found that Rep. Blum likely made a \$700 investment from his personal funds into Tin Moon. However, in 2016, Digital Canal, Rep. Blum's other company, invested at least \$130,000 into Tin Moon via a software licensing agreement between Tin Moon and GMP.⁵⁵ This agreement likely increased the value of Tin Moon and Rep. Blum's overall interest in the company as a seventy percent owner.
47. GMP is a Texas-based search engine marketing company.⁵⁶ Primarily, GMP establishes business relationships with what they call “affiliates” and they train these affiliates to perform search engine optimization work.⁵⁷ In addition to training and technical support, GMP offers software licenses to affiliates, which are web-based licensed copies of the software GMP developed to conduct its work.⁵⁸ GMP also performs optimization work directly with end user clients, conducts web development, and hosts websites.⁵⁹
48. According to GMP President, Ed Graham contacted him in the spring of 2016 during the time period immediately before the formation of Tin Moon.⁶⁰ GMP and Digital Canal did not have a prior business relationship.⁶¹
49. On May 11, 2016, GMP entered into a contract with Tin Moon and Digital Canal.⁶² The first part of the contract related exclusively to Digital Canal and involved optimizing the Digital

⁵² Ryan J. Foley, *Iowa Congressman Failed to Disclose New Company*, ASSOCIATED PRESS (Feb. 22, 2018), available at <https://www.apnews.com/a4e79337ba934e87af7c7177caec5e10/Iowa-congressman-failed-to-disclose-internet-company>; Congressman Rod Blum (@RepRodBlum), TWITTER (Feb. 21, 2018, 6:41 PM), <https://twitter.com/RepRodBlum/status/966457897860456448>.

⁵³ *Id.*

⁵⁴ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0053).

⁵⁵ Double Corporate Level 25 Agreement and Software License Agreements between GetMePlacement, LLC and Tin Moon and Digital Canal (Executed May 11, 2016) (Exhibit 16 at 18-2049_0127-0132).

⁵⁶ GetMePlacement, LLC, *About Us*, <http://gmpinternetmarketing.com/about-us/> (last visited July 16, 2018); GetMePlacement, LLC, *Contact Us*, <http://gmpinternetmarketing.com/contact-us/> (last visited July 16, 2018).

⁵⁷ GMP President Transcript (Exhibit 2 at 18-2049_0008-0009).

⁵⁸ *Id.* (Exhibit 2 at 18-2049_0010).

⁵⁹ *Id.* (Exhibit 2 at 18-2049_0009-0011).

⁶⁰ *Id.* (Exhibit 2 at 18-2049_0012-0016).

⁶¹ *Id.* (Exhibit 2 at 18-2049_0014).

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

Canal website to improve its search visibility.⁶³ According to GMP President, GMP still performs work for Digital Canal.⁶⁴

50. The second part of the May 11, 2016 agreement provided Tin Moon with a “Software License for the WebBased Tracker System” and also contracted with GMP to build and optimize Tin Moon’s website.⁶⁵ For the software portion, the contract reads, “Tracker System Software License and Training is offered for a cash discounted price of \$130,000. . . .”⁶⁶ GMP President confirmed that the value of the license that Tin Moon received through this 2016 contract was \$130,000.⁶⁷ Discounts and other reductions appear to have been applied to other elements of the contract not related to the software license.⁶⁸
51. GMP President told the OCE that the cost under the first part of the contract for what Digital Canal received was \$21,875, and that the cost for what Tin Moon received under the second part of the contract was \$130,000.⁶⁹ He told the OCE that Digital Canal paid GMP \$151,875 for the total cost of the contract through two separate payments to GMP in 2016.⁷⁰
52. Pursuant to the contract, GMP President and another GMP employee traveled to Dubuque in approximately August 2016 to train Tin Moon’s staff in the technical aspects of the SEO process and in how to operate GMP’s software.⁷¹ According to GMP President, the “main purpose of the trip was for Tin Moon’s training.”⁷² Digital Canal’s portion of the contract did not include training or use of the software license.⁷³
53. GMP President explained that Ed Graham, Monty Alexander, and one other individual participated in the 2016 training for Tin Moon.⁷⁴
54. The OCE found that although Tin Moon owned at least a software license and had staff trained to perform SEO work, it did not have any clients in 2016.⁷⁵

⁶² Double Corporate Level 25 Agreement and Software License Agreements between GetMePlacement, LLC and Tin Moon and Digital Canal (Executed May 11, 2016) (Exhibit 16 at 18-2049_0127-0132).

⁶³ *Id.*; GMP President Transcript (Exhibit 2 at 18-2049_0015-0016).

⁶⁴ GMP President Transcript (Exhibit 2 at 18-2049_0026, 0035).

⁶⁵ Double Corporate Level 25 Agreement and Software License Agreements between GetMePlacement, LLC and Tin Moon and Digital Canal (Executed May 11, 2016) (Exhibit 16 at 18-2049_0127-0132).

⁶⁶ *Id.* (Exhibit 16 at 18-2049_0130).

⁶⁷ GMP President Transcript (Exhibit 2 at 18-2049_0025-0026).

⁶⁸ Double Corporate Level 25 Agreement and Software License Agreements between GetMePlacement, LLC and Tin Moon and Digital Canal (Executed May 11, 2016) (Exhibit 16 at 18-2049_0127-0132); GMP President Transcript (Exhibit 2 at 18-2049_0024-0026).

⁶⁹ GMP President Transcript (Exhibit 2 at 18-2049_0025-0026).

⁷⁰ *Id.* (Exhibit 2 at 18-2049_0017-0018, 0026).

⁷¹ *Id.* (Exhibit 2 at 18-2049_0008-0010, 0012-0013, 0015-0016, 0018).

⁷² *Id.* (Exhibit 2 at 18-2049_0012).

⁷³ *Id.* (Exhibit 2 at 18-2049_0015).

⁷⁴ *Id.* (Exhibit 2 at 18-2049_0012).

⁷⁵ GMP President told the OCE that Tin Moon did not have any clients in 2016. GMP President Transcript (Exhibit 2 at 18-2049_0013, 0022, 0036). During the February 26, 2018 phone call between GMP President and Ed Graham, they discussed the fact that Tin Moon did not have any clients in 2016. *Id.* (Exhibit 2 at 18-2049_0045). The GMP software that Tin Moon utilizes allows GMP President to see when Tin Moon logs new clients. *Id.* (Exhibit 2 at 18-

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

55. GMP President estimated that, since early 2017, Tin Moon has acquired six clients.⁷⁶ He told the OCE that Tin Moon continues to seek new clients.⁷⁷ He estimated that, since 2017, Tin Moon has generated between \$50,000 and \$80,000 in revenue annually.⁷⁸
56. According to GMP President, GMP created Tin Moon's website on July 29, 2016.⁷⁹ The OCE reviewed a screen capture of this first version of the Tin Moon website from July 29, 2016.⁸⁰ The OCE found that the Tin Moon website likely became active on or shortly after July 29, 2016. Thus, by approximately July 2016, Tin Moon was seeking business.
57. The OCE found that Tin Moon continues to actively seek business to build its client roster. In an email exchange from February 16, 2018, between Ed Graham and GMP President, Mr. Graham stated that, "[t]he team is kicking in our Tin Moon optimization next week."⁸¹ According to GMP President, Mr. Graham was referring to expanding the geographic reach of Tin Moon's visibility on the internet.⁸² In the email, Mr. Graham also mentioned that Tin Moon was "close on two new websites," showing that the company continues to search for new clients.⁸³
58. Contrary to Rep. Blum's public statement that Tin Moon "was worth basically nothing in value and not functioning," the OCE found that Tin Moon has been actively engaged in developing its business since the summer of 2016.⁸⁴ As early as August 2016, Tin Moon appears to have had employees who were trained in SEO methodologies and software, and by approximately July 2016, Tin Moon's website solicited customers.⁸⁵
59. Additionally, Tin Moon's 2016 year-end book value and net worth included the value of the \$130,000 software license. Rep. Blum held at least seventy percent of the value of this license, which equates to \$91,000.
60. Rep. Blum, therefore, may have reported inaccurate information about his interest in Tin Moon in his 2016 financial disclosure statement. Even after further discussions with Committee staff about press coverage of Tin Moon, Rep. Blum nevertheless may have understated his interest in Tin Moon in his amended 2016 financial disclosure statement.

2049_0022-0023). Accordingly, GMP President knew that Tin Moon secured its first client in April 2017. *Id.* (Exhibit 2 at 18-2049_0023).

⁷⁶ *Id.* (Exhibit 2 at 18-2049_0022-0023).

⁷⁷ *Id.*

⁷⁸ *Id.* (Exhibit 2 at 18-2049_0037).

⁷⁹ *Id.* (Exhibit 2 at 18-2049_0027-0028); E-mail from GMP President to Helen Eisner, Investigative Counsel, Office of Cong. Ethics (May, 7, 2018) (Exhibit 13 at 18-2049_0090-0091).

