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Conducted on March 1, 2017

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CONFIDENTIAL

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

ERRATA SHEET

Page	Line	Correction	Reason
19	5	The word "lining" should be replaced with the word "like."	The transcription appears to have mistaken the word [REDACTED] actually used here.
31	9	There should be a question mark, instead of a period, after the word two.	[REDACTED] recalls speculating here.
44	5	Sometime should have an "s" on the end.	The word is just missing the "s" at the end.
51	19	The phrase "part of" should be inserted between early and 2016.	The sentence does not make sense without this phrase.
63	17	There should be a question mark, instead of a period, after 2016. 2016?	[REDACTED] asked Kedric Payne for clarification here.
63	19	There should be a question mark, instead of a period after 2016. The year of 2016?	[REDACTED] asked Kedric Payne for clarification here.

This errata sheet is submitted subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act).

Witness Name:

Witness Signature:

Date:

[REDACTED]

4-24-17

EXHIBIT 4

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Kedric Payne: So Kedric Payne here with Helen Eisner. We are interviewing President of
2 Boulder Strategies and his counsel, Eric Kleinfeld, is also on the telephone.
3 President of Boulder Strategies is appearing over the telephone as well. It is
4 5:03 PM on Tuesday, February 28th, 2017. President of Boulder Strategies,
5 you did receive the False Statements Act and you signed the
6 Acknowledgment Form. Is that correct?
7
8 Pres. Boulder Strat.: That is correct.
9
10 Kedric Payne: Okay. I just want to first start with a little bit of background. Where are you
11 currently employed?
12
13 Pres. Boulder Strat.: I'm the president of Boulder Strategies.
14
15 Kedric Payne: And what is Boulder Strategies?
16
17 Pres. Boulder Strat.: We are digital consulting firm that works with political and non-profit
18 organizations, primarily in regards to digital advertising and marketing, as
19 well as with e-mail communications and fundraising.
20
21 Kedric Payne: And how long have you been employed with Boulder Strategies?
22
23 Pres. Boulder Strat.: Boulder Strategies was founded in October of 2013 and I've been employed
24 as the president since then.
25
26 Kedric Payne: You mentioned that your clients are political and non-profit organizations.
27 Can you give me an example of those clients? I don't necessarily need
28 specifics, but I just need something more detailed.
29
30 Pres. Boulder Strat.: Sure. We work for ... we have relationships with the Democratic
31 Congressional Campaign Committee, for example. We work for members of
32 Congress on the campaign side, not the official side, and we also work with
33 organizations like environmental groups, trade organizations, things like the
34 American Heart Association, Healthier Colorado, groups like that, that are
35 either 501C3 or 501C4 with an advocacy tint...plan to them.

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1
2 Kedric Payne: Okay. You mentioned the broad services that the company provides. What
3 specific services do you personally provide?
4
5 Pres. Boulder Strat.: So in my role, I manage a team of staff that does the primary writing and
6 content developments for our clients. I also provide general consulting
7 advice in terms of message development and overall strategy on the digital
8 side of the campaign, or the digital side of the organization.
9
10 Kedric Payne: And Representative Lujan is one of your clients. Is that correct?
11
12 Pres. Boulder Strat.: He is not any longer. He was a client from February of 2016 through
13 December 31st of 2016.
14
15 Kedric Payne: And how did it come to be that you were working with Representative Lujan?
16
17 Pres. Boulder Strat.: We responded to a request for proposal in, I believe it was June of 2015, and
18 I'll have to check that date. It called for a request for a proposal for new
19 digital side ... digital consultant for their campaign operations. We went
20 through a process of pitching them our services and then we became under
21 contract with them in February of 2016, again on the campaign side.
22
23 Kedric Payne: Okay, so the contract was with whom specifically?
24
25 Pres. Boulder Strat.: It was with People for Ben, which is his campaign committee.
26
27 Kedric Payne: Who were your points of contact with People for Ben?
28
29 Pres. Boulder Strat.: We had four primary points of contact. One of them was Aaron Trujillo.
30 Another was Angela Ramirez. Another was Steve Fister. And the final was
31 Andrew Stoddard.
32
33 Kedric Payne: And did you have any communications with Representative Lujan?

Transcript of Interview of President of Boulder Strategies
February 28, 2017

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Pres. Boulder Strat.: Not day to day. The only communications that we had were on occasional conference calls, typically once a quarter and before we were under contract during the pitch process to obtain the contract.

Kedric Payne: And during those quarterly conference calls, what type of discussions did you have with Representative Lujan?

Pres. Boulder Strat.: They were typically with multiple consultants that handle everything from polling and research, to digital, to campaign activities in his district on a field level. So we typically covered our respective roles in terms of what the congressman gave us, his updates, and on the campaign operations. We also would discuss goals and benchmarks for digital fundraising activities and, in general, we would cover certain overarching themes that we would be talking about, but we would never ... beyond that, all the day to day activities went through our other four staff contacts.

Kedric Payne: Okay. So who would provide you guidance on the type of campaign e-mails they wanted from your company?

Pres. Boulder Strat.: So the typical process would be that we would propose a monthly calendar, as topics and e-mails and social media content, etc. They would then have the opportunity to review our ideas and our thoughts about what those topics should be and provide feedback. This was always done by the same four points of contact that I IDed earlier, Aaron, Andrew, Angela and Steve. And then we had the approval process in place in terms of, once we actually got topics approved or they decide if they want to interject other topics besides what we had proposed. They could do that at any point during the course of the week or during the course of the month. We would do our best to get that into the pipeline and then we would have the approval process that, once we wrote the content, my staff wrote the content, they would then have a period of time to review all that content and provide edits or feedback and then the final approval on actually sending e-mails on their behalf.

Kedric Payne: And with respect to that final approval, what was your understanding of Representative Lujan's role in any type of final approval?

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Pres. Boulder Strat.: I have no knowledge of his role in any type of approval. Our approval
2 process was strictly related to the staff contacts.
3

4 Kedric Payne: So you mentioned that you would have the monthly calls, I'm sorry, monthly
5 plan, but were there other ways that a solicitation may be initiated, where
6 something may come up that was not necessarily on the monthly plan?
7

8 Pres. Boulder Strat.: Yes, absolutely. The typical process would be for them to e-mail or call one
9 of us, either myself or a project manager. They would get that different topic
10 into our pipeline.
11

12 Kedric Payne: Okay. You say that one of those four people you mentioned before would
13 contact you and then would request a different topic or different focus?
14

15 Pres. Boulder Strat.: That's correct.
16

17 Kedric Payne: And did you ever self-initiate during that monthly period to do a different
18 type of E-mail that had not been covered or not been requested by those
19 four?
20

21 Pres. Boulder Strat.: No, sir.
22

23 Helen Eisner: Of those four individuals you mentioned, Angela, Steve, Aaron, Andrew,
24 which one of those, or what percentage of the time did you hear from those
25 four as far as initiating a solicitation that wasn't going through the normal
26 calendaring process?
27

28 Pres. Boulder Strat.: Aaron Trujillo would be the most common point of contact on that. Angela
29 would be the second, and Andrew would be the third. Steve almost very
30 rarely would interject in that way.
31

32 Kedric Payne: And how often would they give you something that was not on the monthly
33 plan?
34

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Pres. Boulder Strat.: I don't have that information off-hand. I would have to go back through e-
2 mails to find that.

3

4 Kedric Payne: But do you have a sense that it was quite frequent for them to give you
5 something that was a little different or that was more of a rare occurrence?

6

7 Pres. Boulder Strat.: I would say that it was ... common to me that would be get maybe two or
8 three of those requests every month.

9

10 Kedric Payne: I want to ask about a particular e-mail. Do you recall the sit-in
11 demonstration that occurred in the capitol around June 22nd, 2016?

