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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. 23-7239

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on September 15, 2023, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Rep. Sheila Cherfilus-McCormick

NATURE OF THE ALLEGED VIOLATION: Rep. Cherfilus-McCormick made payments to a state political action committee that may have been in connection with her campaign for federal office. If Rep. Cherfilus-McCormick made payments to a state political action committee in connection with her campaign, she may have violated House Rules, standards of conduct, and federal law. Rep. Cherfilus-McCormick’s failure to report these payments as contributions to her campaign may further violate House Rules, standards of conduct, and federal law.

Rep. Cherfilus-McCormick’s congressional office may have received services related to franked communications and other official work from an individual who was not compensated with official funds. If Rep. Cherfilus-McCormick compensated this individual with private funds or did not compensate him for his services, she may have violated House Rules, standards of conduct, and federal law.

Rep. Cherfilus-McCormick’s campaign committee may have accepted and failed to report contributions exceeding FEC contribution limits. If Rep. Cherfilus-McCormick’s campaign committee accepted and failed to report contributions exceeding contribution limits, Rep. Cherfilus-McCormick may have violated House rules, standards of conduct, and federal law.

Rep. Cherfilus-McCormick’s campaign committee may have failed to report transactions between the campaign committee’s bank account and Rep. Cherfilus-McCormick’s businesses’ bank accounts. If Rep. Cherfilus-McCormick’s campaign committee failed to report or misrepresented these transactions in FEC filings, Rep. Cherfilus-McCormick may have violated House rules, standards of conduct, and federal law.

RECOMMENDATION: The Board recommends that the Committee further review the above allegations concerning Rep. Cherfilus-McCormick because there is substantial reason to believe that Rep. Cherfilus-McCormick made payments to a state political action committee which may have been in connection with her campaign for federal office and did not report these payments as contributions to her campaign.

The Board recommends that the Committee further review the above allegations because there is substantial reason to believe that Rep. Cherfilus-McCormick’s congressional office received

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services related to franked communications and other official work from an individual who was not compensated with official funds.

The Board recommends that the Committee further review the above allegations because there is substantial reason to believe that Rep. Cherfilus-McCormick's campaign committee accepted and failed to report contributions exceeding contribution limits.

The Board recommends that the Committee further review the above allegations because there is substantial reason to believe that Rep. Cherfilus-McCormick's campaign committee failed to report transactions between the campaign committee and Rep. Cherfilus-McCormick's businesses.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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

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UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 23-7239

On September 15, 2023, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (*in italics*).

I. INTRODUCTION

A. Summary of Allegations

1. Rep. Cherfilus-McCormick made payments to a state political action committee which may have been in connection with her campaign for federal office. If Rep. Cherfilus-McCormick made payments to a state political action committee in connection with her campaign, she may have violated House Rules, standards of conduct, and federal law. Rep. Cherfilus-McCormick’s failure to report these payments as contributions to her campaign may further violate House Rules, standards of conduct, and federal law.
2. The Board recommends that the Committee further review the above allegations concerning Rep. Cherfilus-McCormick because there is substantial reason to believe that Rep. Cherfilus-McCormick made payments to a state political action committee which may have been in connection with her campaign for federal office and did not report these payments as contributions to her campaign.
3. Rep. Cherfilus-McCormick’s congressional office may have received services related to franked communications and other official work from an individual who was not compensated with official funds. If Rep. Cherfilus-McCormick compensated this individual with private funds, or did not compensate him for his services, she may have violated House Rules, standards of conduct, and federal law.
4. The Board recommends that the Committee further review the above allegations because there is substantial reason to believe that Rep. Cherfilus-McCormick’s congressional office received services related to franked communications and other official work from an individual who was not compensated with official funds.
5. Rep. Cherfilus-McCormick’s campaign committee may have accepted and failed to report contributions exceeding FEC contribution limits. If Rep. Cherfilus-McCormick’s campaign committee accepted and failed to report contributions exceeding contribution limits, Rep. Cherfilus-McCormick may have violated House rules, standards of conduct, and federal law.
6. The Board recommends that the Committee further review the above allegations because there is substantial reason to believe that Rep. Cherfilus-McCormick’s campaign committee accepted and failed to report contributions exceeding contribution limits.

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7. Rep. Cherfilus-McCormick's campaign committee may have failed to report transactions between the campaign committee's bank account and Rep. Cherfilus-McCormick's businesses' bank accounts. If Rep. Cherfilus-McCormick's campaign committee failed to report or misrepresented information in FEC filings, Rep. Cherfilus-McCormick may have violated House rules, standards of conduct, and federal law.
8. The Board recommends that the Committee further review the above allegations because there is substantial reason to believe that Rep. Cherfilus-McCormick's campaign committee failed to report transactions between the campaign committee and Rep. Cherfilus-McCormick's businesses.

B. Jurisdictional Statement

9. The allegations that were the subject of this review concern Rep. Cherfilus-McCormick, a Member of the United States House of Representatives from the 20th District of Florida. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics ("OCE") directs that, "[n]o review shall be undertaken ... by the [B]oard of any alleged violation that occurred before the date of adoption of this resolution."¹ 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

10. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on April 21, 2023. The preliminary review commenced on April 22, 2023.²
11. On April 24, 2023, the OCE notified Rep. Cherfilus-McCormick of the initiation of the preliminary review, provided her with a statement of the nature of the review, notified her of her right to be represented by counsel in this matter, and notified her that invoking her right to counsel would not be held negatively against her.³

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

² 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, a preliminary review is to be completed within 30 calendar days of receipt of the Board's request.

³ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Cherfilus-McCormick (Apr. 24, 2023). Since the review commenced on Saturday, April 22, 2023, the OCE initially contacted Rep. Cherfilus-McCormick's staff on the morning of Monday, April 24, 2023. See Email from Kristina Crump, Investigative Counsel, Office of Cong. Ethics, to Chief of Staff to Rep. Cherfilus-McCormick (Apr. 24, 2023).

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12. At least three members of the Board voted to initiate a second-phase review in this matter on May 19, 2023.⁴ The second-phase review commenced on May 22, 2023.⁵ The second-phase review was scheduled to end on July 5, 2023.
13. On May 22, 2023, the OCE notified Rep. Cherfilus-McCormick, through her attorney, of the initiation of the second-phase review in this matter.⁶
14. The Board voted to extend the second-phase review by an additional period of fourteen days on June 16, 2023. The additional period concluded July 19, 2023.
15. The Board voted to refer the matter to the Committee for further review and adopted these findings on September 15, 2023.
16. The report and its findings in this matter were transmitted to the Committee on September 25, 2023.

D. Summary of Investigative Activity

17. The OCE requested documentary and in some cases testimonial information from the following sources:
 - (1) Rep. Cherfilus-McCormick;
 - (2) Mark Goodrich;
 - (3) Maria Isabel Garcia Del Rio/Leadership in Action PAC;
 - (4) Willis P. Howard;
 - (5) Maritza Masseria;
 - (6) Truth & Justice, Inc.;
 - (7) Sheila Cherfilus McCormick for Congress, Inc;
 - (8) Hector Roos;
 - (9) SCM Consulting Group, LLC;
 - (10) T-Mobile/MetroPCS;
 - (11) Staffer 1;
 - (12) Staffer 2;
 - (13) Staffer 3;
 - (14) Staffer 4;
 - (15) Nadege Leblanc;
 - (16) Trinity Health Care Services, LLC;
 - (17) Marie Cherfilus;
 - (18) Edwin Cherfilus;

⁴ According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the preliminary review. In this case, the preliminary review began April 22, 2023. The preliminary review was required to be completed by May 21, 2023 (a Sunday). The Board voted to initiate a second-phase review on Friday, May 19, 2023, prior to the expiration of the preliminary review that Sunday.

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.

⁶ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Cherfilus-McCormick (May 22, 2023).