⁸⁰ GetMePlacement, LLC Archived Copy of Tin Moon Website About Us Section (Archived July 29, 2016) (Exhibit 10 at 18-2049_0078).

⁸¹ E-mails between Ed Graham and GMP President (Feb. 16, 2018 – Feb. 21, 2018) (Exhibit 17 at 18-2049_0135-0136).

⁸² GMP President Transcript (Exhibit 2 at 18-2049_0035).

⁸³ E-mails between Ed Graham and GMP President (Feb. 16, 2018 – Feb. 21, 2018) (Exhibit 17 at 18-2049_0135).

⁸⁴ Congressman Rod Blum (@RepRodBlum), TWITTER (Feb. 21, 2018, 6:41 PM),

<https://twitter.com/RepRodBlum/status/966457897860456448>.

⁸⁵ GetMePlacement, LLC Archived Copy of Tin Moon Website Home Section (Archived July 29, 2016) (Exhibit 18 at 18-2049_0138).

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

61. By amending his 2016 financial disclosure report to include his position as a Director at Tin Moon, Rep. Blum effectively addressed the initial omission of this information from his 2016 financial disclosure statement. The OCE notes that this amendment occurred after the Committee's prescribed "appropriate amendment period (close-of-year)."⁸⁶
62. Additionally, in the course of this review of Rep. Blum's financial disclosure reports, the OCE found that Rep. Blum may not have properly disclosed real estate holdings and transactions related to his ownership interest in Salto de Fede, LLC ("Salto de Fede").⁸⁷ Salto de Fede was a real estate holding company that Rep. Blum founded with Ed Graham and another partner in 2007, and in which Rep. Blum held a 42 percent ownership stake.⁸⁸

⁸⁶ House Comm. on Standards of Official Conduct, *Memorandum for All Members, Officers, and Employees Regarding Policy Regarding Amendments to Financial Disclosure Statements* (Apr. 23, 1986) (available at House Ethics Manual at 379).

⁸⁷ In reviewing Rep. Blum's financial disclosure statements and finances, the OCE found that Rep. Blum may have omitted required information from his financial disclosure statements about the holdings and transactions for one of his real estate development companies. Salto de Fede was established as a limited liability company in Iowa in 2007 with Ed Graham serving as its registered agent. Salto de Fede Articles of Organization with the Secretary of State of Iowa (Feb. 21, 2007) (Exhibit 19 at 18-2049_0140-0141). A 2010 Statement of Authority for Salto De Fede lists Rep. Blum and Mr. Graham as two of three of the entity's members. Salto de Fede Statement of Authority with the Secretary of State of Iowa (Jan. 4, 2010) (Exhibit 20 at 18-2049_0143-0144). In 2017, the business appears to have filed an administrative dissolution with the Iowa Secretary of State. In his annual financial disclosure statement for 2014 and his candidate financial disclosure statement from 2014, Rep. Blum reported his position as "Partner" and reported an interest in Salto de Fede, which he identified as a "Real Estate Development Company." See Rep. Blum 2014 Candidate Financial Disclosure Statement, filed May 13, 2014 (reporting a \$100,001 to \$250,000 interest in Salto de Fede); Rep. Blum 2014 Financial Disclosure Statement, filed August 12, 2015 (reporting a 42 percent ownership stake in the company and valuing his interest between \$100,001 to \$250,000). Rep. Blum separately reported an investment interest in "Residential Property in Asbury IA" valued between \$100,001 and \$250,000 in his 2014 annual and 2014 candidate financial disclosure statements. Rep. Blum did not identify these properties as assets that may have been held for investment by Salto de Fede, or separately identify or distinguish between each residential property included in this investment. House Comm. on Ethics, Calendar Year 2014 Instruction Guide for Financial Disclosure Statements and Periodic Transaction Reports, at 19-20, 23 (explaining the requirement to disclose each property held for investment by a limited liability company in which you have an ownership interest and describing the specificity necessary for reporting such real property assets). In addition, Rep. Blum did not report transactions related to the sale of six Salto de Fede properties in his 2015 financial disclosure statement. Rep. Blum 2015 Financial Disclosure Statement, filed August 14, 2016; House Comm. on Ethics, Calendar Year 2015 Instruction Guide for Financial Disclosure Statements and Periodic Transaction Reports, at 40 ("[y]ou are only required to disclose transactions related to the ownership interests in privately-held companies that were formed for the purpose of holding investments (typically real estate)."). The OCE found that Salto de Fede sold 5436 Park Place and 5440 Park Place in Asbury, Iowa together on September 14, 2015 for \$45,500. Dubuque County Iowa, Parcel Reports for 5436 Park Place Asbury, Iowa and 5440 Park Place Asbury, Iowa (Exhibit 21 at 18-2049_0146-0151). The OCE also found that Salto de Fede sold 5481 Park Place and 5485 Park Place in Asbury, Iowa together on June 22, 2015 for \$46,000. Dubuque County Iowa, Parcel Reports 5481 Park Place Asbury, Iowa and 5485 Park Place Asbury, Iowa (Exhibit 22 at 18-2049_0153-0158). On February 23, 2015, Salto de Fede sold 5460 Park Place and 5464 Park Place Asbury, Iowa together for \$47,000. Dubuque County Iowa, Parcel Reports 5460 Park Place Asbury, Iowa and 5464 Park Place Asbury, Iowa (Exhibit 23 at 18-2049_0160-0165). At his 42 percent ownership interest, Rep. Blum may have failed to report \$58,170 of the, at least, \$138,500 in real estate transactions attributed to Salto de Fede in 2015. Rep. Blum also may have failed to adequately identify these assets as Salto De Fede investment properties in his 2014 financial disclosure filings, including in the 2014 annual report that he filed in 2015 during his first term in Congress.

⁸⁸ See *supra* note 87 (discussing Rep. Blum's financial interest in Salto de Fede).

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

The company filed an administrative dissolution in 2017.⁸⁹ Salto de Fede appears to have been based at the same address as Tin Moon and Digital Canal's business address.⁹⁰

63. The value of the transactions related to Salto de Fede omitted from Rep. Blum's financial disclosure statements in 2015 likely totaled \$58,170 for three separate real estate sales involving six properties.⁹¹ Rep. Blum also may have failed to identify at least six different properties that his company held for investment in his 2014 financial disclosure statements.⁹²
64. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Blum may have omitted required information from his financial disclosure reports related to reportable assets and positions.

III. REP. BLUM MAY HAVE ALLOWED THE USE OF OFFICIAL HOUSE RESOURCES TO PROMOTE HIS PRIVATE BUSINESS

A. Applicable Law, Rules, and Standards of Conduct

65. Federal Statutes

18 U.S.C. § 713(a) states "[w]hoever knowingly displays any printed or other likeness of the great seal of the United States, . . . or the seal of the United States House of Representatives, or the seal of the United States Congress, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined under this title or imprisoned not more than six months, or both."

31 U.S.C. § 1301(a) states, "[a]ppropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

66. House Rules

Under House Rule 23, clause 11, Members "may not authorize or otherwise allow an individual, group, or organization not under the direction and control of the House to use the words 'Congress of the United States,' 'House of Representatives,' or 'Official Business,' or any combination of the words thereof, on any letterhead or envelope."

⁸⁹ *Id.*

⁹⁰ Salto de Fede Statement of Authority with the Secretary of State of Iowa (Jan. 4, 2010) (Exhibit 20 at 18-2049_0143-0144).

⁹¹ See *supra* note 87 (discussing Rep. Blum's financial interest in Salto de Fede).

⁹² *Id.*

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

67. House Ethics Manual

*The House Ethics Manual instructs that, “Members and employees of the House are prohibited from using official resources for any private purpose.”*⁹³

*According to the Manual, under House Rule 23, clause 11, “[e]ven if the specific words mentioned in the rule are not used, authorizing a non-House individual or group to use letterhead, expressions, or symbols conveying the impression of an official communication from the Congress would violate the spirit of House rules, as well as other statutory provisions”*⁹⁴

*The House Ethics Manual provides that, when participating in events sponsored by outside entities, Members, “may not use any congressional resources for the event, including assigning employees to assist in organizing the event, using official letterhead or other expressions or symbols of official sponsorship”*⁹⁵

*According to the House Ethics Manual, “the Code of Ethics for 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. . . Moreover, under these rules, a Member or employee must take reasonable steps to ensure that any outside organization over which he or she exercises control . . . operates in compliance with applicable law.”*⁹⁶

68. Members’ Congressional Handbook

*The Members’ Congressional Handbook instructs that, “[o]fficial photographs are those taken with the use of House resources (equipment, staff, etc.) for official use. These include photos for use on House credentials and in House directories. Additionally, photos taken with House equipment by House staff are considered official photographs. Members may use MRA funds to procure photographic equipment and use staff resources to take official photos. Additionally, Members may hire a photographer as a shared, temporary, or contract employee. Official photographs must comply with applicable rules and regulations for official use and may not be used for personal or campaign purposes.”*⁹⁷

69. House Committee on Ethics Campaign Activity Pink Sheet

In a 2014 and updated 2018 Committee on Ethics Pink Sheet, the Committee explained, “[t]he campaign may only use material created with official resources, if at all, after its official use has been exhausted. Q. When has something’s official use been “exhausted?” Once

⁹³ House Ethics Manual at 335 (citing 31 U.S.C. § 1301(a)).