12

13 Pres. Boulder Strat.: I do.

14

15 Kedric Payne: And are you familiar with an e-mail that was sent by People for Ben?

16

17 Pres. Boulder Strat.: I am, yes.

18

19 Kedric Payne: Okay. And can you explain to me how that all came about?

20

21 Pres. Boulder Strat.: So, can you [inaudible 00:09:50] of which e-mail you're speaking of around
22 that particular time period?

23

24 Kedric Payne: Okay, no problem.

25

26 Pres. Boulder Strat.: I will refer you to the document ... and you did receive the packet of
27 documents that we sent to your attorney?

28

29 Pres. Boulder Strat.: I did, yes.

30

31 Kedric Payne: The first one, which is at the very bottom, you'll see bates stamped
32 THRL0009?

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1
2 Pres. Boulder Strat.: Yes, okay.
3
4 Kedric Payne: And, I think this is an initial draft of the email, but it still is, for the most part,
5 the core email. This is the email we're referring to from June 22, 2016.
6
7 Pres. Boulder Strat.: Correct. Okay. I understand.
8
9 Kedric Payne: Okay.
10
11 Pres. Boulder Strat.: This email, let me just read it real quickly. This email was a continuation of a
12 series of emails that we had been doing on "No Fly, No Buy" which was the
13 concept that if you could not, if you were on the No Fly List, then you
14 shouldn't, also be able to buy a gun. We had done a series of emails about
15 this topic already. Then when the sit-in began on the House floor, we simply
16 took an email that was already in the pipeline, we were already planning to
17 send an email of this type, and we simply inserted the first line of the email
18 that talked about him being on the floor to make it relevant for the day's
19 topic.
20
21 Kedric Payne: And, about how ... Let me see how to phrase this. Basically, I'm trying to see
22 with a series of emails on this topic, help me understand how long that
23 series had been going? Are we talking about a few weeks before this? Or that
24 had been going on for months?
25
26 Pres. Boulder Strat.: This series had been a planned part of the monthly calendar. It was
27 something that we had been doing for at least a week prior before the sit-ins
28 began. I believe, I'd have to go back and check, but I believe we sent at least
29 two or three emails prior to this email that were on this topic.
30
31 Kedric Payne: Okay.
32
33 Helen Eisner: Prior to this email, how successful had that effort been as far as raising funds?
34
35 Pres. Boulder Strat.: I do not have that information off hand.

Transcript of Interview of President of Boulder Strategies
February 28, 2017

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Helen Eisner: Do you have a general sense? We're not looking for dollars and cents, just was it raising a significant amount of money? Or was it an unsuccessful approach? Just your general read on how that campaign solicitation was working as far as outreach and funds that were coming in.

Pres. Boulder Strat.: Sure. I can say that this line of messaging has been very successful for the preceding days. It was one of the reasons why we were continuing with it, irregardless of what was going on in Washington that day. It was part of the extended plan because it had a very high engagement rate in terms of open and clicks, which we judge ourselves on, as well as from a fundraising standpoint.

Kedric Payne: Who drafted the language that you just mentioned to make it relevant, that first sentence?

Pres. Boulder Strat.: I inserted that myself.

Kedric Payne: And did you have any contact or communication with Representative Lujan when you drafted that?

Pres. Boulder Strat.: I did not.

Kedric Payne: Did you have any communication with anyone in his Congressional office when you drafted that?

Pres. Boulder Strat.: As you can see in that email thread, everybody on our point of contact list was involved in that in terms of seeing it as well. So, Andrew, Aaron, Angela, and Steve were all involved in that, definitely.

Kedric Payne: Had any of those people you just mentioned instruct you or request that you include that first sentence?

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Pres. Boulder Strat.: I do not believe that it was ... I do not recall if it was a specific instruction. I
2 do believe that we were instructed to make it relevant to the topic at hand
3 that day, which was the sit-in.
4

5 Kedric Payne: And did you have an understanding that Representative Lujan wanted an
6 email to be sent that day during the sit-in?
7

8 Pres. Boulder Strat.: I can't speak to whether or not the Congressman would have specifically
9 requested that. I can only speak to the fact that we were instructed to send
10 an email that day that was relevant to the topic at hand by the staff.
11

12 Helen Eisner: Who specifically in the staff instructed you to make that email relevant to
13 the topic at hand?
14

15 Pres. Boulder Strat.: I do not recall, but it would typically have either ... It would have typically
16 come from Aaron Trujillo.
17

18 Kedric Payne: What was Andrew Stoddard's role in that email?
19

20 Pres. Boulder Strat.: Andrew was typically the first edit process in all the emails. He was involved
21 in their communications. He would typically edit emails before we got
22 approval from Aaron and Angela to actually send those emails.
23

24 Kedric Payne: Okay. There's a line in that email that says, "Immediate dollar sign, dollar
25 sign, after action, after the form submit." What does that mean?
26

27 Pres. Boulder Strat.: It means that if they had clicked on ... Somebody had read that email and
28 clicked on the link that says "Sign or Pledge", once they actually got to the
29 website, and they filled out the form on the website to add their name, then
30 it would automatically redirect to a contribution page to where they would
31 then be able to make a contribution if they so choose.
32

33 Kedric Payne: Okay. Did anyone direct you to add that feature to this particular email?
34

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Pres. Boulder Strat.: No, they did not. That would be standard practice for most petitions that are
2 related to things like this where we're trying to take an action and then
3 immediately push them for an upsell into a contribution.
4

5 Kedric Payne: Okay. I want to ask you now about an email on June 23rd. You can go to the
6 documents that were sent to you. It is bates stamped THRL0039?
7

8 Pres. Boulder Strat.: Three Nine ... Okay, yes I have it.
9

10 Kedric Payne: Can you take a look at it? That is an email that is from Aaron to you dated
11 June 23rd, 2016. If you can just take a look at it and then just explain to me
12 what it means and what happened.
13

14 Pres. Boulder Strat.: Yes. This would be the email. After we had sent the previous email that we
15 just discussed, the day earlier. That email had performed quite well. This
16 was an email from Aaron in the morning of June 23rd, at 9:29 am. That
17 basically instructed us to prepare another rapid response email. So this was
18 an email that was not on the calendar. It was not one that we had already
19 prepared. It was one that they asked for specifically to be added to the
20 schedule for the morning. They wanted it out as quickly as possible. That
21 was him specifically saying the members have been on the floor for 24 hours
22 as of 11:00, and he specifically wanted to do a money ask surrounding that
23 issue.
24

25 Kedric Payne: Was it also standard for Aaron to give you a telephone call to discuss these
26 details or to give you more context of the type of email or what they wanted
27 you to do?
28

29 Pres. Boulder Strat.: That was quite rare. It was almost always done over email.
30

31 Kedric Payne: Okay. Did you get any indication from Aaron that this particular second
32 email was something that the Congressman wanted to go out?
33

34 Pres. Boulder Strat.: He never specified that specifically and I did not have that conversation with
35 him.
36

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Kedric Payne: You mentioned that Drew Stoddard would take a first draft at emails such as
2 this. Did he take a first draft, or review this email, or provide you any edits?
3
4 Pres. Boulder Strat.: He did not. This second email, because it was a rapid response email, our
5 internal protocol for that we have approval processes that are written in, or
6 that are in place that he requires. On standard emails, we have a two thumbs
7 up approval process, which means that at least two of the four contacts
8 needed to sign off an email before it gets sent. On a rapid response email, we
9 only have a one thumbs up approval process, which means that only one
10 person needs to say, "Yes" and ready to go. Because this was rapid response,
11 we wrote it very quickly. We inserted it into the email system, and we got
12 approval just from Aaron. Aaron gave the approval and then we pressed
13 send. Nobody else was involved in the editing.
14
15 Kedric Payne: Did you have any communication with Representative Lujan-
16
17 Kedric Payne: Did you have communication with Representative Lujan during the drafting
18 of this second email?
19
20 Pres. Boulder Strat.: I did not.
21
22 Kedric Payne: Can you also take a look at the email that is stamped THRL0080? It is from
23 you to Aaron, dated June 23, at 11:33 am.
24
25 Pres. Boulder Strat.: Okay.
26
27 Kedric Payne: It says in there, "But it's ready to go when the boss wants to send it." Who
28 was the boss that you were referring to there?
29
30 Pres. Boulder Strat.: I'm referring to Congressman Lujan.
31
32 Kedric Payne: Then was it standard for him to approve certain emails before you would
33 send them?
34