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- (19) Witness 1;
- (20) Emily Dray;
- (21) Kameron Doganieri;
- (22) Samantha Feldman;
- (23) Ryann Greenberg;
- (24) Woodwater Investments;
- (25) Kathrine White;
- (26) Witness 2;
- (27) Witness 3;
- (28) Witness 4;
- (29) Pernick & Associates;
- (30) Haitian American Votes PAC;
- (31) Wells Fargo Bank;
- (32) Truist Bank;
- (33) Company 3;
- (34) Image Plus Graphics;
- (35) Your Member Careers;
- (36) Building Miami's Future;
- (37) Broadcast Beat Studios;
- (38) Telemundo 51 WSCV;
- (39) CBS WFOR-TV;
- (40) ABC 25 WPBF;
- (41) NBC 6 WTVJ;
- (42) Company 4;
- (43) Fiverr;
- (44) Halo Branded Solutions;
- (45) LCLAA Si Podemos Fund;
- (46) Dropbox;
- (47) Storyblocks;
- (48) Creatopy;
- (49) San Diego Sign Company;
- (50) The Florida Division of Emergency Management;
- (51) The Florida Department of Health;
- (52) TYE Studios; and
- (53) Imaginart Media Productions.

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

- (1) Rep. Cherfilus-McCormick;
- (2) Mark Goodrich;
- (3) Maria Isabel Garcia Del Rio/Leadership in Action PAC;
- (4) Willis P. Howard;
- (5) Maritza Masseria;
- (6) Truth & Justice, Inc.;
- (7) Sheila Cherfilus McCormick for Congress, Inc.;

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- (8) Hector Roos;
- (9) Nadege Leblanc;
- (10) Trinity Health Care Services, LLC;
- (11) Marie Cherfilus;
- (12) Edwin Cherfilus;
- (13) Emily Dray;
- (14) Kameron Doganieri;
- (15) Samantha Feldman;
- (16) Ryann Greenberg;
- (17) Woodwater Investments;
- (18) Kathrine White;
- (19) Wells Fargo Bank;
- (20) Truist Bank;
- (21) Fiverr;
- (22) Dropbox;
- (23) Creatopy;
- (24) ABC 25 WPBF; and
- (25) The Florida Department of Health.

II. EXECUTIVE SUMMARY

- 19. After two unsuccessful primary bids in 2018 and 2020, Rep. Cherfilus-McCormick won the January 2022 special election to represent Florida's 20th congressional district.⁷ After winning the hotly contested primary election by five votes and succeeding in the general election, Rep. Cherfilus-McCormick filled the seat previously held by the late Rep. Alcee Hastings, who passed away April 6, 2021.⁸
- 20. Rep. Cherfilus-McCormick was sworn into Congress January 18, 2022.⁹ Her re-election campaign began shortly thereafter, and she subsequently won the August 23, 2022 primary and November 8, 2022 general election.¹⁰
- 21. Much of this review concerns conduct involving Mark Goodrich, an individual who managed Rep. Cherfilus-McCormick's above-referenced campaigns in 2021 and 2022. Sections III, IV, and V of this referral refer to conduct involving Mark Goodrich.

Sec. III. In 2021, Rep. Cherfilus-McCormick made payments (through an LLC) to a state political action committee (PAC) closely tied to Mark Goodrich. These payments may have supported Rep. Cherfilus-McCormick's campaign for federal office. Rep.

⁷ See, e.g., Kevin Freking, *Florida Democrat sworn in as newest member of House*, AP News (Jan. 18, 2022), <https://apnews.com/article/immigration-mario-diaz-balart-alcee-hastings-congress-florida-f234729be0e4eb2ebd12bd7a439fd616>.

⁸ See *id.*

⁹ *Id.*

¹⁰ Scott Sutton, *Democrat Sheila Cherfilus-McCormick wins re-election to U.S. House in Florida's 20th Congressional District*, WPTV (Nov. 8, 2022), <https://www.wptv.com/news/political/elections-local/sheila-cherfilus-mccormick-congressional-seat-11-8-22>.

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Cherfilus-McCormick did not report these payments as contributions to her campaign.

Sec. IV. Upon Rep. Cherfilus-McCormick's election to Congress, Mark Goodrich performed work for Rep. Cherfilus-McCormick's official office, including work on franked communications sent to Rep. Cherfilus-McCormick's constituents. Rep. Cherfilus-McCormick's office did not report compensating Mark Goodrich with official funds for these services. At the same time Mark Goodrich was providing these services to Rep. Cherfilus-McCormick's congressional office, he was also overseeing her campaign for re-election.

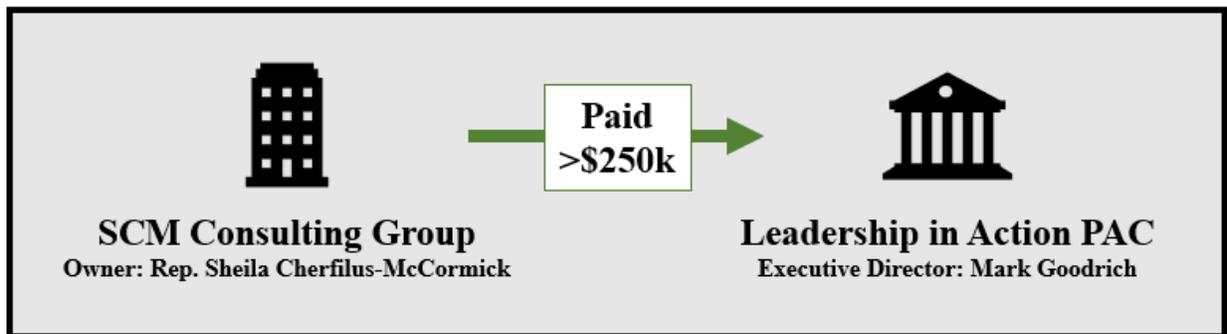
Sec. V. During Rep. Cherfilus-McCormick's 2022 re-election campaign, a Florida corporation paid over \$150,000 for campaign mailers on behalf of the campaign, apparently at Mark Goodrich's direction. Rep. Cherfilus-McCormick's campaign committee did not report these payments as contributions, and these payments exceed FEC limits on campaign contributions.

Sec. VI. Finally, the OCE found evidence of transactions between Rep. Cherfilus-McCormick's campaign committee and her businesses that were not reported to the FEC.

22. These issues are summarized below and discussed in greater depth in each respective section of this referral.

i. Payments from SCM Consulting Group, LLC to Leadership in Action PAC (Section III)

23. Leadership in Action PAC reported receiving 30 payments from SCM Consulting Group, LLC—amounting to more than \$250,000—during the 2021-2022 special election campaign.¹¹



SCM Consulting Group paid Leadership in Action over \$250,000 during the 2021-2022 special election campaign.

¹¹ See Fla. Dep't of State: Div. of Elections, Campaign Finance Database (<https://dos.elections.myflorida.com/committees/ComLkupByName.asp>) – Contribution Query, Contributions for Leadership in Action by SCM Consulting Group, LLC (all dates) (last accessed September 6, 2023), Ex. 1 at 23-7239_0002; see also SCM Consulting Group, LLC Bank Statements, Ex. 2 at 23-7239_0004-0028 (documenting all but a few of these payments).

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24. SCM Consulting Group, LLC was a Florida limited liability company wholly owned by Rep. Cherfilus-McCormick.¹² Rep. Cherfilus-McCormick registered the company with Florida's Department of State in March 2021 and served as its registered agent until it was voluntarily dissolved in 2022.¹³
25. Leadership in Action PAC is a Florida state PAC. As discussed in greater detail in Section III, this PAC is closely associated with Mark Goodrich. During the period in which SCM Consulting Group, LLC made payments to Leadership in Action PAC, Leadership in Action PAC in turn made \$116,794 in payments to Mark Goodrich.¹⁴ SCM Consulting Group, LLC's payments to Leadership in Action accounted for the vast majority of reported contributions received by Leadership in Action PAC during this time.¹⁵
26. Mark Goodrich effectively served as Rep. Cherfilus-McCormick's campaign manager.¹⁶ Leadership in Action PAC also made payments to vendors on behalf of Rep. Cherfilus-McCormick's campaign.¹⁷ The evidence collected by the OCE demonstrates that Leadership in Action PAC provided goods and services in connection with Rep. Cherfilus-McCormick's political campaigns.
27. Funds raised and spent by federal candidates in connection with federal elections must be subject to and comply with federal campaign finance law. To that end, candidates for Congress may not spend money in connection with their campaign through state PACs.¹⁸ Because Rep. Cherfilus-McCormick may have directed, transferred, or spent funds through Leadership in Action PAC (a state PAC) in connection with her campaign, she may have violated federal law and House rules.