⁹⁴ *Id.* at 347 (internal citations omitted).

⁹⁵ *Id.* at 345.

⁹⁶ *Id.* at 122-123 (internal citations omitted).

⁹⁷ Comm. on House Administration, Members’ Congressional Handbook, Feb. 27, 2018 at 22; Comm. on House Administration, Members’ Congressional Handbook, Oct. 21, 2015 at 16.

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

*something is in the public domain, is its official use exhausted? A. Generally, an item's official use has been exhausted when the official material has been released to the media or public, **and** the congressional office is no longer using it; the standard **is not** whether something is in the public domain. Depending on the subject matter, relevance, and where the materials appear, each official product may exhaust its official use at different times. The standard applies to all type of media, including, but not limited to, documents, recordings, and social/new media posts. The key in each case is that the item in question must no longer appear anywhere on an official site or be used for an official purpose.”⁹⁸*

*The Pink Sheets also discuss the following question and answer, “**Q. When does an official photograph exhaust its official use?** A. An official photograph exhausts its official use when the congressional office is no longer using it for any purpose, and it comes down from any site where it may have been posted, including the official website and official social/new media sites. **TIP:** Because an official photograph has not exhausted its official use until it comes down from all official sites and there is no plan to use it in the future, you may need to remove materials from your website that contain the photograph in question. For example, if you use a photograph in a newsletter, and the newsletter is on your website, the photograph has not yet exhausted its official use.”⁹⁹*

B. Rep. Blum May Have Allowed Tin Moon to Use His Official Congressional Photograph

70. Rep. Blum may have permitted the use of official resources in furtherance of his outside business interests by allowing Tin Moon to use his official congressional photo on its website.
71. The earliest version of the Tin Moon website that the OCE reviewed, that was created on July 29, 2016, includes Rep. Blum’s official congressional photo adjacent to Rep. Blum’s biography.¹⁰⁰
72. In the official congressional photo posted by Tin Moon, Rep. Blum is wearing a congressional Member pin bearing the seal of the U.S. House of Representatives while standing in front of an American flag.¹⁰¹ Rep. Blum confirmed in his March 14, 2018 letter that the photo was his “official House photo.”¹⁰²

⁹⁸ House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (Aug. 15, 2014), at 14 (emphasis in original); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (June 7, 2018), at 14 (emphasis in original).

⁹⁹ *Id.* at 16 (emphasis in original); House Comm. on Ethics, *Memorandum for All Members, Officers, and Employees Regarding Campaign Activity Guidance* (Aug. 15, 2014), at 15 (the Committee provided the same guidance and made minor updates to the wording of this section in the 2018 version of the Pink Sheet).

¹⁰⁰ GetMePlacement, LLC Archived Copy of Tin Moon Website About Us Section (Archived July 29, 2016) (Exhibit 10 at 18-2049_0078).

¹⁰¹ *Id.*

¹⁰² Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0053).

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

Tin Moon

SEO Services

What We Do Free Site Test Pricing About Us Contact Us

About Us

We own another business that employed the professional Search Engine Optimization (SEO) tools that we will also implement for you. So what you ask? Well, this professional SEO strategy continues to save us hundreds of thousands of dollars by eliminating our Pay per Click (PPC) advertising fees. By employing the same SEO strategy that we implemented for our own company, for your company, we can generate the same results, saving money and increasing your website traffic.

BY SALES AND MARKETERS FOR SALES AND MARKETERS:



Rod Blum is the company's CEO. Rod possesses a Masters Degree In Marketing and was the Valedictorian of his class at the University of Dubuque.

Rod's marketing expertise and leadership skills guided a small company to exponential growth resulting in the company's public listing on the NASDAQ Exchange. Rod's marketing expertise was paramount in this accomplishment. At various times during his tenure he and the company he led received many awards. Some of the most notable include:

- Earnest & Young "Entrepreneur of the Year"
- Magazine - "Inc. 500" (not Inc. 5,000) - 3 times before going public
- Fast Company Magazine "100 Fastest Growing Tech firms"
- Softletter Ezine - "Softletter 100" - multiple times
- Company listing on the NASDAQ



73. This photo remained on the Tin Moon website until approximately February 23, 2018, the day after the publication of the Associated Press article, which discussed Tin Moon's use of the photo.¹⁰³

74. In his March 14, 2018 letter, Rep. Blum stated that he "did not consent or give permission to use [his official photo]."¹⁰⁴ Rep. Blum told the Associated Press that he had "never seen the [Tin Moon] website."¹⁰⁵

¹⁰³ Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Jan. 25, 2018) (Exhibit 11 at 18-2049_0080-0083); Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Feb. 23, 2018) (Exhibit 12 at 18-2049_0085-0088); Ryan J. Foley, Iowa Congressman Failed to Disclose New Company, ASSOCIATED PRESS (Feb. 22, 2018), *available at* <https://www.apnews.com/a4e79337ba934e87af7c7177caec5e10/Iowa-congressman-failed-to-disclose-internet-company>.

¹⁰⁴ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0053).

¹⁰⁵ Ryan J. Foley, Iowa Congressman Failed to Disclose New Company, ASSOCIATED PRESS (Feb. 22, 2018), *available at* <https://www.apnews.com/a4e79337ba934e87af7c7177caec5e10/Iowa-congressman-failed-to-disclose-internet-company>.

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

75. Mr. Graham stated in his two-page letter to the OCE that he placed Rep. Blum’s image on the website without knowledge that the “utilization of the Congressman’s image was problematic.”¹⁰⁶
76. In the previously mentioned February 26, 2018 phone recording between GMP President and Mr. Graham, Mr. Graham confirmed that he did not know that Rep. Blum was wearing a congressional pin when he found the image.¹⁰⁷
77. Without cooperation, the OCE could not review any communications between Rep. Blum, Ed Graham and Tin Moon about the selection of the photo, and its use on and removal from Tin’s Moon website.¹⁰⁸
78. The OCE notes that Tin Moon no longer includes the official photo on its website, or appears to use any marketing materials that publicize Rep. Blum’s congressional position. However, between approximately July 2016 and February 2018, Rep. Blum may not have exercised proper oversight over the operations of his outside business.
79. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Blum misused official House resources to support a business endeavor.

IV. REP. BLUM’S BUSINESS MAY HAVE EMPLOYED DECEPTIVE TRADE PRACTICES TO SOLICIT BUSINESS CLIENTS

A. Applicable Law, Rules, and Standards of Conduct

80. Federal Statutes

18 U.S.C. § 1343 states, “[w]hoever, 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.”

15 U.S.C. § 45(a)(1) states, “[u]nfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.”¹⁰⁹

¹⁰⁶ Letter from Ed Graham to Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics (Apr. 26, 2018) (Exhibit 9 at 18-2049_0074).

¹⁰⁷ GMP President Transcript (Exhibit 2 at 18-2049_0042).

¹⁰⁸ In addition, without cooperation the OCE also could not confirm whether the official use of the photo utilized by Tin Moon had been exhausted by the time Tin Moon started using it in approximately July 2016.

¹⁰⁹ The Federal Trade Commission (“FTC”) interprets Section 5 of the Federal Trade Commission Act (15 U.S.C. § 45(a)(1)) to apply to the internet as an advertising medium, and thus many of the rules that apply to other forms advertising also apply to online marketing. FED. TRADE COMM’N BUREAU OF CONSUMER PROT., *Advertising and Marketing on the Internet: Rules of the Road* (Sept. 2000), available at <https://www.ftc.gov/system/files/documents/plain-language/bus28-advertising-and-marketing-internet-rules-road2018.pdf>. According to the FTC, a “representation, omission or practice is *deceptive* if it is likely to: mislead customers and affect consumers’ behavior or decisions about the product or service.” *Id.* at 2 (emphasis in original).

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

81. House Ethics Manual

According to the House Ethics Manual, “the Code of Ethics for 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. . . Moreover, under these rules, a Member or employee must take reasonable steps to ensure that any outside organization over which he or she exercises control . . . operates in compliance with applicable law.”¹¹⁰

82. Federal Trade Commission (“FTC”) Regulations

i. 16 C.F.R. § 255.0

“(a) [t]he Guides in this part represent administrative interpretations of laws enforced by the Federal Trade Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. Specifically, the Guides address the application of Section 5 of the FTC Act (15 U.S.C. 45) to the use of endorsements and testimonials in advertising. The Guides provide the basis for voluntary compliance with the law by advertisers and endorsers. Practices inconsistent with these Guides may result in corrective action by the Commission under Section 5 if, after investigation, the Commission has reason to believe that the practices fall within the scope of conduct declared unlawful by the statute . . .