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Pres. Boulder Strat.: No, it is not standard. I believe I was simply saying that ... Hold on. Let me
2 read this second email for a second. It was not a practice for the
3 congressman to actually to read or approve the emails as far as I know. I,
4 again, was not involved in that process on their end. We, our process, is only
5 about the staff approval side of things. However, I believe there was a
6 conversation prior to this about the congressman wanting to time this email
7 appropriately. Therefore, I wrote that in the email to say that it was ready to
8 go whenever it was actually approved on their end.
9

10 Kedric Payne: Who told you about a desire to have it timed to the congressman's wishes?
11

12 Pres. Boulder Strat.: Because it's not in the email, specifically, I don't recall, but I would always
13 assume that that instruction came from Aaron. That was our primary point
14 of contact on things like this.
15

16 Kedric Payne: Did you receive the go-ahead from the congressman on this email?
17

18 Pres. Boulder Strat.: I did not receive any notification from the congressman. I also do not recall
19 offhand if the email went out, but I have to say I believe it did, however,
20 because it was the immigration case, and that was something that we had
21 been planning for. So it was something that ... This was an email that had
22 already been written more than a month earlier in expectation of the case
23 being decided. We had two different emails, one that, if it came down one
24 way, one if it came down another way, and it was simply about the timing on
25 their end of when they wanted to send it. I believe this email did go out, but I
26 do not have any knowledge of the actual approval from the congressman
27 from their end.
28

29 Helen Eisner: What phone conversations did you have with Aaron that day or that
30 morning about this email or the approval process?
31

32 Pres. Boulder Strat.: I truly do not recall, being that was many months ago, about this particular
33 instance.
34

35 Kedric Payne: Any more questions?
36

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Helen Eisner: Going through these different emails and talking about June 22 and June 23,
2 and the solicitations that went out, after those dates, what conversations did
3 you have, I guess we'll start with the four individuals, with Aaron and
4 Andrew, and Angela and Steve, about these solicitations after the emails had
5 already gone out?
6
7 Pres. Boulder Strat.: The only conversations that we had had about these emails after they had
8 gone out was about the usage of an AP photograph in the fundraising email.
9 That was the only conversation that we had about this, beyond they went
10 out.
11
12 Helen Eisner: What was the nature of that conversation about the AP photograph?
13
14 Pres. Boulder Strat.: It was simply a conversation about whether the usage met certain standards.
15 There was basically a conversation about whether or not that was
16 appropriate at the time. Also, we basically set up a ... We agreed not to use
17 further images from the house floor, regardless of their sourcing, going
18 forward, despite that the email went through the appropriate approval
19 process.
20
21 Helen Eisner: How do you know that it was an AP photograph? What's the basis of that
22 statement?
23
24 Pres. Boulder Strat.: It was a photograph that we sourced publicly from an AP article that was
25 syndicated in thousands of papers across the country that day. It was an AP
26 source photograph. On their website it was sourced, and it was sourced as ...
27 I have pull it up here a second. It was sourced as "Credit to House Television
28 via AP." We kept the exact citation for that in the email itself, as well, for that
29 sourcing, practices of that. Because that's typically ... If it was publicly
30 sourced, it's our understanding that we can utilize publicly sourced images
31 in emails, with those citations.
32
33 Kedric Payne: Just so we're clear, the picture that you're referring to, is that the same
34 picture that is on document number THRL0042?
35
36 Pres. Boulder Strat.: That is correct.
37

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Helen Eisner: We talked about conversations that might have occurred with staff after
2 June 23. What about with the congressman?
3

4 Pres. Boulder Strat.: I had no direct conversation with the congressman.
5

6 Kedric Payne: Were there any conversations after the emails were sent concerning the
7 nature of the language referring to the member being on the House floor
8 when the solicitation was made?
9

10 Pres. Boulder Strat.: There was no conversation about the language. There was only
11 conversations about the image.
12

13 Kedric Payne: Have you been contacted by Representative Lujan's office with respect to
14 this Office of Congressional Ethics review?
15

16 Pres. Boulder Strat.: Only as a heads-up that it was occurring.
17

18 Kedric Payne: Did you provide any documents, whether those are emails, letter or
19 correspondence to Representative Lujan's office or anyone acting on his
20 behalf?
21

22 Eric Kleinfeld: I don't know if we want to answer that question directly. I mean, there has
23 been attorney conversations that we're not going to divulge.
24

25 Kedric Payne: Well, what I'm referring to are documents being sent from your client to the
26 congressman or the congressman's representatives. So not to his attorney
27 and not regarding any legal advice.
28

29 Eric Kleinfeld: Okay. Well, he can answer a question as to whether he sent any documents
30 directly, not through an attorney, to the congressman or the congressman's
31 staff.
32

33 Kedric Payne: I don't see how you're seeing the attorney-client privilege that way. I also
34 will point out that, with the House of Representatives, attorney-client
35 privileges do not even apply. Nevertheless, I'm respectful of not needing to

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 ask for information I don't need, so I'm absolutely not trying to get into any
2 advice that you gave him, because you're the only attorney for the client. I'm
3 just trying to see whether or not there's been any production of documents
4 that were given the congressman.
5
6 Helen Eisner: Either directly or indirectly.
7
8 Eric Kleinfeld: Again, we object to any question relating to whether attorneys may have
9 provided documents to each other.
10
11 Kedric Payne: The situation is that, with our proceedings, this is not a ... And, Eric, I know
12 you haven't dealt with our office before. This isn't a proceeding before a
13 court, so there's no objection that can be made. Again, you've been-
14
15 Eric Kleinfeld: Well, I certainly can instruct him not to answer the question.
16
17 Kedric Payne: You actually cannot. Let me just set the tone here. I'm not trying to ... We're
18 at the end of the interview, and I'm not trying to delay or cause any issue.
19 But just to set the legal restrictions clear. If you have your client not answer,
20 then we can find that he is not cooperating with this federal investigation.
21 Now, that is not where I want to take this, but my final question for this
22 interview is just to understand whether there's been a production of
23 documents. Maybe I can do it this way. Would you prefer, Eric, that I sent
24 you a request for information for all documents that are in your client's
25 possession related to this matter, and do it that way? I just think that is going
26 to be more cumbersome. I'm just trying to see whether or not any
27 documents have been provided to Representative Lujan's office.
28
29 Eric Kleinfeld: Well, I understand what you're saying, and we're not trying to interfere with
30 the spirit of the question. But my point is I think a narrowly tailored
31 question or a more narrowly tailor is appropriate, but to say indirectly, I
32 think that goes beyond what I would allow my client to answer.
33
34 Helen Eisner: I mean, this is our process. It's your client's choice whether he wants to be
35 cooperative or not. He's been incredibly cooperative and answered all of our
36 questions. It's extremely relevant to our board to understand when any
37 witness in our review process has shared any information with another
38 witness. I think anyone who understand the basics of investigations would

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 see that it's just a matter of understanding what information has been
2 shared between key individuals who are relevant to our review. The
3 question that Kedric asked was whether or not your client provided
4 documents to the congressman's office. That would include whether he
5 provided them directly or whether he gave them to counsel, and those were
6 provided in turn to the counsel for the congressman's office or to staffers.