¹² Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022.

¹³ See SCM Consulting Group, LLC, Articles of Organization for Florida Limited Liability Company, Florida Dep't of State, Div. of Corps., filed March 12, 2021; see SCM Consulting Group, LLC, Articles of Dissolution, Florida Dep't of State, Div. of Corps., filed Oct. 31, 2022.

¹⁴ See Fla. Dep't of State: Div. of Elections, Campaign Finance Database (<https://dos.elections.myflorida.com/committees/ComLkupByName.asp>) – Campaign Finance Activity, Expenditures by Leadership in Action to Mark Goodrich (all dates) (last accessed September 6, 2023), Ex. 3 at 23-7239_0030-0032.

¹⁵ See Fla. Dep't of State: Div. of Elections, Campaign Finance Database (<https://dos.elections.myflorida.com/committees/ComLkupByName.asp>) – Campaign Finance Activity, Contributions for Leadership in Action (all dates) (last accessed September 6, 2023).

¹⁶ See, e.g., Interview of Staffer 1 Transcript, July 18, 2023 ("Staffer 1 Transcript"), Ex. 4 at 23-7239_0047; Interview of Staffer 2 Transcript, July 19, 2023 ("Staffer 2 Transcript"), Ex. 5 at 23-7239_0099; Interview of Staffer 3 Transcript, July 19, 2023 ("Staffer 3 Transcript"), Ex. 6 at 23-7239_-0203.

¹⁷ See Your Member Careers Posts, Ex. 7 at 23-7239_0294-0296; Letter from Lauren Curry, Sherrard Roe Voigt Harbison, on behalf of Community Brands, LLC, to Kristina Crump, Investigative Counsel with Office of Cong. Ethics (June 21, 2023), Ex. 8 at 23-7239_0298-0299; Storyblocks Invoice, Ex. 9 at 23-7239_0301; Storyblocks Downloaded Assets, Ex. 10 at 23-7239_0303; Witness 2 Documents, Ex. 11 at 23-7239_0305-0307; Imaginart Invoice, Ex. 12 at 23-7239_0309; Imaginart Ad, Ex. 13 at 23-7239_0311; Imaginart Email Messages, Ex. 14 at 23-7239_0313; Imaginart Text Messages, Ex. 15 at 23-7239_0315; see also Fla. Dep't of State: Div. of Elections, Campaign Finance Database (<https://dos.elections.myflorida.com/committees/ComLkupByName.asp>) – Campaign Finance Activity, Expenditures by Leadership in Action to Your Member Careers, Storyblocks, and Imaginart (all dates) (last accessed September 6, 2023).

¹⁸ See 11 C.F.R. § 300.61 (2023).

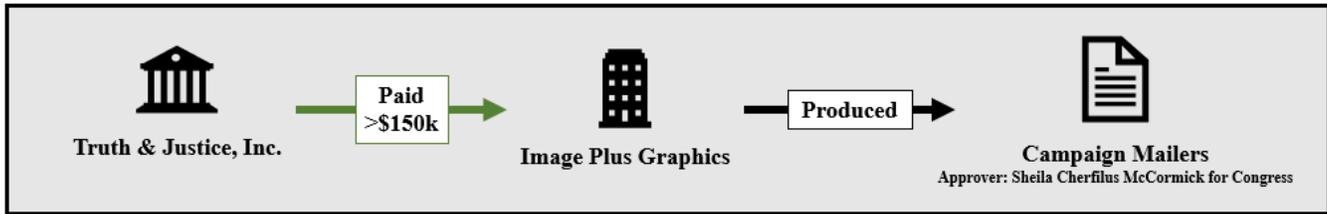
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28. Rep. Cherfilus-McCormick’s payments to Leadership in Action PAC were likely contributions to her campaign, which are regulated by federal law and subject to reporting requirements. Because Rep. Cherfilus-McCormick did not report her payments to Leadership in Action PAC to the FEC, she may have violated FEC reporting requirements.
29. Finally, if Rep. Cherfilus-McCormick’s contributions to Leadership in Action PAC were not from her “personal funds,” as that term is defined by the FEC, Rep. Cherfilus-McCormick may have violated federal limits on campaign contributions (in addition to FEC reporting requirements). The OCE was unable to determine whether Rep. Cherfilus-McCormick’s payments to Leadership in Action PAC were from her personal funds.
- ii. Mark Goodrich’s Involvement in Franked Communications and Other Official Work for Rep. Cherfilus-McCormick’s Office (Section IV)
30. Each Member of Congress receives a “Member’s Representational Allowance,” or MRA, during each session of Congress. Members are permitted to spend their MRA on official or “franked” communications, among other things. However, under House Rules and federal law, outside private funds cannot be used to defray the cost of franked communications.¹⁹
31. After Rep. Cherfilus-McCormick was sworn into office in January 2022, her congressional office produced and disseminated a series of franked communications to her constituents. These communications included televised videos, radio ads, mailers, and emails.
32. The OCE reviewed evidence, summarized in Section IV, showing that Mark Goodrich—the individual who managed Rep. Cherfilus-McCormick’s campaigns and affiliated with Leadership in Action PAC—was heavily involved in the production of franked communications from Rep. Cherfilus-McCormick’s congressional office. Mark Goodrich performed other services for Rep. Cherfilus-McCormick’s congressional office as well.
33. Rep. Cherfilus-McCormick’s office did not report compensating Mark Goodrich for his services with official funds. The OCE was unable to determine whether or how Mark Goodrich was compensated for his involvement in the production of these franked communications or for the other services he provided to the Representative’s office.
- iii. Payments from Truth & Justice, Inc. to a Vendor on behalf of Rep. Cherfilus-McCormick’s Re-Election Campaign (Section V)
34. A Florida company, Truth & Justice, Inc., made three wire transfers totaling over \$150,000 to a graphics and printing vendor for mailers ordered by Rep. Cherfilus-McCormick’s 2022 re-election campaign.²⁰

¹⁹ See 2 U.S.C. § 503(d).

²⁰ See Image Plus Graphics Wire Confirmations, Ex. 16 at 23-7239_0317-0321; see Image Plus Graphics Transaction List for Cherfilus-McCormick Campaign, Ex. 17 at 23-7239_0323.

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35. Evidence reviewed by the OCE shows that these payments were for campaign mailers generated by Rep. Cherfilus-McCormick’s campaign, and that the payments were applied by the vendor to Rep. Cherfilus-McCormick’s campaign account.²¹ As is discussed in Section V, these payments, apparently directed by Mark Goodrich, came at a time when the campaign’s cash on hand was highly variable.

36. Rep. Cherfilus-McCormick did not report these payments to the FEC as campaign contributions. Moreover, such contributions would exceed FEC contribution limits.

iv. Unreported Transactions Between Rep. Cherfilus-McCormick’s Campaign Committee and Business Entities (Section VI).

37. Finally, several unreported transactions appear to have occurred between Rep. Cherfilus-McCormick’s campaign committee and her businesses during the 2021-2022 special election campaign.

III. REP. CHERFILUS-MCCORMICK MAY HAVE MADE IMPERMISSIBLE PAYMENTS TO A STATE PAC AND FAILED TO REPORT THOSE PAYMENTS AS CONTRIBUTIONS TO HER CAMPAIGN.

A. Applicable Law, Rules, and Standards of Conduct

39. Federal Law

Soft Money Ban:

11 C.F.R. 300.60 provides that subpart D of Part 300 applies to Federal candidates, individuals holding Federal office, agents acting on behalf of a Federal candidate or an individual holding Federal office, and entities that are directly or indirectly established, financed, maintained, or controlled by, or acting on behalf of, one or more Federal candidates or individuals holding Federal office.