(b) For purposes of this part, an endorsement means any advertising message (including verbal statements, demonstrations, or depictions of the name, signature, likeness or other identifying personal characteristics of an individual or the name or seal of an organization) that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by that party are identical to those of the sponsoring advertiser.

(c) The Commission intends to treat endorsements and testimonials identically in the context of its enforcement of the Federal Trade Commission Act and for purposes of this part. The term endorsements is therefore generally used hereinafter to cover both terms and situations.”

ii. 16 C.F.R. § 255.1

“(a) Endorsements must reflect the honest opinions, findings, beliefs, or experience of the endorser. Furthermore, an endorsement may not convey any express or implied representation that would be deceptive if made directly by the advertiser . . .

(c) When the advertisement represents that the endorser uses the endorsed product, the endorser must have been a bona fide user of it at the time the endorsement was given. Additionally, the

¹¹⁰ House Ethics Manual at 122-123 (internal citations omitted).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended
advertiser may continue to run the advertisement only so long as it has good reason to believe that the endorser remains a bona fide user of the product . . .

(d) Advertisers are subject to liability for false or unsubstantiated statements made through endorsements, or for failing to disclose material connections between themselves and their endorsers [see § 255.5]. Endorsers also may be liable for statements made in the course of their endorsements.”

iii. 16 C.F.R. § 255.2

“(c) Advertisements presenting endorsements by what are represented, directly or by implication, to be ‘actual consumers’ should utilize actual consumers in both the audio and video, or clearly and conspicuously disclose that the persons in such advertisements are not actual consumers of the advertised product.”

iv. 16 C.F.R. § 255.5

“When there exists a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement (i.e., the connection is not reasonably expected by the audience), such connection must be fully disclosed. For example, when an endorser who appears in a television commercial is neither represented in the advertisement as an expert nor is known to a significant portion of the viewing public, then the advertiser should clearly and conspicuously disclose either the payment or promise of compensation prior to and in exchange for the endorsement or the fact that the endorser knew or had reason to know or to believe that if the endorsement favored the advertised product some benefit, such as an appearance on television, would be extended to the endorser.”

83. Federal Trade Commission Guidance

*The FTC’s Endorsement Guides: What People Are Asking, discusses common questions about the application of FTC guidance about endorsements, particularly as applied to new forms of media.¹¹¹ Regarding videos uploaded to YouTube, the Guide presents the following question and answer: “**What if I upload a video to YouTube that shows me reviewing several products? Should I disclose that I got them from an advertiser?** Yes. The guidance for videos is the same as for websites or blogs.”¹¹²*

*Regarding the obligation to disclose when you endorse your employer’s products or services, the FTC provides the following example, “**I work for a terrific company. Can I mention our products to people in my social networks? How about on a review site? My friends won’t be misled since it’s clear in my online profiles where I work.** If your company allows employees to use social media to talk about its products, you should make sure that your relationship is disclosed to people who read your online postings about your company or its products. Put*

¹¹¹ FED. TRADE COMM’N, *The FTC’s Endorsement Guides: What People Are Asking* (Sept. 2017), available at <https://www.ftc.gov/tips-advice/business-center/guidance/ftcs-endorsement-guides-what-people-are-asking>.

¹¹² *Id.* (emphasis in original).

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

*yourself in the reader's shoes. Isn't the employment relationship something you would want to know before relying on someone else's endorsement? Listing your employer on your profile page isn't enough. After all, people who just read what you post on a review site won't get that information. People reading your posting on a review site probably won't know who you are. You definitely should disclose your employment relationship when making an endorsement.”*¹¹³

*Regarding the obligations to include accurate testimonials, the FTC provides the following example, “Our company website includes testimonials from some of our more successful customers who used our product during the past few years and mentions the results they got. We can't figure out now what the 'generally expected results' were back then. What should we do? Do we have to remove those testimonials? There are two issues here. First, according to the Guides, if your website says or implies that the endorser currently uses the product in question, you can use that endorsement only as long as you have good reason to believe the endorser does still use the product. If you're using endorsements that are a few years old, it's your obligation to make sure the claims still are accurate. If your product has changed, it's best to get new endorsements. Second, if your product is the same as it was when the endorsements were given and the claims are still accurate, you probably can use the old endorsements if the disclosures are consistent with what the generally expected results are now.”*¹¹⁴

84. State Law

*Iowa Code § 714.16(2)(a) states that, “[t]he act, use or employment by a person of an unfair practice, deception, fraud, false pretense, false promise, or misrepresentation, or the concealment, suppression, or omission of a material fact with intent that others rely upon the concealment, suppression, or omission, in connection with the lease, sale, or advertisement of any merchandise¹¹⁵ or the solicitation of contributions for charitable purposes, whether or not a person has in fact been misled, deceived, or damaged, is an unlawful practice.”*¹¹⁶

B. Rep. Blum's Business May Have Employed Deceptive Trade Practices Through The Use of Deceptive, False, or Unsubstantiated Endorsements and Other Marketing Materials

85. Rep. Blum's company, Tin Moon, may have engaged in deceptive trade practices by including false and misleading endorsements and statements in videos and other marketing content on Tin Moon's website.

¹¹³ *Id.* (emphasis in original).

¹¹⁴ *Id.* (emphasis in original).

¹¹⁵ “Merchandise” is defined to include “services.” See Iowa Code § 714.16(1)(i).

¹¹⁶ Iowa Code § 714.16(2)(a).

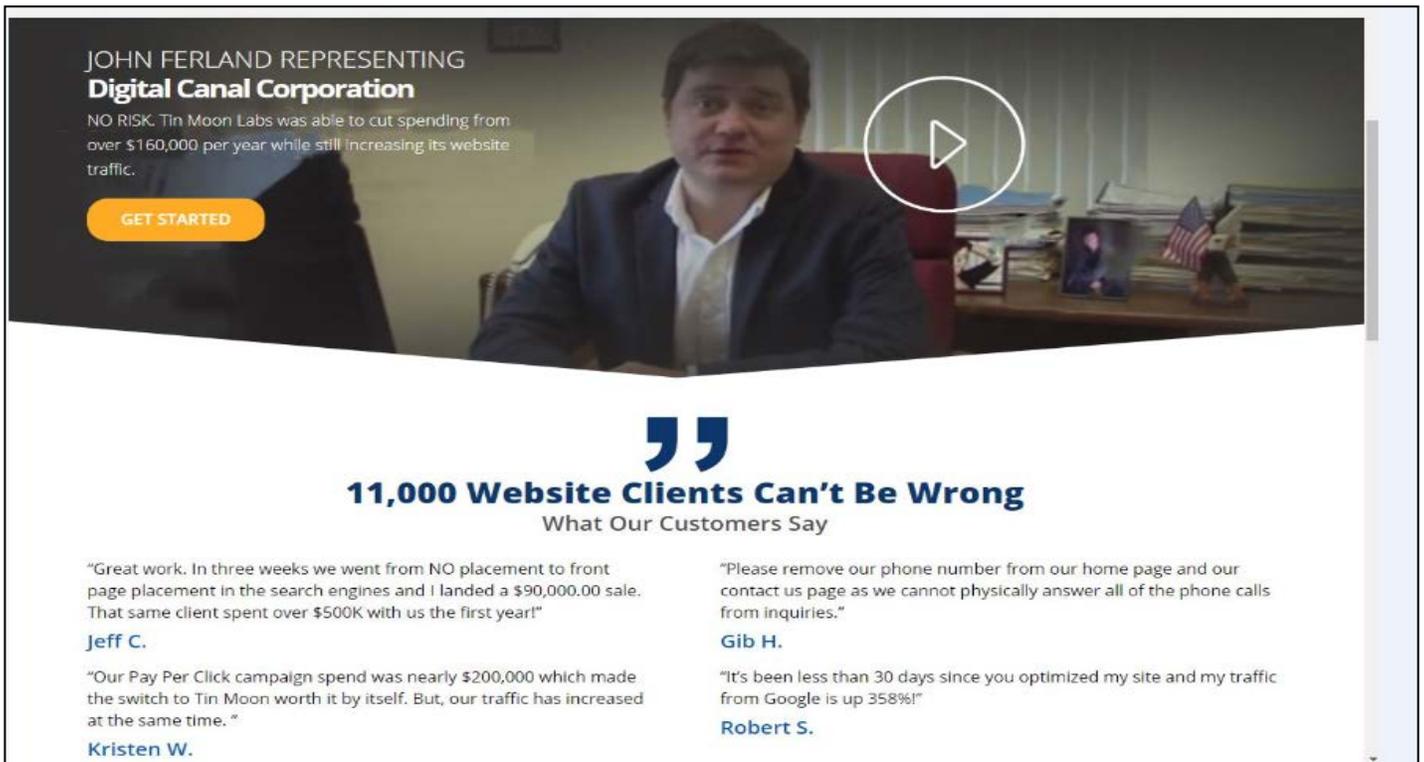
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

i. Rep. Blum’s Chief of Staff’s Video Endorsement of Tin Moon

86. In July 2016, when GMP first created Tin Moon’s new website, a video testimonial appeared on Tin Moon’s website featuring John Ferland, Rep. Blum’s Chief of Staff.¹¹⁷ GMP President told the OCE that GMP was not involved in creating the video, and that Tin Moon probably provided the video to GMP to include in the original Tin Moon website.¹¹⁸

87. Like his boss, Mr. Ferland refused to respond to the OCE’s information request or to interview with the OCE.

88. The text overlaying the video reads, “John Ferland Representing Digital Canal Corporation.”¹¹⁹



89. The OCE reviewed and preserved copies of the since deleted video.¹²⁰ In the video endorsement, Mr. Ferland represents himself as a small business owner who became a Tin

¹¹⁷ E-mail from GMP President to Helen Eisner, Investigative Counsel, Office of Cong. Ethics (May, 7, 2018) (Exhibit 13 at 18-2049_0090-0091); GetMePlacement, LLC Archived Copy of Tin Moon Website Home Section (Archived July 29, 2016) (Exhibit 18 at 18-2049_0138).