7
8 I think that, if we went back to our board and said a witness would refuse to
9 answer whether or not documents were shared between key witnesses,
10 that's something that they would consider very seriously. I don't think that
11 we're trying to ask any type of trick question here. We're just trying to
12 understand what information might have been passed between individuals.
13 You've been very cooperative. If you want this request to come in a more
14 formal way, I think Kedric suggested we're willing to work with you to figure
15 out an avenue that make you feel comfortable. But this is an important part
16 of our process. President of Boulder Strategies, we really appreciate you
17 answering all of our questions. As a witness to this review, we're just kind of
18 leaving it up to you. This is the final questions. Really, I think we've gotten
19 everything else we need from you. So it's really up to President of Boulder
20 Strategies whether you want to answer the question or not.

21
22 Eric Kleinfeld: How about, since we're doing this by telephone ... Again, I totally understand
23 what you're saying, and yeah, President of Boulder Strategies does want to
24 be cooperative, and I think you've recognized that. How about this? Is there
25 an avenue by which President of Boulder Strategies and I can confer, and
26 then we can get back to you?

27
28 Kedric Payne: Yes. You can confer with your client on this. I'm just point out the fact that, if
29 he does not answer, you know the consequences. I just want you to
30 understand that there's no basis for objection. But, clearly, feel free to speak
31 to your client. This is moving very quickly. We have to present it to the board
32 on this Friday. Would you be able to go get back to me no later than
33 tomorrow?

34
35 Eric Kleinfeld: I was actually thinking something faster.

36
37 Kedric Payne: Okay.

Transcript of Interview of President of Boulder Strategies
February 28, 2017

1 Eric Kleinfeld: President of Boulder Strategies, are you somewhere where you can step
2 away from the telephone and I can call you on your cellphone?
3
4 Pres. Boulder Strat.: I'm actually on my cellphone, but you can call me on the number and I can
5 just put this one on hold and take that one.
6
7 Eric Kleinfeld: Yeah, okay. I'm going to step away and confer with my client, if you can bear
8 with us.
9
10 Kedric Payne: Sure.
11
12 Helen Eisner: Sure.
13
14 Eric Kleinfeld: For five minutes.
15
16 Kedric Payne: Okay.
17
18 Helen Eisner: And we're going to go ahead and pause the recording during that time
19 period.
20
21 Eric Kleinfeld: Thank you.
22
23
24 Kedric Payne: Okay, we're back on the record now. You had a chance to confer with your
25 client on that question?
26
27 Eric Kleinfeld: Yes.
28
29 Kedric Payne: All right, and ...
30
31 Eric Kleinfeld: We're ready to answer the question. Do you want to restate the question?

Transcript of Interview of President of Boulder Strategies
February 28, 2017

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27

Kedric Payne: Sure. President of Boulder Strategies, have you provided any documents to representative Lujan’s office or anyone acting on his behalf related to this matter that we've been discussing with you?

Pres. Boulder Strat.: I have not provided any documents to the congressman or to his staff directly. I did provide one document to my attorney and I can assume that that was passed along to the congressman's attorneys.

Kedric Payne: What was that document?

Pres. Boulder Strat.: It was a screenshot of a confirmation page within our email system which is called HubSpot. It was simply a confirmation page that showed that I myself was the one that officially hit send on the email to be sent on the mass email tool.

Kedric Payne: Okay. Well that concludes all of our questions. If there's anything else you think you want to share that you think would be helpful to the board just let me know.

Pres. Boulder Strat.: No, I think I covered it all.

Kedric Payne: Okay. All right. Thank you. Oh, do you have another –

Helen Eisner: Okay, we're going to go –

EXHIBIT 5



Angela Ramirez <[REDACTED]>

FOR IMMEDIATE APPROVAL Fwd: Preview Message - Rich Text - Staying on the Floor

Nick Passanante <[REDACTED]>

Wed, Jun 22, 2016 at 7:11 PM

To: andrew stoddard <[REDACTED]>, Aaron James Trujillo <[REDACTED]>, Angela Ramirez <[REDACTED]>, Steve Fitzer <[REDACTED]>, Amir Salehzadeh <[REDACTED]>

Please review for immediate send.

We're making one change to the landing page form (removing the trump question).

Immediate \$\$ after action after the form submit.

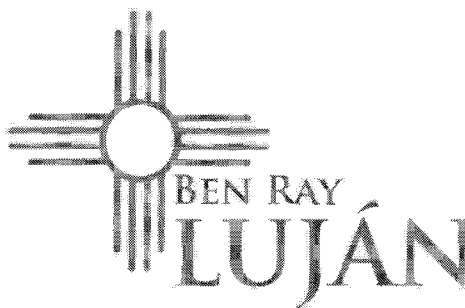
----- Forwarded message -----

From: <[REDACTED]>

Date: Wednesday, June 22, 2016

Subject: Preview Message - Rich Text - Staying on the Floor

To: [REDACTED]

Not rendering correctly? View this email as a web page [here](#).

Friend,

Today I join countless colleagues on the House floor to demand action that will make our country safer.

Facts matter — and the facts are that right now a suspected terrorist can go into a gun store and purchase a military-style assault rifle. **In what world do we think that's a good idea?**

[Sign our pledge if you demand a vote on the bipartisan No Fly, No Buy bill.](#)



My Republican colleagues would rather go on a 4th of July recess before voting on this time-sensitive bill. That's why we're on the House floor demanding action.

Enough is enough — no bill, no break. Full stop. SIGN HERE.

I'm a strong believer in our Second Amendment rights to bear arms, but also recognize that our system is broken when it's too easy for a powerful gun to get in the hands of someone who wants to hurt us.

The Orlando shooter, who was interviewed by the FBI just a couple years earlier, was able to *legally* purchase an AR-15, military-grade assault rifle.

[Stand up if you support our sit-in.](#)

At a minimum, we must come together, put aside our politics, and pass this commonsense measure.

Thank you,
Ben Ray

Contribute



Paid for and authorized by People for Ben.



EXHIBIT 6



Angela Ramirez <[REDACTED]>

Another "Sit In" Email

Aaron Political <[REDACTED]>

Thu, Jun 23, 2016 at 9:29 AM

To: Nick Passanante <[REDACTED]>, Andrew Stoddard <[REDACTED]>,
[REDACTED]

Please get another email ready for this morning. The members will have been on the floor for 24 hours, as of 11:00 this morning. We need to do a \$\$ ask on this.

Sent from my iPhone

EXHIBIT 7



Angela Ramirez <[REDACTED]>

FOR APPROVAL: Preview Message - Rich Text - UPDATE: 24 hours and counting

Nick Passanante <[REDACTED]> Thu, Jun 23, 2016 at 10:48 AM
To: Aaron James Trujillo <[REDACTED]>, andrew stoddard <[REDACTED]>, Angela Ramirez
<[REDACTED]>, Steve Fitzer <[REDACTED]>

For this morning. See below.

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

From: <[REDACTED]>
Date: Thu, Jun 23, 2016 at 8:45 AM
Subject: Preview Message - Rich Text - UPDATE: 24 hours and counting
To: <[REDACTED]>



Friend,

As we pass the 11am hour in Washington DC, my Democratic colleagues and I have now been on the House floor for greater than 24-hours, staging a sit-in to demand a vote on the bi-partisan *No Fly, No Buy* bill.

Despite the fact that Speaker Ryan has turned off the cameras and the microphones, I will stand with my colleagues to call for a vote on commonsense legislation that keeps guns out of the hands of those on the FBI Terrorist Watch List.

Do you stand with us? Chip in \$24 towards our emergency fundraising goal -- \$1 for every hour we've been in the well of the House Chamber demanding action.

A moment of silence on the House floor is simply not enough to honor the lives of those we have lost. We need action to keep guns out of the hands of suspected terrorists and it begins with a vote right here on the House floor.