11 C.F.R. 300.61 provides that “[n]o person described in 11 C.F.R. 300.60 shall solicit, receive, direct, transfer, spend, or disburse funds in connection with an election for federal office, including funds for any Federal election activity as defined in 11 C.F.R. 100.24, unless the amounts consist of Federal funds that are subject to the limitations, prohibitions, and reporting requirements of the Act.”

Reporting Contributions:

²¹ *Id.*

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11 C.F.R. 101.2 provides that “[a]ny candidate who receives a contribution as defined at 11 C.F.R. part 100, subpart B and C obtains any loan, or makes any disbursement, in connection with his or her campaign shall be considered as having received such contribution, obtained such loan or made such disbursement as an agent of his or her authorized committee(s).”

11 C.F.R. 104.3(a)(4)(i) states that “[e]ach report filed under § 104.1 shall disclose the total amount of receipts for the reporting period and for the calendar ... and shall disclose the information set forth at paragraphs (a)(1) through (a)(4) of this section.

4. ITEMIZATION OF RECEIPTS FOR ALL POLITICAL COMMITTEES INCLUDING AUTHORIZED AND UNAUTHORIZED COMMITTEES.

The identification (as defined at § 100.12 of this chapter) of each contributor and the aggregate year-to-date (or aggregate election-cycle-to-date, in the case of an authorized committee) total for such contributor in each of the following categories shall be reported.

i. Each person ... who makes a contribution to the reporting political committee during the reporting period, whose contribution or contributions aggregate in excess of \$200 per calendar year (or per election cycle in the case of an authorized committee), together with the date of receipt and amount of any such contributions, except that the reporting political committee may elect to report such information for contributors of lesser amount(s) on a separate schedule[.]

Expenditures from Personal Funds vs Contributions:

11 C.F.R. 110.10 provides that “candidates for Federal office may make unlimited expenditures from personal funds as defined in 11 C.F.R. 100.33.”

11 C.F.R. 100.52(a) provides that a “contribution” includes “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.”

Pursuant to 11 C.F.R. 113.1(g)(6), a third party’s payment of a candidate’s expenses that would otherwise be deemed a “personal use” under 2 U.S.C. 439a(b)(2) is considered a contribution by the third party unless the payment would have been made “irrespective of the candidacy.”

11 C.F.R. 113.1(g)(6) provides that payments that are compensation shall be considered contributions unless—

- A. The compensation results from bona fide employment that is genuinely independent of the candidacy;*
- B. The compensation is exclusively in consideration of services provided by the employee as part of this employment; and*
- C. The compensation does not exceed the amount of compensation which would be paid to any other similarly qualified person for the same work over the same period of time.*

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52 U.S.C. § 30116(a)(1)(A)), as in effect during the 2021-2022 election cycle, provided that contributions made by persons to candidates were limited to \$2,900 per election, per candidate.

40. House Ethics Manual

The House Ethics Manual states “[w]hile FECA and other statutes on campaign activity are not rules of the House, Members and employees must also bear in mind that the House Rules require that they conduct themselves ‘at all times in a manner that shall reflect creditably on the House’ (House Rule 23, clause 1). In addition, 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.”

41. Federal Election Commission – Campaign Guide for Congressional Candidates

The FEC’s Campaign Guide for Congressional Candidates provides that FECA “and Commission regulations restrict the ability of federal candidates and officeholders to raise funds. Specifically, federal candidates and officeholders, their agents and entities established, financed, maintained, or controlled by them, may not solicit, receive, direct, transfer, spend, or disburse funds in connection with a federal election, including funds for federal election activity, unless the funds are within the Act’s limits, prohibitions, and reporting requirements.”

The FEC’s Campaign Guide for Congressional Candidates provides “[w]hen campaigns accept contributions from groups that are not political committees registered with the FEC (such as state PACs . . .), they must make sure that the funds are permissible under the Act. See 300.61.”

The FEC’s Campaign Guide for Congressional Candidates provides that “[w]hen candidates use their personal funds for campaign purposes, they are making contributions to their campaigns. Candidate contributions to their own campaigns are not subject to any limits. They must, however, be reported.”

The FEC’s Campaign Guide for Congressional Candidates explains that “personal gifts and loans” are “not considered personal funds,” and “[i]f any person, including a relative or friend of the candidate, gives or loans the candidate money ‘for the purpose of influencing any election for federal office,’ the funds are not considered personal funds of the candidate even if they are given to the candidate directly. Instead, the gift or loan is considered a contribution from the donor to the campaign, subject to the per-election limit and reportable by the campaign.”

The FEC’s Campaign Guide for Congressional Candidates states that “[a] candidate’s salary or wages earned from bona fide employment are considered his or her personal funds. However, compensation paid to a candidate in excess of actual hours worked is generally considered a contribution from the employer. Moreover, under FEC regulations barring personal use of campaign funds, a third party’s payment of a candidate’s personal expenses is considered a contribution, unless the payment would have been made irrespective of the candidacy. To be paid “irrespective of the candidacy,” and thus not considered a contribution, compensation must:

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- *Result from bona fide employment that is genuinely independent of the candidacy;*
- *Be exclusively made in consideration for services provided by the employee; and*
- *Not exceed the amount paid to any other similarly qualified person for the same work over the same period of time.*

42. Federal Election Commission Website

The FEC website provides that “[c]ontributions made from the candidate’s personal funds must be reported. The reporting varies according to whether the personal funds of the candidate were loaned or contributed directly to the candidate’s authorized committee, or whether the funds were spent by the candidate out-of-pocket.”

B. Rep. Cherfilus-McCormick Made Payments to Leadership in Action PAC That May Have Been in Connection With Her Federal Campaign

Evidence obtained by the OCE demonstrates that Rep. Cherfilus-McCormick, through her LLC, made payments to Leadership in Action PAC, a state PAC in Florida. These payments may have been in connection with Rep. Cherfilus-McCormick’s federal campaign. As detailed below, Leadership in Action PAC is affiliated with and made payments to Mark Goodrich, an individual who managed Rep. Cherfilus-McCormick’s campaigns. In addition to compensating Mark Goodrich, Leadership in Action PAC also made various payments to vendors on behalf of Rep. Cherfilus-McCormick’s campaign.

i. Payments from SCM Consulting Group, LLC to Leadership in Action PAC

43. In March 2021, Rep. Cherfilus-McCormick registered a Florida limited liability company, SCM Consulting Group, LLC (“SCM Consulting”) with Florida’s Department of State.²² Rep. Cherfilus-McCormick was the sole owner and registered agent of SCM Consulting.²³ In SCM Consulting’s articles of organization, Rep. Cherfilus-McCormick represented that “the purpose of SCM Consulting Group, LLC is for business and healthcare consulting.”²⁴

44. Rep. Alcee Hastings passed away on April 6, 2021. Rep. Cherfilus-McCormick declared her candidacy in the special election to fill Rep. Hastings’ seat on June 2, 2021.²⁵

45. Between May 3, 2021 and November 12, 2021, SCM Consulting made 30 reported payments totaling \$269,424.69 to Leadership in Action, a state PAC registered with the State of Florida’s Division of Elections.²⁶ Documents filed by Leadership in Action with Florida’s Department

²² See SCM Consulting Group, LLC, Articles of Organization for Florida Limited Liability Company, Fla. Dep’t of State, Div. of Corps., filed March 12, 2021.

²³ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022.

²⁴ See SCM Consulting Group, LLC, Articles of Organization for Florida Limited Liability Company, Fla. Dep’t of State, Div. of Corps., filed March 12, 2021.

²⁵ See Sheila Cherfilus-McCormick, FEC Statement of Candidacy, filed June 2, 2021.