¹¹⁸ GMP President Transcript (Exhibit 2 at 18-2049_0028).

¹¹⁹ The July 29, 2016 version of the website identified the video as, “John Ferland on behalf of Digital Canal.” GetMePlacement, LLC Archived Copy of Tin Moon Website Home Section (Archived July 29, 2016) (Exhibit 18 at 18-2049_0138); Tin Moon Corporation, Home Section, <http://tinmoonlabs.com/> (Archived Feb. 7, 2018) (Exhibit 24 at 18-2049_0167-0169); Tin Moon Corporation, Home Section Image Capture, <http://tinmoonlabs.com/> (Archived Feb. 21, 2018) (Exhibit 25 at 18-2049_0171).

¹²⁰ Tin Moon Corporation, Home Section Image Capture, <http://tinmoonlabs.com/> (Archived Feb. 22, 2018) (Exhibit 26 at 18-2049_0173).

CONFIDENTIAL

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

Moon client and benefited from Tin Moon's services.¹²¹ Mr. Ferland encourages other business owners to work with Tin Moon, stating "[f]rom one business owner to another, I suggest you take a look at Tin Moon."¹²²

90. The OCE found no evidence that Mr. Ferland ever worked for Digital Canal, or was a client of Tin Moon. In 2016, Mr. Ferland served as Rep. Blum's District Director, working out of the official office in Dubuque.¹²³
91. Additionally, as previously discussed, Tin Moon did not have any clients in 2016. Contrary to the video's representations, Digital Canal and Mr. Ferland could not have been clients of Tin Moon's at the time the video appeared.¹²⁴
92. The OCE found that between approximately July 2016 and late February 2018, Tin Moon included Mr. Ferland's false and unsubstantiated endorsement video on its website.¹²⁵ On February 22, 2018, following the publication of the Associated Press article, Tin Moon removed the video.¹²⁶
93. Mr. Ferland's appearance in the video could raise additional concerns if Rep. Blum asked or required his senior staffer to participate in the endorsement. In his March 14, 2018 letter to the Committee, Rep. Blum stated that Mr. Ferland's participation was independent of his "House employee status. It had nothing to do with John's (or my) official position with the House."¹²⁷ Rep. Blum stated that he "personally had no idea [the video] was done, nor had I actually ever seen the video."¹²⁸ Rep. Blum said that he demanded that Tin Moon remove the video.¹²⁹
94. Mr. Graham stated in his letter to the OCE that Rep. Blum, "did not direct, authorize, permit, or in any way empower [him] to use" the video.¹³⁰ Mr. Graham also said that Rep. Blum did

¹²¹ Tin Moon Corporation Video, *John Ferland Representing Digital Canal Corporation*; Transcript of Tin Moon Corporation Video, *John Ferland Representing Digital Canal Corporation* (Exhibit 27 at 18-2049_0175-0176).

¹²² *Id.*

¹²³ *See, e.g.*, House of Representatives Chief Administrative Officer, Statement of Disbursements of the House (July 1, 2016 – Sept. 30, 2016), at 265 (identifying Mr. Ferland as District Director); District Staffer Transcript (Exhibit 15 at 18-2049_0100).

¹²⁴ GMP President Transcript (Exhibit 2 at 18-2049_0036, 0039).

¹²⁵ GetMePlacement, LLC Archived Copy of Tin Moon Website Home Section (Archived July 29, 2016) (Exhibit 18 at 18-2049_0138); Tin Moon Corporation, Home Section, <http://tinmoonlabs.com/> (Archived Feb. 7, 2018) (Exhibit 24 at 18-2049_0167-0169); Tin Moon Corporation, Home Section Image Capture, <http://tinmoonlabs.com/> (Archived Feb. 21, 2018) (Exhibit 25 at 18-2049_0171); Tin Moon Corporation, Home Section Image Capture, <http://tinmoonlabs.com/> (Archived Feb. 22, 2018) (Exhibit 26 at 18-2049_0173).

¹²⁶ Tin Moon Corporation, Home Section Image Capture, <http://tinmoonlabs.com/> (Archived Feb. 22, 2018) (Exhibit 26 at 18-2049_0173).

¹²⁷ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0054).

¹²⁸ *Id.*

¹²⁹ *Id.* (Exhibit 3 at 18-2049_0052).

¹³⁰ Letter from Ed Graham to Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics (Apr. 26, 2018) (Exhibit 9 at 18-2049_0074).

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

not know that he had placed the video on the website, and that when Rep. Blum learned of the video, Rep. Blum asked him to remove it from the website.¹³¹

95. Rep. Blum also explained in his March 14, 2018 letter that, “John did not give permission and did not know the video was uploaded to the Tin Moon Corporation website, nor that it was ever used for any purpose.”¹³²
96. In his letter, Mr. Graham explained that he “decided to place a video [on the Tin Moon website] featuring a friend of mine, John Ferland who also happened to be Representative Blum’s District Manager in Iowa.”¹³³
97. Additionally, in explaining the process of creating the video, Rep. Blum stated that, “Ed Graham has subsequently told [him] after inquiry that [Mr. Graham] asked John (then my District Director) offhandedly to record a video in Ed’s office talking about the company simply because John and Ed are friends”¹³⁴
98. The description of the “offhanded” nature of the way the video came about directly conflicts with other evidence reviewed by the OCE.
99. Specifically, on August 29, 2016, a YouTube account for user “rodblum” uploaded a video titled Tin Moon SEO.¹³⁵ The video features Digital Canal and Tin Moon employee Kristen Wubben and uses a nearly identical script to the video of Mr. Ferland that appeared on Tin Moon’s website approximately one month prior.¹³⁶ With the exception of the final sentence of Mr. Ferland and Ms. Wubben’s statements and colloquial differences, the two scripts are nearly verbatim recitations.
100. The YouTube account for “rodblum” includes other video uploads that indicate that it may be Rep. Blum’s personal account, or a personal account of a member of his family.¹³⁷

¹³¹ *Id.* (Exhibit 9 at 18-2049_0074-0075).

¹³² Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0054).

¹³³ Letter from Ed Graham to Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics (Apr. 26, 2018) (Exhibit 9 at 18-2049_0074).

¹³⁴ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0054).

¹³⁵ YOUTUBE, Channel for “rodblum”, <https://www.youtube.com/user/rodblum> (Archived June 28, 2018) (Exhibit 28 at 18-2049_0178); YOUTUBE, Channel for “rodblum”, *Tin Moon SEO*, <https://www.youtube.com/watch?v=DNBEw3HOiUg> (Uploaded Aug. 29, 2016) (Archived image Feb. 28, 2018) (Exhibit 29 at 18-2049_0180).

¹³⁶ After District Staffer confirmed that the woman in the “Tin Moon SEO” video was named Kristen, the OCE compared photographs of Kristen Wubben to the woman in the video and confirmed it was the same individual. District Staffer Transcript (Exhibit 15 at 18-2049_0120); Transcript of YOUTUBE, Channel for “rodblum”, *Tin Moon SEO*, <https://www.youtube.com/watch?v=DNBEw3HOiUg> (Exhibit 30 at 18-2049_0182-0183); Transcript of Tin Moon Corporation Video, *John Ferland Representing Digital Canal Corporation* (Exhibit 27 at 18-2049_0176).

¹³⁷ YOUTUBE, Channel for “rodblum”, <https://www.youtube.com/user/rodblum> (Archived June 28, 2018) (Exhibit 28 at 18-2049_0178). One video called “Rod Blum Why I’m Running for Congress” appears to feature Rep. Blum speaking with members of his immediate family in a personal residence. The channel also includes videos of Rep. Blum at a district convention.