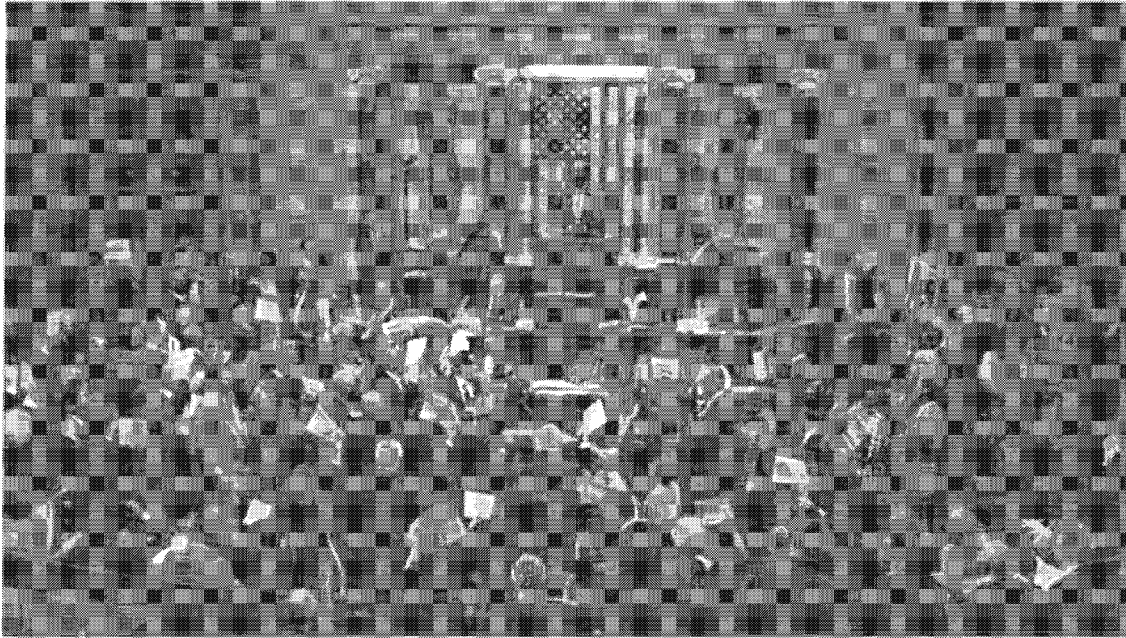


Image from video provided by House Television shows House Speaker Paul Ryan at podium attempting to bring House back in order late at night of June 22, 2016 as Democrats stand up from sit-in to hold up signs with names of mass shooting victims. Credit: House Television via AP

Tell the GOP: It's simple -- No Fly, No Buy, No Bill, No Break. Click to contribute \$24 (or whatever you can) right now to show your support!

As I said in my email last night, this is a matter of national security. We must come together to pass this commonsense bill.

Thanks for having our back,

-Ben Ray

Copyright 2016 Ben Ray. All rights reserved. No part of this document may be reproduced without written permission.

Friend,

Today I join countless colleagues on the House floor to demand action that will make our country safer.

Facts matter — and the facts are that right now a suspected terrorist can go into a gun store and purchase a military-style assault rifle. In what world do we think that's a good idea?

[Sign our pledge if you demand a vote on the bipartisan No Fly, No Buy bill.](#)

EXHIBIT 8

Transcript of Interview of Former Communications Director
February 28, 2017

1 Kedric Payne: So I just started the recorder, this is Kedric Payne and Helen Eisner, and we
2 are joined over the phone with Brian Svoboda and Rachel Jacobs, who are
3 representing Former Communications Director. Former Communications
4 Director, you said that you did receive the false statements act, and you are
5 aware that the false statements act is applicable during this conversation?
6
7 Former Comm. Dir.: Correct.
8
9 Kedric Payne: Okay. We are beginning the interview at 2:34PM and I just want to first start,
10 Former Communications Director, with asking you where you're currently
11 employed.
12
13 Former Comm. Dir.: Alliant Energy.
14
15 Kedric Payne: And what is your title there?
16
17 Former Comm. Dir.: It is ... Marketing and communications partner.
18
19 Kedric Payne: How long have you been employed with Alliant Energy?
20
21 Former Comm. Dir.: I started here October 17th, 2016.
22
23 Kedric Payne: Okay. And prior to your employment with Alliant, where were you employed?
24
25 Former Comm. Dir.: Congressman Ben Ray Lujan's office.
26
27 Kedric Payne: How long were you employed with Congressman Lujan?
28
29 Former Comm. Dir.: For about six years I started working for him in January of 2011.
30
31 Kedric Payne: And what was your title during that time period?
32

Transcript of Interview of Former Communications Director
February 28, 2017

1 Former Comm. Dir.: I was a ... Deputy Chief of Staff and Communications Director.
2
3 Kedric Payne: And you kept that title the entire time?
4
5 Former Comm. Dir.: I actually started out as Communications Director and then ... shortly after I
6 had been there, I got the title of Deputy Chief of Staff as well.
7
8 Kedric Payne: Okay, and to whom did you report?
9
10 Former Comm. Dir.: To Angela Ramirez, the Congressman's Chief of Staff.
11
12 Kedric Payne: And did you have any direct reports?
13
14 Former Comm. Dir.: No. ... I'm sorry, if you could just clarify what you meant by direct reports?
15
16 Kedric Payne: Did anyone report to you?
17
18 Former Comm. Dir.: Not directly, no.
19
20 Kedric Payne: Okay. In which office did you work for the Congressman?
21
22 Former Comm. Dir.: I worked in his D.C. office.
23
24 Kedric Payne: And why did you leave employment with Congressman Lujan?
25
26 Former Comm. Dir.: Because I was looking for an opportunity to move to the Midwest and be
27 closer to family.
28
29 Kedric Payne: While you were employed in the congressional office did you perform any
30 campaign work ... Let me rephrase that so it's clear. During that time period

Transcript of Interview of Former Communications Director
February 28, 2017

1 from 2011 to 2016, did you work on any campaign work for the
2 Congressman?
3
4 Former Comm. Dir.: Yes, on a volunteer basis on my personal time.
5
6 Kedric Payne: And what type of work did you perform?
7
8 Former Comm. Dir.: I would ... write speeches, press releases, edit material that the campaign
9 was producing.
10
11 Kedric Payne: Anything else?
12
13 Former Comm. Dir.: Those would be kind of the broad strokes, I mean, I reviewed fundraising e-
14 mails that the campaign was sending out. I made phone calls close to
15 Election Day, and went out and knocked on doors, those sort of things.
16
17 Kedric Payne: And for those fundraising e-mails, can you walk me through the type of work
18 or drafting you would do for getting those out?
19
20 Former Comm. Dir.: Sure. Generally we would have our ... consultants that ... Boulder Strategies I
21 believe is the name, or our finance team would usually draft up e-mails, and
22 then I would ... they would send the others to review, and I was one of the
23 people that generally would look at them and review them and sometimes
24 offer edits.
25
26 Kedric Payne: And you would review them looking for what? What type of edits were you
27 making?
28
29 Former Comm. Dir.: There's some punctuation, grammar stuff. Also things that were, you know,
30 consistent with Congressman Lujan had been saying.
31
32 Kedric Payne: And when you say, "What he's been saying", what do you mean?
33

Transcript of Interview of Former Communications Director
February 28, 2017

1 Former Comm. Dir.: Just things that would not be contradictory to ... a position that he's taken, or
2 a comment that he's made.
3
4 Kedric Payne: You mentioned Boulder Strategies was involved, who were the contact
5 people for Boulder Strategies?
6
7 Former Comm. Dir.: Nick ... I do not know how to say his last name, Passanante?
8
9 Kedric Payne: Right, yes, that's it.
10
11 Former Comm. Dir.: Yeah. There were other various members of his team that were included on
12 e-mails, but I don't remember their names.
13
14 Kedric Payne: And the finance team? Who were the members of the finance team?
15
16 Former Comm. Dir.: Steve Fitzner was the Congressman's finance person.
17
18 Kedric Payne: And when you say finance, I mean it can have multiple meanings, what do
19 you mean by the finance team? Finance people?
20
21 Former Comm. Dir.: Fundraiser.
22
23 Kedric Payne: Steve Fitzner, and anyone else on the finance team?
24
25 Former Comm. Dir.: It really was only him, I guess team is not the best way to put it. He was more
26 with the fundraiser and handled that duty for our Congressman.
27
28 Kedric Payne: What typically initiated these campaign solicitations that you would review?
29
30 Former Comm. Dir.: Usually the way the process worked is that they would send me something
31 when they had an idea for something they wanted to do.
32