²⁶ Fla. Dep’t of State: Div. of Elections, Campaign Finance Database (<https://dos.elections.myflorida.com/committees/ComLkupByName.asp>) – Contribution Query, Contributions for Leadership in Action by SCM Consulting Group, LLC (all dates) (last accessed September 6, 2023), Ex. 1 at 23-

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of State provide that the registered agent, treasurer, and chairman of Leadership in Action is Maria Isabel Garcia Del Rio; however, Mark Goodrich appears to have been functionally responsible for the PAC.²⁷ Since Leadership in Action's inception in 2019, it has reported making payments to Mark Goodrich totaling nearly \$300,000.²⁸

46. Rep. Cherfilus-McCormick's campaign committee did not report SCM Consulting's payments to Leadership in Action to the FEC as contributions made by Rep. Cherfilus-McCormick to her campaign. In an interview with a Florida politics blogger, Rep. Cherfilus-McCormick reportedly suggested these payments may have been for medical services canvassing.²⁹
47. Rep. Cherfilus-McCormick, Mark Goodrich, Maria Garcia, and Leadership in Action did not cooperate with the OCE's review. However, as set out below, the OCE obtained evidence showing that Leadership in Action provided goods and services in connection with Rep. Cherfilus-McCormick's campaigns for federal office.
 - ii. Connection Between Leadership in Action PAC, Mark Goodrich, and Rep. Cherfilus-McCormick's Campaigns for Federal Office
48. The OCE obtained evidence showing that Mark Goodrich served as Rep. Cherfilus-McCormick's campaign manager and that Leadership in Action provided other goods and services to Rep. Cherfilus-McCormick's 2021-2022 special election and 2022 re-election campaigns.
49. Although an individual named Willis P. Howard officially held the title of campaign manager with respect to Rep. Cherfilus-McCormick's campaigns, Mark Goodrich appears to have actually managed the campaigns. While neither Willis P. Howard nor Mark Goodrich cooperated with this review, multiple witnesses understood Mark Goodrich—not Willis P.

7239_0002; *see also* SCM Consulting Group, LLC Bank Statements, Ex. 2 at 23-7239_0004-0028 (documenting all but a few of the reported payments).

²⁷ For example, the telephone number provided for Leadership in Action in its filings with the Florida Department of State's Division of Elections belongs to Mark Goodrich. (Ms. Del Rio was similarly listed as the registered agent, treasurer, and chairman of Protect Our Jobs PC, another PAC, even though the phone number and email address provided for that PAC in its public filings with the Florida Division of Elections similarly belonged to Mark Goodrich.) In an email, Mark Goodrich referred to himself as "the Executive Director" of Leadership in Action. *See* Oct. 19, 2022 Goodrich-Desulme Correspondence, Ex. 18 at 23-7239_0325-0326.

²⁸ *See* Fla. Dep't of State: Div. of Elections, Campaign Finance Database (<https://dos.elections.myflorida.com/committees/ComLkupByName.asp>) – Campaign Finance Activity, Expenditures by Leadership in Action to Mark Goodrich (all dates) (last accessed September 6, 2023), Ex. 3 at 23-7239_0030-0032.

²⁹ *Company Owned by Democrat Candidate Sheila Cherfilus-McCormick Gave \$155K to State Political Committee Tied to Republican-Friendly Consultant*, RedBroward (Sept. 22, 2021), <https://redbroward.com/2021/09/22/company-owned-by-democrat-candidate-sheila-cherfilus-mccormick-gave-155k-to-state-political-committee-tied-to-republican-friendly-consultant/>.

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Howard³⁰—to be the campaign manager.³¹ Evidence reviewed by the OCE strongly suggests that Mark Goodrich managed the day-to-day operations of the campaigns.

50. For example, Staffer 2, who worked on the Representative’s special election campaign in 2021, told the OCE that Mark Goodrich hired her to work on the campaign.³² Staffer 2 told the OCE Mark Goodrich’s role in the campaign involved crafting television advertisements, generating mailers and other campaign communications, directing some campaign strategy, and overseeing block walking, phone banking, and field operations.³³ Staffer 2 told the OCE that “almost everyone” who worked on the campaign reported to Mark Goodrich.³⁴

51. Evidence shows that Leadership in Action and Mark Goodrich made payments for goods or services provided to Rep. Cherfilus-McCormick’s campaigns. While Rep. Cherfilus-McCormick, Rep. Cherfilus-McCormick’s campaign committee, Mark Goodrich, and Leadership in Action did not cooperate with this review—limiting the OCE’s ability to determine the scope of Leadership in Action’s involvement in Rep. Cherfilus-McCormick’s campaign—the following payments were verified by the OCE to have been made by Leadership in Action or Mark Goodrich on behalf of Rep. Cherfilus-McCormick’s campaign:

- (1) Two June 29, 2021 payments (\$809.22 and \$839.22) to San Diego Sign Company. According to San Diego Sign Company invoices addressed to Leadership in Action, these payments were for banners featuring text that read “Sheila Cherfilus-McCormick Democrat for Congress,” “\$1000 a month for you,” and “PeoplesProsperityPlan.com.”³⁵

³⁰ See Staffer 1 Transcript, Ex. 4 at 23-7239_0073 (Staffer 1, the campaign’s Communications Director until January 2022, had “heard of [Willis Howard’s] name” but did not know if he was involved in the campaign); see Staffer 2 Transcript, Ex. 5 at 23-7239_0098-0099 and 23-7239_0124.

³¹ Staffer 1 Transcript, Ex. 4 at 23-7239_0047; Staffer 2 Transcript, Ex. 5 at 23-7239_0098-0099; Staffer 3 Transcript, Ex. 6 at 23-7239_0203.

³² Staffer 2 Transcript, Ex. 5 at 23-7239_0129.

³³ Staffer 2 Transcript, Ex. 5 at 23-7239_0123-0124.

³⁴ Staffer 2 Transcript, Ex. 5 at 23-7239_0098-0099.

³⁵ See San Diego Sign Documents, Ex. 19 at 23-7239_0328-0331. A few weeks earlier, Rep. Cherfilus-McCormick’s special election campaign had announced Rep. Cherfilus-McCormick’s “People’s Prosperity Plan,” which called for the government issuance of monthly \$1,000 checks to adults making less than \$75,000 annually. See Sheila for District 20, *Sheila Cherfilus-McCormick unveils her People’s Prosperity Plan today with a \$200,000 Media Blitz* (June 18, 2021), available at <https://www.sheilafordistrict20.com/post/sheila-cherfilus-mccormick-unveils-her-people-s-prosperity-plan-today-with-a-200-000-media-blitz>.

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Image of banner graphics obtained by the OCE from San Diego Sign Company³⁶

These same banners are visible in press photos of Rep. Cherfilus-McCormick’s January 2022 victory party at Smitty’s Wings in Fort Lauderdale.³⁷

- (2) A July 13, 2021 payment (\$1,000) to Broadcast Beat Studios, a Florida-based video production studio. The invoice for this studio rental was addressed to Sheila Cherfilus McCormick for Congress.³⁸ Payment details reflect that payment was made by “Mr. Mark Goodrich, Sheila Cherfilus McCormick for Congress, Inc.”³⁹
- (3) Three payments to Your Member Careers dated May 20, 2021 (\$99), November 15, 2021 (\$224), and January 27, 2022 (\$299). All three payments were submitted and paid for using a credit card in the name of Mark Goodrich.⁴⁰ These payments were for job postings created through an account registered to Mark Goodrich’s name. Documents reviewed by the OCE show that each job posting sought candidates for a Finance Director role with Rep. Cherfilus-McCormick’s campaign.⁴¹ Mark Goodrich was listed as the contact person for the May and November 2021 job postings.⁴²
- (4) A May 24, 2022 payment (\$65) to Storyblocks, a stock media company, for the purchase of a 30-day unlimited-download subscription to Storyblocks’ stock media library.⁴³

³⁶ See San Diego Sign Documents, Ex. 19 at 23-7239_0331.

³⁷ See photograph by Michael Laughlin, S. Fla. Sun Sentinel, accompanying Bianca Padro Ocasio and Brian Lowry, ‘Trailblazer’ Cherfilus-McCormick is first Haitian American Sent to Congress from FL, Miami Herald (Jan. 12, 2022), www.miamiherald.com/news/politics-government/election/article257204012.html.