CONFIDENTIAL

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

101. The YouTube video from August 29, 2016, containing a video nearly identical to Mr. Ferland's endorsement, provides another example of an individual who is directly connected to Rep. Blum, claiming to be a client of Tin Moon during a time period when Tin Moon did not have clients.
102. The scripted nature of these videos seemingly contradicts the explanation that Mr. Ferland's endorsement video was made offhandedly between two friends.
103. In reference to the Associated Press article, Rep. Blum stated in his March 14, 2018 letter that, "[t]he AP article says that the video was uploaded from my account. I have no idea to what account they referring. All I can say is that I was not aware that any account of mine existed let alone that it was used to upload a video to the Tin Moon Corporation website."¹³⁸
104. The Associated Press article referenced the Kristen Wubben YouTube video as a separate Tin Moon testimonial that was uploaded to YouTube in August 2016, but never implied that it was uploaded to the Tin Moon website.¹³⁹ In his statement above, Rep. Blum appears to conflate the two separate video endorsements featuring Mr. Ferland and Ms. Wubben.
105. The existence of the two separate, but identically scripted videos shows a further link between Rep. Blum personally, through the "rodblum" YouTube account, and the creation of the misleading video featuring Mr. Ferland endorsing Rep. Blum's business.
106. Additionally, federal law requires that when an advertisement represents that an endorser used a product, that the endorser be a bona fide user of the product. Endorsements must reflect the honest opinions and experience of an endorser.
107. In his letter, Mr. Graham stated that, "John acted as an unpaid spokesperson, in which he stated he was representing Digital Canal Corporation on the Tin Moon website."¹⁴⁰ Rep. Blum similarly stated in his March 14, 2018 letter that Mr. Ferland was not compensated for the video.¹⁴¹ In an email between Mr. Ferland and a Committee staffer, the staffer indicated that Mr. Ferland represented to her that he received "no compensation for testimonial."¹⁴²
108. The OCE could not independently confirm whether Mr. Ferland received any compensation for the video. Under FTC regulations, Tin Moon may have had to disclose if Mr. Ferland received compensation for his endorsement because this information may have been material to the weight of the endorsement and not reasonably expected by prospective customers. Tin Moon may also have been required to disclose that Mr. Ferland's employer (Rep. Blum) is

¹³⁸ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0054).

¹³⁹ Ryan J. Foley, Iowa Congressman Failed to Disclose New Company, ASSOCIATED PRESS (Feb. 22, 2018), available at <https://www.apnews.com/a4e79337ba934e87af7c7177caec5e10/Iowa-congressman-failed-to-disclose-internet-company>.

¹⁴⁰ Letter from Ed Graham to Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics (Apr. 26, 2018) (Exhibit 9 at 18-2049_0074).

¹⁴¹ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0054).

¹⁴² E-mails between John Ferland and Comm. on Ethics Staff (Feb. 8, 2018 – Feb. 22, 2018) (Exhibit 4 at 18-2049_0057).

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

the majority shareholder of the company that received his endorsement, since this information would not have been apparent to prospective Tin Moon customers.

109. Tin Moon also likely would have been required to disclose any client endorsements that were not from bona fide Tin Moon clients.
110. Rep. Blum, Ed Graham, John Ferland, Digital Canal, and Tin Moon did not provide requested documents about the production of these videos, and refused to participate in interviews to help the OCE further review the endorsements.

- ii. Additional False and Misleading Endorsements and Materials on Tin Moon's Website

- a. *Displaying Misleading or False Client Testimonials and Success Stories*

111. The OCE found that Tin Moon may have misrepresented GMP client testimonials and outcome data as Tin Moon-specific client success stories, and in at least one instance, may have fabricated a quote from a non-existent Tin Moon client.
112. In the “Success Stories” section of Tin Moon’s website, Tin Moon includes five testimonial quotes and a chart showing a client’s success rate with Tin Moon SEO technology compared to another type of technology.¹⁴³
113. According to GMP President, the chart is an identical copy of a chart in GMP’s training manual including the exact same data from a GMP client.¹⁴⁴ The only difference between the charts is that Tin Moon edited its chart to read “TML Charges,” which refers to Tin Moon Labs.¹⁴⁵
114. GMP President did not know Tin Moon used this information or amended it to appear as if it applied to a Tin Moon-specific client.¹⁴⁶

¹⁴³ Tin Moon Corporation, *Success Stories*, <http://tinmoonlabs.com/success-stories/> (Archived May 18, 2018) (Exhibit 31 at 18-2049_0185).

¹⁴⁴ GMP President Transcript (Exhibit 2 at 18-2049_0028-0030).

¹⁴⁵ *Id.* (Exhibit 2 at 18-2049_0029).

¹⁴⁶ *Id.* (Exhibit 2 at 18-2049_0028-0030). The OCE showed GMP President a copy of another GMP affiliate’s website, WebEdge Digital Marketing, which used the same amended chart with data originating from GMP’s training manual to represent the chart as its own client outcome data. GMP President thought that that client may have followed Tin Moon’s lead and copied Tin Moon’s website. GMP President stated, “I’m not okay with that” and explained that the chart was not part of the template GMP provides when creating client websites. *Id.* (Exhibit 2 at 18-2049_0028-0033). The OCE notes that some of these charts were discussed in a publication from the blog Bleeding Heartland that GMP President appeared to be aware of, although he may not have known about the chart modifications. *Id.* (Exhibit 2 at 18-2049_0036, 0038); BLEEDING HEARTLAND, *Rod Blum’s Internet Business, Other Firms Tout Identical “Success Stories”*, Feb. 23, 2018, available at <https://www.bleedingheartland.com/2018/02/23/rod-blums-internet-business-other-firms-tout-identical-success-stories/>; WebEdge Digital Marketing, *Success Stories*, <https://yourwebedge.com/success-stories/> (Archived May 18, 2018) (Exhibit 32 at 18-2049_0187-0190). WebEdge has since amended its website to remove the chart. WebEdge Digital Marketing, *Success Stories*, <https://yourwebedge.com/success-stories/> (last visited June 6, 2018).

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

115. Additionally, the “Success Stories” portion of Tin Moon’s website includes quotes from five individuals touting positive experiences with Tin Moon.¹⁴⁷ There is no qualifying language indicating that these quotes came from anyone other than Tin Moon’s clients.

Success Stories

Below is once client's example of PPC (pay per click) vs. SEO (ORGANIC Search) – cost and results. This client's revenue increased from approximately \$20,000 a month to peaking at over \$200,000 a month.

Pages / Session Organic Traffic: 3.24 Paid Traffic: 1.51	Avg. Session Duration Organic Traffic: 00:03:18 Paid Traffic: 00:01:00	Bounce Rate Organic Traffic: 46.55% Paid Traffic: 81.05%
Monthly PPC Spent: \$3,013.58	Cost Per PPC Click: \$2.21	Total PPC Hits: 1363
Monthly TML Charges: \$3,000.00	Cost Per Organic Click: \$0.11	Total Organic Hits: 27428

Testimonials:

- Janie M.**: "We tracked 277 new sales in '06 from our internet search engine exposure!"
- Jeff C.**: "Three weeks after I hired you, we went from NO placement to front page placement in the search engines and I landed a \$90,000.00 sale. That same client spent over \$500,000 with us the first year!"
- Kristen W.**: "Our Pay Per Click campaign spend was nearly \$200,000 which made the switch to Tin Moon worth it by itself. But, our traffic has increased at the same time."
- Gib H.**: "Please remove our phone number from our home page and our contact us page as we cannot physically answer all of the phone calls from inquiries."
- Robert S.**: "It's been less than 30 days since you optimized my site and my traffic from Google is up 358%."

Testimonials

Take Action Now!

- ✓ Test my site
- ✓ Choosing a level of service
- ✓ Updating my website
- ✓ Hosting my website

GMP Services

- ✓ PPC Management
- ✓ SEM Services
- ✓ SEO Services
- ✓ SEO Training
- ✓ Social Media Links
- ✓ Social Media Management

Testimonials:

- Janie M.**: "We tracked 277 new sales in '06 from our internet search engine exposure!"
- Jeff C.**: "Three weeks after I hired Todd, we went from NO placement to front page placement in the search engines and I landed a \$90,000.00 sale. That same client spent over \$500K with us the first year!"
- Gib H.**: "Todd, please remove our phone number from our home page and our contact us page as we cannot physically answer all of the phone calls from inquiries."
- Floyd R.**: "Please remove Emergency Generators from our optimization. I don't have the bandwidth to answer the phone calls or fill the orders."
- Robert S.**: "It's been less than 30 days since you optimized my site and my traffic from Google is up 358%!"

¹⁴⁷ Tin Moon Corporation, *Success Stories*, <http://tinmoonlabs.com/success-stories/> (Archived May 18, 2018) (Exhibit 31 at 18-2049_0185). The quotes also appear on Tin Moon’s homepage. Tin Moon Corporation, *Home*, <http://tinmoonlabs.com/> (last visited July 16, 2018).