Transcript of Interview of Former Communications Director
February 28, 2017

1 Kedric Payne: And when you say, "They", you're referring to?
2

3 Former Comm. Dir.: It could be either Nick that had an idea, or Steve might've had an idea. Or
4 something they wanted to do, and they would send it for review.
5

6 Kedric Payne: Would you ever come up with an idea and have them begin a draft or send
7 something to them to review related to the campaign solicitations?
8

9 Former Comm. Dir.: I don't recall any specific instances, but ... I certainly couldn't say that that
10 never could've happened.
11

12 Helen Eisner: What about anyone else from the staff? Would anyone else have come up
13 with an idea and then pass that along to either Nick or Steve, or someone
14 else on the finance team to then initiate a solicitation?
15

16 Former Comm. Dir.: Aaron Trujillo, who was with the DCCC, was also someone who'd be on those
17 e-mails for review, and who might also offer ideas to them. Angela Ramirez
18 was also one who would be on there for review.
19

20 Kedric Payne: And what was Representative Lujan's role in these campaign solicitations in
21 general?
22

23 Former Comm. Dir.: I know at times he would review some of them, but that wasn't always the
24 case. I ... I don't remember specific instances, but he may have at times took
25 suggestions for things to do.
26

27 Kedric Payne: And when that would happen, when he would review them or he would
28 make suggestions, that would take place with you meeting with him in your
29 office, or some other type of way? How would those type of conversations
30 occur?
31

32 Former Comm. Dir.: I usually was not part of reviewing them with him. My role generally, I
33 would revise my edits back to Nick or Aaron, and someone else usually ...
34 that would kind of be the extent of my role. They may have been some
35 instances where I would mention we were working on it, but I left kind of

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1 the review process to the campaigning consultants if they felt he needed to
2 be involved.
3

4 Kedric Payne: When you provided your comments to Nick or Aaron would you meet with
5 them and discuss your comments or have a telephone conversation? How
6 would that typically occur?
7

8 Former Comm. Dir.: Usually it would be via email.
9

10 Kedric Payne: Where was Aaron located for the most part? Was he typically in the office
11 when these types of things were going on or did you have to communicate
12 with him in a different type of way?
13

14 Former Comm. Dir.: Well he worked over at the DCCC so I would either have to communicate
15 with him via email or phone.
16

17 Kedric Payne: And Nick? Where was Nick located?
18

19 Former Comm. Dir.: I believe he was in Colorado but I ... I just know that he was remotely and not
20 in the area.
21

22 Helen Eisner: If you did have any type of edits and you conveyed that to Nick or Aaron you
23 said that at that point if they were going to bring something to the
24 Congressman's attention it would go through them but not through you.
25 What's your understanding of their process then for discussing any draft
26 solicitation with the Congressman?
27

28 Former Comm. Dir.: I don't really know for sure.
29

30 Helen Eisner: Even if you don't know for sure, what's your understanding just based on
31 working with them over a number of years of how it might have occurred?
32

33 Former Comm. Dir.: I don't want to speculate too much but in from my time working with them I
34 think it developed into particular complexity or something they felt they
35 needed to make sure the Congressman was aware of or wanted to make sure

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1 they were saying something the way he would want it said then they may
2 review it with him.

3

4 Helen Eisner: How would they review it with him?

5

6 Former Comm. Dir.: I don't know for sure. I would email or in person or over the phone, could
7 have been a couple different ways. I don't know for sure.

8

9 Kedric Payne: Do you recall the sit in demonstration that happened in Congress on or
10 about June 22, 2016?

11

12 Former Comm. Dir.: Yes.

13

14 Kedric Payne: Do you recall emails that Representative Lujan's campaign sent concerning
15 that sit in?

16

17 Former Comm. Dir.: Yes.

18

19 Kedric Payne: Approximately how many emails were sent? I'm referring to the emails that
20 were these campaign solicitations.

21

22 Former Comm. Dir.: Do you mean specifically that the campaign sent out or email as I've seen
23 from the documentation you provided and from what I remember there
24 were emails back and forth with edits, so do you mean all of those or just
25 emails that went out from the campaign to [inaudible]?

26

27 Kedric Payne: The emails that went out from the campaign to potential donors.

28

29 Former Comm. Dir.: I believe there were two of them.

30

31 Kedric Payne: Okay. Can you walk us through each one? Walk us through the first one that
32 you recall or the first one that was sent out.

33

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1 Former Comm. Dir.: Sure. There was one that I believe that Nick had put together that he sent
2 around for our review that I did send edits to and sent back to him and that
3 is my only recollection of that one.
4

5 Kedric Payne: Do you have the documents that we sent over in front of you? I want to draw
6 your attention to a particular one.
7

8 Former Comm. Dir.: Yes.
9

10 Kedric Payne: The document Bates-stamped T-H-R-L-0-0-3-6 which is an email from you to
11 Nick dated June 22, 2016, can you take a look at that?
12

13 Brian Svoboda: Former Communications Director that will be page seven of the PDF that
14 you were sent and what Kedric called a Bates number is the number in the
15 lower right hand corner of the document.
16

17 Former Comm. Dir.: Okay. I'm sorry. Could you say the Bates number one more time?
18

19 Kedric Payne: Thirty-six. T-H-R-L-36.
20

21 Former Comm. Dir.: Okay. Yep, I have that one.
22

23 Kedric Payne: You see the draft email at the bottom of this document. Is that the one that
24 you were referencing just a moment ago?
25

26 Former Comm. Dir.: Yes.
27

28 Kedric Payne: Okay. What was your role again with this email? What did you do? I know
29 you mentioned that you made edits but just walk me through what
30 happened. How did you receive it and then what occurred after that?
31

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1 Former Comm. Dir.: I received it from Nick, looks like asking for us to review it and so I would
2 have went through it for content as well as any grammatical or punctuation
3 issues and then sent back a couple of edits that I add to it.

4

5 Kedric Payne: Do you know what initiated Nick drafting this email?

6

7 Former Comm. Dir.: I don't recall what would have started that.

8

9 Kedric Payne: When you made your comments did you discuss those comments with
10 anyone other than what's on this email? What I mean is did you have any
11 phone conversations about those edits that you put into this email?

12

13 Former Comm. Dir.: I don't recall having any conversations with anyone about that.

14

15 Kedric Payne: Did you discuss the email with Representative Lujan at that time?

16

17 Former Comm. Dir.: I don't recall having any conversations with him about this when I was
18 editing it.

19

20 Kedric Payne: Is it possible that you spoke with him about it or communicated with him via
21 email or some other way at that time?

22

23 Former Comm. Dir.: I mean I don't recall but it's possible that when I saw him I might have told
24 him that we were working on this. I do recall that throughout that evening I
25 had a number of materials that I was working with him on from speeches
26 and social media stuff that I was telling him about and it's possible I may
27 have told him about this but I don't recall. I just don't recall a conversation
28 about it.

29

30 Helen Eisner: When you say working with him that evening were you present speaking
31 with him in person or was this through the phone? How were you
32 communicating with him?

33

34 Former Comm. Dir.: I was certainly speaking with him in person.

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Helen Eisner: Okay.

Former Comm. Dir.: I may have ... There could have been some emails from my official account on things that we were working with ... Things that we're doing on the floor as well but I don't recall but I do know that I was speaking with him in person.