³⁸ See Broadcast Beats Invoice, Ex. 20 at 23-7239_0333.

³⁹ See Broadcast Beats Payment, Ex. 21 at 23-7239_0335.

⁴⁰ See Letter from Lauren Curry, Sherrard Roe Voigt Harbison, on behalf of Community Brands, LLC, to Kristina Crump, Investigative Counsel with Office of Cong. Ethics (June 21, 2023), Ex. 8 at 23-7239_0298-0299.

⁴¹ See Your Member Careers Posts, Ex. 7 at 23-7239_0294-0296.

⁴² While “Paul” was listed as the contact person for the January 2022 job posting, the phone number provided for “Paul” in fact belongs to Mark Goodrich. See Your Member Careers Posts, Ex. 7 at 23-7239-0296.

⁴³ See Storyblocks Invoice, Ex. 9 at 23-7239_0301.

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Between May 23 and 27, 2022, dozens of images and videos were downloaded from Storyblocks through the subscription paid for by Leadership in Action.⁴⁴ Several of these downloaded images and videos appear in two of Rep. Cherfilus-McCormick's June 2022 franked videos, as discussed in Section IV below.

- (5) August 3, 2022 (\$6,000) and November 14, 2022 (\$3,000) payments to Witness 2, an attorney and former chair of the Broward County Democratic Party. These payments responded to billing statements addressed to "McCormick for Congress Campaign" for Witness 2's monthly retainer during October and November 2022.⁴⁵
- (6) A November 21, 2022 (\$5,000) payment to Imaginart Media Productions, LLC for the production and airing of a 30-second campaign advertisement.⁴⁶ The invoice for this advertisement was billed to Rep. Cherfilus-McCormick's re-election campaign.⁴⁷ The end of the produced advertisement features a clip of Rep. Cherfilus-McCormick stating, "Paid for and approved by Sheila Cherfilus-McCormick for Congress."⁴⁸



Image from Imaginart Ad⁴⁹

Emails and text messages ordering the production of the advertisement reiterated that the advertisement was for the Representative's campaign and that the campaign was involved in the order.⁵⁰

⁴⁴ See Storyblocks Downloaded Assets, Ex. 10 at 23-7239_0303.

⁴⁵ See Witness 2 Documents, Ex. 11 at 23-7239_0305-0307.

⁴⁶ See Imaginart Check from Leadership in Action, Ex. 22 at 23-7239_0337.

⁴⁷ See Imaginart Invoice, Ex. 12 at 23-7239_0309.

⁴⁸ See Imaginart Ad, Ex. 13 at 23-7239_0311.

⁴⁹ See *id.*

⁵⁰ See Imaginart Email Messages, Ex. 14 at 23-7239_0313 ("this is from her campaign;" "this is directly from her campaign;" "I just forward [sic] your email to the campaign"); Imaginart Text Messages, Ex. 15 at 23-7239_0315 (stating that Nadege Leblanc provided pictures for the ad and reiterating that the invoice should be addressed to the campaign).

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52. The above evidence shows that Leadership in Action provided goods and services to Rep. Cherfilus-McCormick's campaigns for election and re-election. The OCE did not identify any evidence suggesting that Leadership in Action provided Rep. Cherfilus-McCormick with other, non-political services, such as medical services canvassing.

C. The OCE Could Not Determine Whether Rep. Cherfilus-McCormick's Payments to Leadership in Action Were Made with Personal Funds (i.e., Not Subject to Contribution Limits)

53. Due to the lack of cooperation from witnesses, including Rep. Cherfilus-McCormick, the OCE could not identify the source or nature of the funds paid to Leadership in Action from SCM Consulting, or whether these funds were Rep. Cherfilus-McCormick's personal funds. As previously discussed, if the funds were not Rep. Cherfilus-McCormick's personal funds, they would have been subject to federal campaign contribution limits.

54. Rep. Cherfilus-McCormick's financial disclosures reflect a significant increase in income in 2021, during her special election campaign. The sources of Rep. Cherfilus-McCormick's reported 2021 income largely consisted of entities owned by Rep. Cherfilus-McCormick and her family members. These funds reportedly were "consulting fees and profit-sharing fees received for work for Trinity Health Care Services."⁵¹ The OCE was unable to obtain further information about this income due to the non-cooperation of witnesses; however, the timing, scale, and sources of the payment warrant further review.

55. In 2020, Rep. Cherfilus-McCormick earned a self-reported \$86,000 salary from Trinity Health Care Services, Inc.⁵² Her earned income in 2020 consisted of this salary as well as her husband's salary from McCormick Law Firm LLC.⁵³ Rep. Cherfilus-McCormick's reported liabilities during this time (student loan debt) amounted to \$150,002-\$350,000.⁵⁴

56. Rep. Cherfilus-McCormick reported that her income increased by more than \$6 million between 2020 and 2021. Rep. Cherfilus-McCormick reported receiving \$86,000 in salary from Trinity Health Care Services, Inc. in 2021, as she had the previous year.⁵⁵ The majority of the increase in her 2021 income instead resulted from the following self-reported sources, which are owned by members of Rep. Cherfilus-McCormick's family as well as Rep. Cherfilus-McCormick herself:

- a. \$5,745,792.96 from SCM Consulting for "consulting fees and profit-sharing fees received for work for Trinity Health Care Services, Inc."⁵⁶

⁵¹ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022 (Schedule C).

⁵² Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022 ("Amount Preceding Year" in Schedule C).

⁵³ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022 ("Amount Preceding Year" in Schedule C).

⁵⁴ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022 (Schedule D).

⁵⁵ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022 ("Income Current Year to Filing" in Schedule C).

⁵⁶ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022 ("Income Current Year to Filing" in Schedule C).

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SCM Consulting was a Florida LLC wholly owned by Rep. Cherfilus-McCormick.⁵⁷ It was registered with Florida's Department of State on March 12, 2021 and voluntarily dissolved on October 31, 2022.⁵⁸

- b. \$500,000 from EC Firm LLC for "consulting fees and profit-sharing fees received for work for Trinity Health Care Services, Inc."⁵⁹

EC Firm LLC is a Florida LLC in which Rep. Cherfilus-McCormick owns a 50% interest.⁶⁰ The manager and registered agent of EC Firm, LLC is Edwin Cherfilus, Rep. Cherfilus-McCormick's brother.⁶¹ EC Firm, LLC was registered with Florida's Department of State on March 11, 2021.⁶²

- c. \$111,720 from Trinity Health Care Services, Inc. for "consulting fees."

Trinity Health Care Services, Inc. is a Florida LLC originally incorporated in 1994.⁶³ Gabriel Smith, Rep. Cherfilus-McCormick's father, is the registered agent of this entity, and Mr. Smith and Marie Smith (the Representative's mother) are the entity's authorized representatives and managers.⁶⁴

57. With respect to the increase in her income, the Sun Sentinel reported that Rep. Cherfilus-McCormick "has said that almost all of that money represented years of profit-sharing that she was owed by the company [Trinity Health Care Services]."⁶⁵

58. During the 2021-2022 special election cycle, Rep. Cherfilus-McCormick reportedly loaned her campaign millions of dollars.⁶⁶ Subsequently, in her 2022 financial disclosure, Rep. Cherfilus-McCormick reported the total value of her assets, including bank accounts, to be between

⁵⁷ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022 (Schedule A).

⁵⁸ See SCM Consulting Group, LLC, Articles of Organization for Florida Limited Liability Company, Fla. Dep't of State, Div. of Corps., filed March 12, 2021; see SCM Consulting Group, LLC, Articles of Dissolution, Fla. Dept. of State, Div. of Corps., filed Oct. 31, 2022.

⁵⁹ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022 ("Income Current Year to Filing" In Schedule C).

⁶⁰ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022 (Schedule A).

⁶¹ See The EC Firm, LLC Articles of Organization for Florida Limited Liability Company, Fla. Dept. of State, Div. of Corps, filed March 11, 2021.

⁶² See The EC Firm, LLC Articles of Organization for Florida Limited Liability Company, Fla. Dept. of State, Div. of Corps., filed March 11, 2021.