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

116. GMP President recognized four of the quotes as identical to quotes from GMP clients that appear on GMP's website.¹⁴⁸ GMP President stated that Tin Moon's use of these quotes was "misleading" and thought it would have been more appropriate to identify the quotes with a disclaimer identifying them as "'representative of work from our tech team.' Just be honest."¹⁴⁹
117. GMP President did not recognize a fifth quote on Tin Moon's website from a "Kristen W." which states, "Our Pay Pre Click campaign spend was nearly \$200,000 which made the switch to Tin Moon worth it by itself. But, our traffic has increased at the same time."¹⁵⁰
118. The OCE found that Kristen W. is very likely Kristen Wubben, the same Digital Canal and Tin Moon employee who appeared in the YouTube video likely falsely describing her experience as a Tin Moon client.¹⁵¹
119. Without cooperation from Tin Moon, the OCE could not confirm the authenticity of Kristen W.'s statement.
120. The OCE found that the Tin Moon website misrepresents data from purported Tin Moon clients and quotes identified as Tin Moon success stories, that actually reflect the experience of GMP clients. Tin Moon may also have fabricated a quote from a fictitious client, who is actually a Tin Moon employee.

b. Asserting That Tin Moon Has 11,000 Clients

121. As seen in the earlier screen capture of Mr. Ferland's endorsement video, Tin Moon's homepage prominently displays the statement: "11,000 website clients can't be wrong."¹⁵²

¹⁴⁸ GMP President Transcript (Exhibit 2 at 18-2049_0030-0032); GMP, *Testimonials*, gmpinternetmarketing.com/testimonials (last visited June 6, 2018). WebEdge appears to have also copied the quote from Kristen W. and amended it to make it appear like Kristen W. was a WebEdge client. WebEdge Digital Marketing, *Success Stories*, <https://yourwebedge.com/success-stories/> (Archived May 18, 2018) (Exhibit 32 at 18-2049_0187-0190). WebEdge has since amended its website to remove the success story quoting Kristen W. WebEdge Digital Marketing, *Success Stories*, <https://yourwebedge.com/success-stories/> (last visited June 6, 2018).

¹⁴⁹ GMP President Transcript (Exhibit 2 at 18-2049_0030).

¹⁵⁰ Tin Moon Corporation, *Success Stories*, <http://tinmoonlabs.com/success-stories/> (Archived May 18, 2018) (Exhibit 31 at 18-2049_0185); GMP President Transcript (Exhibit 2 at 18-2049_0030).

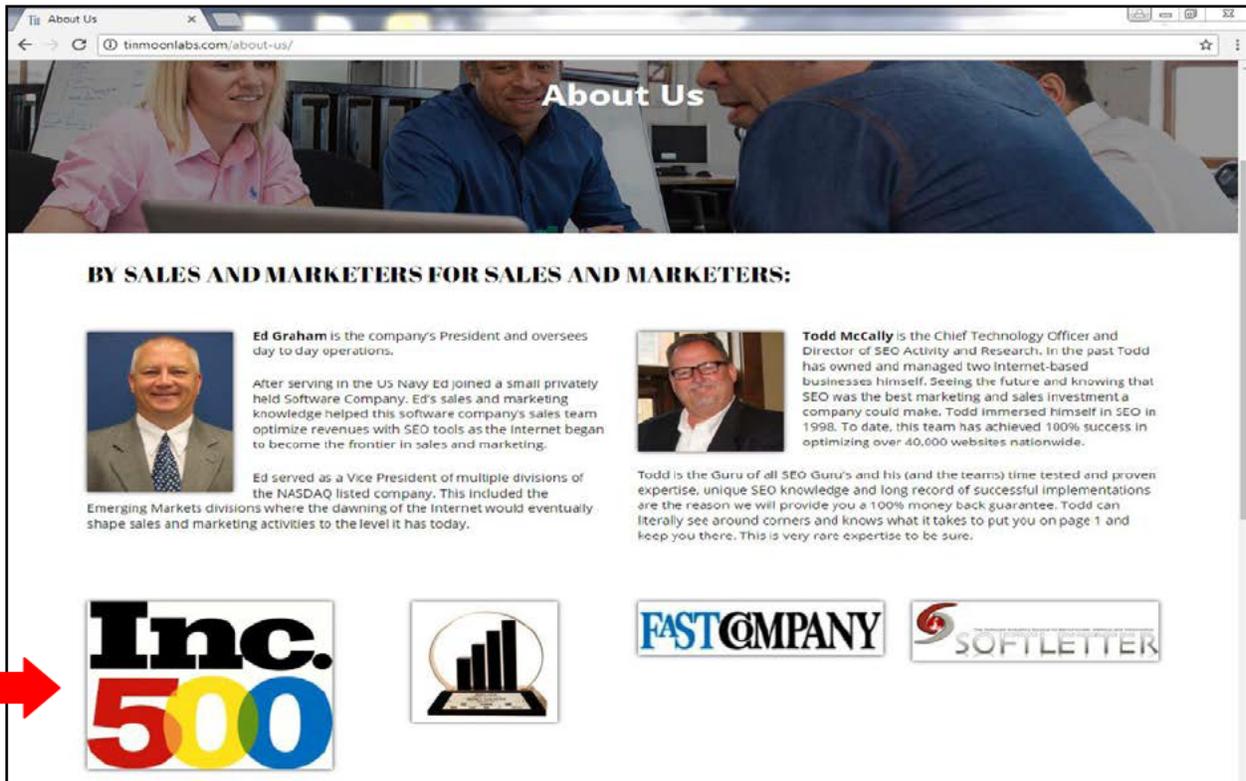
¹⁵¹ The OCE could not obtain an archived version of Tin Moon's website's "Success Stories" section in order to determine when the quote from "Kristen W." first appeared on the website. Additionally, as of a recent update to the Digital Canal website during the course of this review, Digital Canal's website now includes the notation, "SEO by Tin Moon Labs." Digital Canal Corporation, *Home*, <https://digitalcanal.com> (last visited July 16, 2018); Digital Canal Corporation, *Home*, <https://digitalcanal.com> (Archived Feb. 21, 2018) (Exhibit 33 at 18-2049_0192-0194). However, the OCE found that GMP already performs SEO work for Digital Canal. Therefore, this change on Digital Canal's website may have been a response to the OCE review. The 2016 contract between GMP, Digital Canal, and Tin Moon, provided that GMP would perform SEO work for Digital Canal as an end user. Double Corporate Level 25 Agreement and Software License Agreements between GetMePlacement, LLC and Tin Moon and Digital Canal (Executed May 11, 2016) (Exhibit 16 at 18-2049_0127-0128). GMP President told the OCE that, even recently, GMP had worked with Digital Canal on some updates to its website. GMP President Transcript (Exhibit 2 at 18-2049_0026, 0035). Therefore, the OCE found that GMP still performs optimization work on behalf of Digital Canal. The OCE could not verify if Tin Moon now also performs this work for Digital Canal. It is unlikely that Kristen W.'s quote, especially when it first appeared on Tin Moon's website before the initiation of this review, reflected her bona fide experience as a Tin Moon client.

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

122. According to GMP President, “[i]t is GMP’s tech team that has performed optimization work for over 11,000 clients.”¹⁵³ GMP President asked Mr. Graham, during the February 26, 2018 phone call, to clarify on the Tin Moon website that it was GMP’s tech team that served those clients, not Tin Moon’s.¹⁵⁴ As of the date of this report, Tin Moon still claims “11,000 website clients can’t be wrong” on its homepage without any qualification.¹⁵⁵

c. Displaying Awards and Endorsements that Tin Moon Never Received

123. Tin Moon displays four logos at the bottom of the “About Us” section of its website that represent awards or endorsements that Tin Moon likely never received.¹⁵⁶



124. As part of Tin Moon’s contract with GMP, GMP helped build Tin Moon’s website. Once GMP finishes building a website, the affiliate takes control of the website’s content.¹⁵⁷
125. When the OCE showed GMP President a copy of the Tin Moon website displaying these awards and endorsements, GMP President explained that those awards and endorsements were not part of the GMP website template and were “something that [Tin Moon] have

¹⁵² Tin Moon Corporation, *Home*, <http://tinmoonlabs.com/> (last visited July 16, 2018).

¹⁵³ E-mail from GMP President to Helen Eisner, Investigative Counsel, Office of Cong. Ethics (May 7, 2018) (Exhibit 13 18-2049_0090)].

¹⁵⁴ GMP President Transcript (Exhibit 2 at 18-2049_0009, 0046).

¹⁵⁵ Tin Moon Corporation, *Home*, <http://tinmoonlabs.com/> (last visited July 19, 2018).

¹⁵⁶ Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Feb. 23, 2018) (Exhibit 12 at 18-2049_0085-0088); Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (last visited July 16, 2018).

¹⁵⁷ GMP President Transcript (Exhibit 2 at 18-2049_0011).