Helen Eisner: Those conversations in person, where did those occur?

Former Comm. Dir.: Those would have either been on the floor of the House or probably right off the floor.

Kedric Payne: You were staffing the Congressman throughout that entire sit in demonstration?

Former Comm. Dir.: Not the entire time. I was with him for a significant portion of the time but I was not there the entire time.

Kedric Payne: Do you happen to know approximately when you were no longer there, even if you don't know the precise time? Did you stay around midnight, after midnight, or well before then?

Former Comm. Dir.: I was with him kind of shortly after everything started, which in my best recollection is it was kind of early afternoon. I was kind of with him off and on throughout the night because he wanted something ... To help him write a possible speech that he may give on the floor or some remarks or if there was other information pertinent to this that he wanted- So I was kind of back and forth ... The floor to our office and my desk and I believe I was there ... Pretty sure I didn't leave before 1 o'clock in the morning but I might have been there as late as two-ish that morning.

Helen Eisner: And was any other staff with you providing the same kind of service, staffing the congressman on the floor?

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1 Former Comm. Dir.: Angela Ramirez would've also been on the floor at certain parts. I can't recall
2 exactly when but she also staffed the congressman generally when he was
3 on the floor. Sometimes we would switch off, sometimes we would both be
4 there. So, I think it's highly likely that during some of that point she was
5 probably down there.
6
7 Kedric Payne: Anyone else?
8
9 Former Comm. Dir.: Myself and Angela are the only two that had a pass to get on the floor.
10
11 Helen Eisner: And I know it's kind of hard to remember exactly the time going back a
12 number of months now but you left approximately one or two a.m. Do you
13 know what time you came back the next morning?
14
15 Former Comm. Dir.: It was probably nine or ten-ish in the morning, but probably close to nine to
16 my best recollection.
17
18 Helen Eisner: And at that point, what were your responsibilities when you returned to the
19 office that morning?
20
21 Former Comm. Dir.: I think at that point it was probably unclear whether the congressman
22 would be making more speeches on the floor so I think I was probably trying
23 to figure out if I needed to write anything else. Also, considering if I needed
24 to write anything more for social media or any press releases about what
25 transpired throughout the evening and what was going to continue to
26 transpire through the rest of the day.
27
28 Kedric Payne: Going back to June 22nd, that first day of the sit in, during your
29 conversations with the member over the course of the day and evening, did
30 he indicate to you that he wanted an email to go out on this topic?
31
32 Former Comm. Dir.: I do not recall any conversation to that effect.
33
34 Kedric Payne: So you mentioned a moment ago that there were two emails that you recall.
35 Let's go to the second one that was sent regarding the sit in, what do you
36 recall about that email? How it started and your role with getting it out.

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1

2 Former Comm. Dir.: Well, I don't remember seeing this email until after it was sent out, maybe
3 even a couple of days later. I think with everything that had been going on
4 with the late night and then continuing in the morning, I don't think I had the
5 chance to ever look at that email and I think other people reviewed and
6 approved it and it went out and it wasn't until much later that I saw that it
7 had been sent.

8

9 Kedric Payne: And when you say "this email" are you referring to the email that's on
10 document bates stamped THRL0041?

11

12 Former Comm. Dir.: Yes, 41, pages 41 and 42.

13

14 Kedric Payne: Okay. Do you recall having any conversations with representative Lujan
15 about this email?

16

17 Former Comm. Dir.: I don't think I had any conversations with him, I don't recall any.

18

19 Kedric Payne: And are you aware of Representative Lujan requesting that this email be
20 sent out on the 23rd?

21

22 Former Comm. Dir.: Not to my knowledge.

23

24 Kedric Payne: I want to ask you about the document bates stamped THRL80? Probably the
25 last document that you have.

26

27 Brian Svoboda: Page 15 of the PDF.

28

29 Former Comm. Dir.: Got it. Okay.

30

31 Kedric Payne: There's an email from Nick to Aaron and you and Angela and Steve and Amir
32 and I wanted to have you ... if you'll read that first paragraph and I'll ask you
33 a question.

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1
2 Former Comm. Dir.: Mm-hmm (affirmative), okay.
3
4 Kedric Payne: Okay, first who is Amir Salehzadeh?
5
6 Former Comm. Dir.: I believe he works, or worked at the time, for Boulder Strategies.
7
8 Kedric Payne: And do you know his role with Boulder Strategies?
9
10 Former Comm. Dir.: You know, I can't remember. I think he ... I don't know for sure.
11
12 Kedric Payne: In this email you see where Nick is discussing a ... An email related to DACA
13 but then he says see, he wants to "But it's ready to go when the boss wants
14 to send it."
15
16 Former Comm. Dir.: Mm-hmm (affirmative), mm-hmm (affirmative).
17
18 Kedric Payne: With him sending this email to you, what was the understanding of "who the
19 boss is" when it comes to this email?
20
21 Former Comm. Dir.: My understanding from this would be that the boss is congressman Lujan
22 however he wouldn't always be involved in the decision on when exactly to
23 send something.
24
25 Kedric Payne: And in this case, why would representative Lujan need to "OK" whether or
26 not these particular emails were sent?
27
28 Former Comm. Dir.: He wouldn't necessarily have to, someone else could have given Nick the
29 "OK" to send that without necessarily showing it to the congressman or
30 reviewing it with him.
31
32 Kedric Payne: We touched on this before but let me make sure I understand it. When it
33 comes to representative Lujan reviewing emails at this time period, around

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1 June 2016, would it be 50% of the time he would need to review them? More
2 than 50% or less than 50%?
3

4 Former Comm. Dir.: I'm really not sure because I don't remember kind of ... Let's see ... I don't
5 know what others would have decided to show him for his reviews, I'm just
6 not sure.
7

8 Kedric Payne: Would you say he was quite involved with the email solicitations and
9 knowing what was going on, what was being sent?
10

11 Brian Svoboda: What do you mean by "quite involved"? Is there a more precise way I can get
12 you to phrase that?
13

14 Kedric Payne: Well, I'll ask Former Communications Director. Former Communications
15 Director, how would you rate his involvement with the review, and just
16 awareness of email solicitations of this nature being sent.
17

18 Former Comm. Dir.: Then I would ... I would put kind of on the lower end. He wasn't reviewing
19 everything that was going out. I don't know if others shared everything that
20 went out, or at least after the fact. I mean, I know that they would update
21 him on what they were working on at times, but I don't know the extent of if
22 he knew every email that was going and what was in there.
23

24 Kedric Payne: Did you get the impression that he wasn't that interested in knowing which
25 campaign solicitations were going out under his name?
26

27 Former Comm. Dir.: No. I think he was interested in a broader picture, but I don't think he was
28 always felt like he had to read every last one of them.
29

30 Helen Eisner: I think you sort of explained your awareness and involvement in the two
31 emails we've been discussing for June 22 and June 23. What about any
32 conversations that you had with the congressman after they were sent?
33 What can you tell us about those conversations?
34

35 Former Comm. Dir.: I don't know remember having any conversations with the congressman
36 about it. I did have conversations with Angela Ramirez about the second

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1 email, which would be number 42 and some initial discussion on the use of
2 that picture. It was a discussion that it was from a news account and not
3 directly from the floor.
4
5 Kedric Payne: When were you told that that it was from a news account and not from the
6 floor?
7
8 Former Comm. Dir.: I don't remember specifically, but I believe it was Nick, Bolder Strategies,
9 told us that's how they got it.
10
11 Helen Eisner: How did Nick communicate that to you?
12
13 Former Comm. Dir.: I don't remember if it was either email or if we had a call to talk about that.
14
15 Helen Eisner: Okay. When was that call, approximately, or email?
16
17 Former Comm. Dir.: I don't remember, because, again, I don't think I even saw that email for
18 maybe even a couple days after.
19
20 Helen Eisner: Let me just make sure I understand. When you say you didn't see the email,
21 you're talking about the second solicitation email, the number 42 one that
22 you mentioned. But when you're talking about Nick and communicating
23 about a picture, that's a separate communication? When would that
24 communication have occurred, whether it was email or phone call?
25
26 Former Comm. Dir.: A couple days after the solicitation was sent, when I would have seen it for
27 the first time, sometime after that there was some sort of communication
28 about it.
29
30 Helen Eisner: Okay. What else can you tell us about that communication?
31
32 Former Comm. Dir.: Not much. I mean I don't think that there's much more to add to what I've
33 already said.
34