⁶³ See Trinity Health Care Services, LLC Articles of Conversion and Articles of Organization, Fla. Dept. of State, Div. of Corps., filed April 4, 2016.

⁶⁴ See Trinity Health Care Services, LLC 2023 Annual Report, Fla. Dept. of State, Div. of Corps., filed March 6, 2023.

⁶⁵ Anthony Man, 'You want to go to Congress and do what, steal?' Accusations fly in Cherfilus-McCormick, Holness rematch, S. Fla. Sun Sentinel (Aug. 15, 2022), <https://www.sun-sentinel.com/2022/08/15/you-want-to-go-to-congress-and-do-what-steal-accusations-fly-in-cherfilus-mccormick-holness-rematch/>.

⁶⁶ The FEC's committee profile for Sheila Cherfilus McCormick for Congress, Inc. shows that the campaign committee received \$6,236,493.50 in loans from Rep. Cherfilus-McCormick between January 1, 2021 and December 31, 2022. See

<https://www.fec.gov/data/committee/C00677492/?cycle=2022#:~:text=TOTAL%20LOANS%20RECEIVED>. It is unclear to the OCE whether this reporting is accurate.

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\$218,007-\$545,000, while her liabilities (student loan debt) remained between \$150,002-\$350,000.⁶⁷

59. Rep. Cherfilus-McCormick and Trinity Health Care Services, Inc. did not cooperate with the OCE's review. Absent cooperation from these witnesses, the OCE was unable to confirm whether SCM Consulting's funds—and thus its payments to Leadership in Action—were Rep. Cherfilus-McCormick's "personal funds" as defined by the FEC.

IV. REP. CHERFILUS-MCCORMICK'S CONGRESSIONAL OFFICE MAY HAVE RECEIVED SERVICES RELATED TO FRANKED COMMUNICATIONS AND OTHER OFFICIAL WORK FROM AN INDIVIDUAL WHO WAS NOT COMPENSATED WITH OFFICIAL FUNDS.

A. Applicable Law, Rules, and Standards of Conduct

60. Federal Law

2 U.S.C. § 503(d) provides that "[n]o Senator or Member of the House of Representatives may maintain or use, directly or indirectly, an unofficial office account or defray official expenses for franked mail, employee salaries, office space, furniture, or equipment and any associated information technology services (excluding handheld communications devices) from—(1) funds received from a political committee or derived from a contribution or expenditure; . . . or (3) any other funds that are not specifically appropriated for official expenses."

Pursuant to 31 U.S.C. § 1342, "[a]n officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law[.]"

61. House Rules

House Rule 24, Clause 1(a) provides that "a Member . . . may not maintain, or have maintained for the use of such individual, an unofficial office account."

House Rule 24, Clause 1(b)(2) prohibits the use of unofficial funds "to defray official expenses for mail or other communications, compensation for services, office space, office furniture, office equipment, or any associated information technology services (excluding handheld communications devices)."

House Rule 24, Clause 6, provides that "[a] mass mailing that is otherwise frankable by a Member . . . is not frankable unless the cost of preparing and printing it is defrayed exclusively from funds made available in an appropriation Act."

62. Members' Congressional Handbook

Page 6, paragraphs 13-15 of the Members' Congressional Handbook, provide

⁶⁷ Rep. Cherfilus-McCormick 2022 Financial Disclosure Report, filed August 14, 2023.

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13. A Member may not maintain, or have maintained for his use, an unofficial office account for the purpose of defraying or reimbursing ordinary and necessary expenses incurred in support of a Member's official and representational duties.

14. A Member may not accept from any private source in-kind support having monetary value for an official activity.

15. Only appropriated funds, not personal or unofficial funds, may be used to pay for mail sent under the frank.

63. House Ethics Manual

Page 294 of the House Ethics Manual states, "House rules prohibit unofficial office accounts, that is, private supplements to the funds available to Members through their clerk hire and official expenses allowances."

Page 331 of the House Ethics Manual states that "House Rule 24, which sets forth the prohibition on unofficial office accounts, bars the use of private funds or in-kind support from outside sources for official activities[.]"

*Page 298 of the House Ethics Manual provides that "[a] Member or House office may accept the **temporary** services of a volunteer, provided the Member or office has a clearly defined program to assure that: (1) The voluntary service is of **significant educational benefit** to the participant; and (2) such voluntary assistance does **not** supplant the normal and regular duties of paid employees. . . . A volunteer should be required to agree, in advance and in writing, to serve without compensation and not to make any future claim for payment, and to acknowledge that the voluntary service does not constitute House employment.*

B. Mark Goodrich Worked on Multiple Franked Communications and Provided Other Services to Rep. Cherfilus-McCormick's Congressional Office

64. Evidence collected by the OCE showed that Mark Goodrich—who apparently was not compensated with official funds by Rep. Cherfilus-McCormick's congressional office—provided services to Rep. Cherfilus-McCormick's office. These services included work on franked communications issued by the Representative's office, as well as other tasks.

i. Mark Goodrich's Involvement with Franked Videos

65. Mark Goodrich was heavily involved in the production and airing of three franked television PSAs from Rep. Cherfilus-McCormick's office, and the evidence detailed below indicates that Rep. Cherfilus-McCormick was aware of his involvement. Despite Mark Goodrich's involvement with the franked videos, Rep. Cherfilus-McCormick's office did not report compensating him with official funds. Because Rep. Cherfilus-McCormick and Mark Goodrich did not cooperate with this review, the OCE could not determine whether or how Mark Goodrich was compensated for his work in connection with the franked videos.

66. In early June 2022, Rep. Cherfilus-McCormick's congressional office requested staff advisory opinions from the Commission on Mailing Standards on the frankability of three television

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ads.⁶⁸ These three ads, which the Commission deemed frankable, feature Rep. Cherfilus-McCormick introducing herself and referencing various issues.⁶⁹ A disclaimer appears at the end of each video stating that the ad was “[p]aid for with official funds from the Office of Congresswoman Sheila Cherfilus-McCormick.”⁷⁰

67. These three ads (the “MRA-funded videos” or “franked videos”) aired in southern Florida in June 2022. Rep. Cherfilus-McCormick’s congressional office reported disbursing \$76,487.50 in MRA funds to various television stations for the airing of the franked videos.⁷¹ However, Rep. Cherfilus-McCormick’s congressional office did not report disbursing funds to Mark Goodrich for the services he provided in connection with the franked videos.
68. Staffer 3, who served as Rep. Cherfilus-McCormick’s Press Secretary and Digital Director at the time the videos aired in June 2022, did not recall whose idea it was to create the franked videos.⁷² She likewise did not recall whether the idea came from one of the Congresswoman’s official staffers or someone working on Rep. Cherfilus-McCormick’s campaign.⁷³ Other witnesses interviewed by the OCE were not privy to this information, and Rep. Cherfilus-McCormick and Mark Goodrich did not cooperate with this review. The OCE was thus unable to determine whether the concept of the franked videos was generated by Rep. Cherfilus-McCormick’s campaign or official office.
69. The OCE was able to determine, however, that Mark Goodrich was heavily involved in the production of the franked videos, which entailed filming, recording audio, and editing.⁷⁴ Mark Goodrich coordinated with Rep. Cherfilus-McCormick’s congressional office regarding the production of the franked videos, including taking part in planning calls with Staffer 3.⁷⁵ Staffer 3 told the OCE that Mark Goodrich “did the production” of the franked videos and then provided her with the file to provide to the Commission on Congressional Mailing Standards.⁷⁶ Staffer 3 then notified Mark Goodrich when the Commission on Congressional Mailing Standards determined the videos were frankable.⁷⁷
70. Leadership in Action (the PAC affiliated with Mark Goodrich) acquired images and videos used in two of the franked videos. Leadership in Action bought a monthly membership with

⁶⁸ See H. Comm’n Standards Comm’n’s Advisory Opinions 33374-31, 33374-32, and 33374033.