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

simply added on their own.”¹⁵⁸ GMP President did not recognize most of the logos or have an explanation for their presence on the website.¹⁵⁹

126. The OCE found that during the period of time when the Tin Moon website identified Rep. Blum as CEO, it also listed him as the recipient of multiple awards.¹⁶⁰ These are awards that he earned through a prior company he founded called Eagle Point Software. Even after removing information about Rep. Blum from its website, Tin Moon still displays the logos or images of these awards and endorsements in its “About Us” section representing that Tin Moon received these honors or endorsements, some of which Tin Moon would not have even been eligible to receive.¹⁶¹

d. Statements About GMP President’s Title and Certifications

127. Tin Moon’s website identifies GMP President as Chief Technology Officer and Director of SEO Activity and Research.¹⁶² During the February 26, 2018 phone call, GMP President told Mr. Graham that listing him as Chief Technology Officer on the website implied he was a corporate officer, and asked that he only be listed as “Director of SEO Activity and Research.”¹⁶³ He explained that identifying him as Director of SEO Activity and Research is an accurate statement about the technical work GMP provides to Tin Moon.¹⁶⁴ As of the date of this report, Tin Moon’s website continued to list GMP President as Chief Technology Officer.¹⁶⁵
128. GMP President also explained that Tin Moon had placed a Google AdWords Certified Professional logo next to his biography on the Tin Moon website, even though GMP President never completed this certification.¹⁶⁶

¹⁵⁸ *Id.* (Exhibit 2 at 18-2049_0034).

¹⁵⁹ *Id.*

¹⁶⁰ Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Jan. 25, 2018) (Exhibit 11 at 18-2049_0080-0083).

¹⁶¹ One logo is for Inc. 500. The Inc. 5000 list ranks the fastest-growing private companies in America, with the top ten percent earning status as the Inc. 500. Inc., *Inc. 5000 Application Guide*, <https://www.inc.com/apply/guide> (last visited May 24, 2018). In order to qualify for the Inc. 5000 list, a company must (1) be independent, privately-owned and based in the U.S.; (2) have started earning revenue by March 31, 2014; (3) had revenue no less than \$100,000 in 2014; (4) had revenue no less than \$2,000,000 in 2017; and (5) have revenue in 2017 exceed revenue in 2014. *Id.* Another logo is for the Ernst & Young Entrepreneur of the Year Award. The award celebrates the country’s most innovative leaders. ERNST & YOUNG, <https://www.ey.com/us/en/about-us/entrepreneurship/entrepreneur-of-the-year> (last visited May 24, 2018). To qualify, a nominee must be an employee of a publicly held company. ERNST & YOUNG, *2018 Application Guidelines*, [https://www.ey.com/Publication/vwLUAssets/2018_EOY_call_for_nominations/\\$FILE/EOY-US_2018%20Call%20for%20nominations%20form.pdf](https://www.ey.com/Publication/vwLUAssets/2018_EOY_call_for_nominations/$FILE/EOY-US_2018%20Call%20for%20nominations%20form.pdf) (last visited May 24, 2018). While the OCE found that Rep. Blum was a recipient of the award in 1994 for his work with Eagle Point Software, the OCE found that the image depicted on Tin Moon’s website is actually a picture of an award given in 2001 to a Frank L. Vandersloot of Melaleuca, Inc., a company headquartered in Idaho. Melaleuca, <http://melaleucaawards.com.tw/> (last visited May 24, 2018).

¹⁶² Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (last visited July 16, 2018).

¹⁶³ GMP President Transcript (Exhibit 2 at 18-2049_0039-0040).

¹⁶⁴ *Id.*

¹⁶⁵ Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (last visited July 19, 2018).

¹⁶⁶ GMP President Transcript (Exhibit 2 at 18-2049_0021-0022, 0042).

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

129. During their recorded phone call, Mr. Graham told GMP President that he had seen that logo on another GMP affiliate website introducing GMP President, and then decided to use it for Tin Moon.¹⁶⁷ Mr. Graham expressed regret he had not asked GMP President about whether to use it in advance.¹⁶⁸ Tin Moon removed this logo at some point in late February or early March 2018.¹⁶⁹
130. The OCE found that Rep. Blum's company may have repeatedly used endorsements from individuals who were not bona fide users of Tin Moon's services, misappropriated client success stories, and misrepresented their client portfolio and business accolades.
131. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Blum's private company utilized deceptive, false, or unsubstantiated endorsements and other marketing materials.

V. INDIVIDUALS AND ENTITIES THAT REFUSED TO COOPERATE WITH THE OCE REVIEW

Rep. Blum

132. The OCE requested information from and the opportunity to interview Rep. Blum. Rep. Blum provided the OCE with a three-page letter he wrote to the Committee on March 14, 2018, and an email chain showing correspondence between John Ferland and Committee staff.¹⁷⁰ Besides providing these documents, Rep. Blum refused to produce any information in response to the OCE's requests for information and declined to interview with the OCE.¹⁷¹

John Ferland

133. The OCE requested information from and the opportunity to interview Mr. Ferland. Mr. Ferland refused to produce any information and declined to interview with the OCE.

Ed Graham, Digital Canal, and Tin Moon

134. The OCE requested information from Ed Graham, and separately from Digital Canal and Tin Moon. The requests for information to Digital Canal and Tin Moon were addressed to Ed Graham as the President of both companies. Mr. Graham provided the OCE with a two-page

¹⁶⁷ *Id.* (Exhibit 2 at 18-2049_0042).

¹⁶⁸ *Id.*

¹⁶⁹ Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Feb. 23, 2018) (Exhibit 12 at 18-2049_0085-0088) (showing the Tin Moon About Us website section with the Google AdWords Certified Professional logo); Tin Moon Corporation, *About Us*, <http://tinmoonlabs.com/about-us/> (Archived Mar. 20, 2018) (Exhibit 14 at 18-2049_0093-0096) (showing the Tin Moon About Us website section without the Google AdWords Certified Professional logo).

¹⁷⁰ Letter from Rep. Blum to Susan Brooks, Chairwoman, House Comm. on Ethics, and Ted Deutch, Ranking Member, House Comm. on Ethics (Mar. 14, 2018) (Exhibit 3 at 18-2049_0052-0054); E-mails between John Ferland and Comm. on Ethics Staff (Feb. 8, 2018 – Feb. 22, 2018) (Exhibit 4 at 18-2049_0057-0059).

¹⁷¹ Rep. Blum provided a document acknowledging that 18 U.S.C. § 1001, the False Statements Act, applied to the March 14, 2018 letter he wrote to the Committee. Rep. Blum failed to sign the OCE's form certifying that he did not knowingly and willfully withhold information that would have been responsive to the OCE's requests for information.

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

letter responding to various allegations in the news, but refused to produce any information in response to the OCE's requests for information to him, to Digital Canal, or to Tin Moon, and declined to participate in an interview.

Monty Alexander

135. The OCE requested information from and the opportunity to interview Mr. Alexander. Mr. Alexander first appeared willing to cooperate with the review, but hung up on the OCE during a follow up phone call and did not respond to any additional communication, and did not provide any of the requested information.

Jonathan Van Norman

136. The OCE requested an interview with Mr. Van Norman, who previously served as Rep. Blum's Media Director and District Scheduler/Driver according to official disbursements.¹⁷² The OCE scheduled an interview with Mr. Van Norman, which would have taken place near his current place of employment. Mr. Van Norman cancelled the interview and refused to reschedule.

VI. CONCLUSION

137. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Blum may have omitted required information from his financial disclosure reports related to reportable assets and positions.
138. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Blum failed to accurately report the value of his interest in Tin Moon in his 2016 financial disclosure statement in violation of federal law, House rules, and standards of conduct.
139. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Blum misused official House resources to support a business endeavor.
140. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Blum permitted the use of official House resources to support or promote Tin Moon, a private business in which Rep. Blum holds a financial interest, in violation of federal law, House rules, and standards of conduct.
141. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Blum may have permitted Tin Moon to use or employ an unfair or deceptive trade practice in connection with Tin Moon's solicitation of business clients.
142. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Blum's private company utilized deceptive, false, or unsubstantiated endorsements

¹⁷² See, e.g., House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, Oct. 1, 2017 – Dec. 31, 2017, at 278 (identifying Mr. Van Norman as Media Director); House of Representatives Chief Administrative Officer, Statement of Disbursements of the House, July 1, 2017 – Sept. 30, 2017, at 284 (identifying Mr. Van Norman as Media Director and District Scheduler & Driver).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended and other marketing materials in violation of federal law, state law, House rules, and standards of conduct.

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

143. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE review:
 - a. Rep. Blum;
 - b. John Ferland;
 - c. Digital Canal;
 - d. Tin Moon;
 - e. Ed Graham;
 - f. Monty Alexander; and
 - g. Jonathan Van Norman.

144. The Board recommends that the Committee on Ethics issue subpoenas to Rep. Blum, John Ferland, Digital Canal, Tin Moon, Ed Graham, Monty Alexander and Jonathan Van Norman.