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1 Helen Eisner: Did Nick discuss anything else besides information relevant to the picture?
2

3 Former Comm. Dir.: Not that I recall.
4

5 Helen Eisner: Was anyone else involved in the communication from Nick?
6

7 Former Comm. Dir.: It's possible that Angela Ramirez and Aaron Trujillo would have also been
8 involved.
9

10 Kedric Payne: Did there come a time when you became aware of not only the concern
11 about the picture but also of the nature of the solicitation being connected
12 with the house floor proceedings?
13

14 Brian Svoboda: I didn't follow that. I'm sorry.
15

16 Helen Eisner: I'm sorry. We had a train going by in the background. Sometimes that makes
17 our questions hard to hear.
18

19 Kedric Payne: Former Communications Director, did you understand the question?
20

21 Former Comm. Dir.: I think I did. Maybe you could just repeat it one more time.
22

23 Kedric Payne: When did you become aware of concerns about the nature of that
24 solicitation being connected with the member's presence on the House floor?
25

26 Former Comm. Dir.: I think the first time that would happen was when there started to be some
27 news reports about that sort of activity and Republican members talking
28 about it and bringing up issues surrounding it. I think that was the first time
29 I became aware.
30

31 Kedric Payne: Did you have conversations with Angela about that, similar to the one you
32 had about the picture?
33

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1 Former Comm. Dir.: Yes, I believe we discussed the issues around it.
2
3 Kedric Payne: What did she say?
4
5 Former Comm. Dir.: I don't remember specifically. I believe that ... Let's see. I just don't
6 remember many details of our conversations. I think we talked about the
7 rules as we understood them and why we thought everything was okay with
8 what we had done.
9
10 Kedric Payne: Did you inform the member of this issue?
11
12 Former Comm. Dir.: I don't recall having a conversation with him about it. I believe someone else
13 informed him of it?
14
15 Kedric Payne: Who do you think informed him?
16
17 Former Comm. Dir.: I don't want to speculate too much, but I think something like this. It would
18 have probably been Aaron who would have done it.
19
20 Kedric Payne: You mentioned some emails or potential emails. Did you perform a search of
21 your Gmail account for any documents related to this matter?
22
23 Former Comm. Dir.: Yes.
24
25 Kedric Payne: Did you provide those emails to anyone?
26
27 Former Comm. Dir.: No.
28
29 Kedric Payne: Okay. Approximately how many emails were you able to pull?
30

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1 Former Comm. Dir.: I think ... Well, it kind of depends on how you count them, because Gmail
2 kind of puts those of similar subjects together. I think there were maybe two
3 or three.
4
5 Kedric Payne: What was the content of those emails? What are they discussing?
6
7 Former Comm. Dir.: I know I found one where I ... I don't remember who I sent it to, but where I
8 said that I hadn't seen or reviewed this second solicitation due to everything
9 that had been going on. I hadn't seen it prior to going out.
10
11 Kedric Payne: The others?
12
13 Former Comm. Dir.: The others were similar to what you have there. Edits, peoples' comments
14 on there. Those are the ones that I looked at.
15
16 Kedric Payne: Do any of those emails have Representative Lujan as a recipient or a sender?
17
18 Former Comm. Dir.: Let's see. I think at one point ... Well, after the second solicitation had been
19 sent, I think I forwarded it to him.
20
21 Kedric Payne: Okay. What's the date of that email?
22
23 Former Comm. Dir.: I have to look it up.
24
25 Brian Svoboda: Let's let the record to establish, Kedric, I'm not aware that Former
26 Communications Director's received a request for documents. Was one
27 tendered in your initial contact with him?
28
29 Kedric Payne: It was not. In the initial contact with him, there was not a request for
30 documents, just be patient for about a moment or so and that will occur.
31
32 Brian Svoboda: I just want the record to be clear that he hasn't somehow failed to meet
33 some sort of request that's already been tendered.

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Kedric Payne: Absolutely not. This is in no way to imply that he's been anything but cooperative. I've had multiple conversations ... Well, one conversation with Former Communications Director, and he's always been cooperative. In no way are we trying to imply that he has not. Do you see the date there, Former Communications Director?

Former Comm. Dir.: I am looking for it now. Okay, it looks like on ... Let's see if this is actually the right one. On June 27, I forwarded the email from Nick with the second solicitation to the congressman.

Kedric Payne: Okay. Was there any other email that you were able to locate that had Representative Lujan as a recipient or as a sender?

Former Comm. Dir.: That is the only one that I see right here. That looks to be the only one.

Helen Eisner: The email that you forwarded to the congressman on June 27, you forwarded an email from Nick. When did that email ...What's the date on the email from Nick that you then forwarded on June 27?

Former Comm. Dir.: June 23. The email that you have, document 41, that's what I forwarded on to the congressman on the 27.

Kedric Payne: Okay. Former Communications Director, this is going to what Brian just mentioned. We are requesting documents from you at this moment. We request all of your emails from the date of June 21 through June 24, including this June 27 email, which is a little bit outside of it.

Brian Svoboda: Kedric, it may be helpful if you would tender that request, actually, to me. An email will be fine, but I'd like that in writing so that we can receive it and know exactly what he needs to comply with. And the June 27 email is actually a great example. I mean, it's either inside the scope or it's not. I mean, we have no concern one way or the other, but if he's going to receive a request for information, I'd like it to be in writing so that we can help him objectively determine how he can comply with that.

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1 Kedric Payne: I agree, and I always intended to put it in writing, but I just want to let you
2 know now what that will look like when we ... Well, I'm requesting it now,
3 but I'll put it in writing. Former Communications Director, we're going to
4 request your emails from that date range, June 21 to June 24, 2016 and the
5 emails that are related to campaign solicitations for Representative Lujan.
6 We will point out the June 27 email that you just mentioned is also what we
7 would like to see. Let me just make this clear, again. You're saying that you
8 have not already provided any documents to your counsel?
9
10 Former Comm. Dir.: I have not.
11
12 Kedric Payne: Okay.
13
14 Brian Svoboda: Kedric, to be clear, we'll see if, when the written request comes over, that
15 you're not asking Former Communications Director for all of his emails on
16 any subject between June 21 and June 24, correct?
17
18 Kedric Payne: I'll put it in writing, Brian. We will not doing anything that is over board,
19 because we have a limited amount of time. So, no. What I'm requesting are
20 limited to what you received for the other witnesses.
21
22 Brian Svoboda: Okay.
23
24 Kedric Payne: All right.
25
26 Brian Svoboda: Okay, great. We'd be glad to entertain that request and respond properly.
27
28 Kedric Payne: Okay. Thank you so much. Former Communications Director, we don't have
29 any more questions. If there anything you want to share because you think it
30 just would inform what we are trying to collect, so that we can provide it to
31 the board, please let us know.
32
33 Former Comm. Dir.: Thank you. I don't think I have anything else to provide at this time.
34
35 Kedric Payne: All right. Thank you.

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Brian Svoboda: Kedric, if I could have on the record just a request that, if OCE transcribes Former Communications Director's with the possibility of future publication, that he might receive a copy of that for his review.

Kedric Payne: Okay. You are on the record, and that is our standard policy, to let you view it and provide any errors or so that you see in there. All right. Thank you, everyone. I am ending the record at 3:22 pm.