⁶⁹ See <https://frankingfiles.house.gov/27-33374-31.mp4>; <https://frankingfiles.house.gov/27-33374-32.mp4>; and <https://frankingfiles.house.gov/27-33374-33.mp4>.

⁷⁰ See <https://frankingfiles.house.gov/27-33374-31.mp4>; <https://frankingfiles.house.gov/27-33374-32.mp4>; and <https://frankingfiles.house.gov/27-33374-33.mp4>.

⁷¹ See Statement of Disbursements of the House, as Compiled by the Chief Administrative Officer, from April 1, 2022 to June 30, 2022, available at https://www.house.gov/sites/default/files/2022-08/2022q2_singlevolume.pdf; see Statement of Disbursements of the House, as Compiled by the Chief Administrative Officer, from July 1, 2022 to September 30, 2022, available at https://www.house.gov/sites/default/files/2022-11/2022q3_singlevolume.pdf.

⁷² Staffer 3 Transcript, Ex. 6 at 23-7239_0218.

⁷³ *Id.*

⁷⁴ See, e.g., Staffer 3 Transcript, Ex. 6 at 23-7239_0222 and 23-7239_0225.

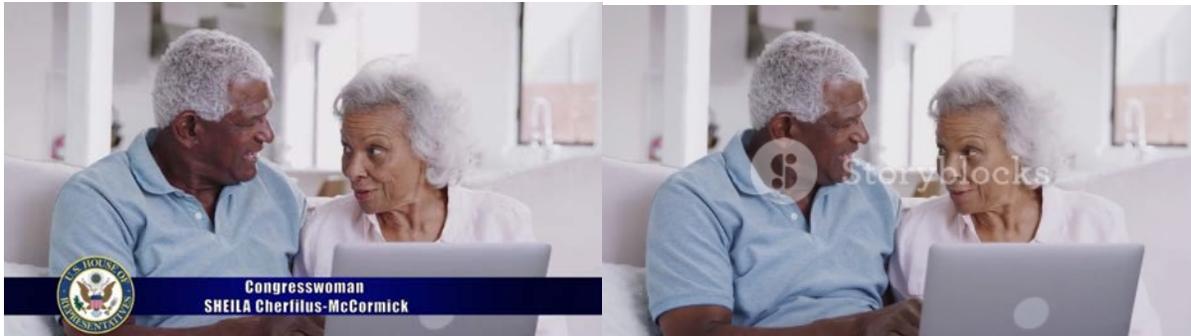
⁷⁵ See Staffer 3 – Mark Goodrich 3.14 Text Exchange, Ex. 23 at 23-7239_0339; see Staffer 3 Transcript, Ex. 6 at 23-7239_0222-0225.

⁷⁶ Staffer 3 Transcript, Ex. 6 at 23-7239_0227-0228.

⁷⁷ See Staffer 3 Transcript, Ex. 6 at 23-7239_0227-0228; Staffer 3 – Goodrich Email 6.6., Ex. 24 at 23-7239_0341-0342.

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Storyblocks, a stock media company, on May 23, 2022.⁷⁸ Between May 23 and May 27, 2022, Leadership in Action's account downloaded various images and videos from Storyblocks.⁷⁹ This included images and videos used in two of the franked videos. For example:



(L: image from franked video; R: image of stock video downloaded by Leadership in Action's Storyblocks account⁸⁰)



(L: image from franked video; R: image of stock video downloaded by Leadership in Action's Storyblocks account⁸¹)



(L: image from franked video; R: image of stock video downloaded by Leadership in Action's Storyblocks account⁸²)

71. Rep. Cherfilus-McCormick was aware that Mark Goodrich was working on the production of

⁷⁸ Storyblocks Invoice, Ex. 9 at 23-7239_0301.

⁷⁹ Storyblocks Downloaded Assets, Ex. 10 at 23-7239_0303.

⁸⁰ Compare [frankingfiles.house.gov/27-33374-33.mp4](https://www.storyblocks.com/video/stock/senior-couple-sitting-on-sofa-at-home-using-laptop-together-bje-sigghjxyz25m) (:12-:13) with <https://www.storyblocks.com/video/stock/senior-couple-sitting-on-sofa-at-home-using-laptop-together-bje-sigghjxyz25m>; see also Storyblocks Downloaded Assets, Ex. 10 at 23-7239_0303.

⁸¹ Compare [frankingfiles.house.gov/27-33374-33.mp4](https://www.storyblocks.com/video/stock/senior-couple-sitting-on-sofa-at-home-using-laptop-together-bje-sigghjxyz25m) (:12-:13) with <https://www.storyblocks.com/video/stock/senior-couple-sitting-on-sofa-at-home-using-laptop-together-bje-sigghjxyz25m>; see also Storyblocks Downloaded Assets, Ex. 10 at 23-7239_0303.

⁸² Compare [frankingfiles.house.gov/27-33374-33.mp4](https://www.storyblocks.com/video/stock/senior-couple-sitting-on-sofa-at-home-using-laptop-together-bje-sigghjxyz25m) (:12-:13) with <https://www.storyblocks.com/video/stock/senior-couple-sitting-on-sofa-at-home-using-laptop-together-bje-sigghjxyz25m>; see also Storyblocks Downloaded Assets, 10 at 23-7239_0303.

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the franked videos. In a May 31, 2022 text message with Staffer 3 and Rep. Cherfilus-McCormick, Mark Goodrich provided a link to a video titled “sheilacongresswomanad.mp4.”⁸³ He wrote, “I need this approved now so it can go to franking.” He later added, “I need you to finalize the tv spot with the changes you ask for this weekend. It must go to franking asap.”⁸⁴ Rep. Cherfilus-McCormick was an active participant in this text thread, and Staffer 3 (the Representative’s Digital Director and Press Secretary at the time) agreed that it was “fair to say that Congresswoman Cherfilus-McCormick was aware that Mark Goodrich was working on the production of the franked videos.”⁸⁵

72. Mark Goodrich was also the primary point of contact with television stations with respect to the franked videos.⁸⁶ He requested rates and placed the ads with television stations on behalf of Rep. Cherfilus-McCormick’s office.⁸⁷ He provided forms requested by the television stations, such Political Inquiry Forms and National Association of Broadcasters Forms (“NAB” forms), in addition to other information.⁸⁸ He also collected W-9 forms from the television stations, which he then provided to the Representative’s office for billing purposes.⁸⁹ Additionally, he emailed the Representative’s official staff to ensure that the television stations were paid.⁹⁰

73. Mark Goodrich was also involved in the Representative’s response to political and media interest in the franked videos. On June 10, 2022, Rep. Cherfilus-McCormick texted Mark Goodrich and Staffer 3 regarding the franked videos, asking whether she ought to “pull the commercials” from the air due to pushback regarding the use of the MRA for the ads.⁹¹ In the ensuing text conversation, Mark Goodrich stated that “[t]he newspaper may write a story but lots more people will see the spots than will read the story;” “[w]ho cares what the press says as long as its legal;” and “Lol if you pull the spot it will make you look guilty.”⁹² Rep. Cherfilus-McCormick later replied to the group, “Should we ask legal for an opinion,” to which

⁸³ See Rep. SCM – Staffer 3 – Mark Goodrich 5.31 Text Exchange, Ex. 25 at 23-7239_0344-0346.

⁸⁴ See Rep. SCM – Staffer 3 – Mark Goodrich 5.31 Text Exchange, Ex. 25 at 23-7239_0344-0346.

⁸⁵ Staffer 3 Transcript, Ex. 6 at 23-7239_0228-0230.

⁸⁶ Staffer 3 Transcript, Ex. 6 at 23-7239_0234.

⁸⁷ See, e.g., CBS – Goodrich Correspondence 6.2, Ex. 26 at 23-7239_0348-0349; CBS – Goodrich Correspondence 6.3, Ex. 27 at 23-7239_0351-0354; Staffer 3 Transcript, Ex. 6 at 23-7239_0234 (Mark Goodrich was the primary point of contact with the TV stations about the franked videos).

⁸⁸ See CBS-Goodrich Correspondence 6.9, Ex. 29 at 23-7239_0360-0361; see Goodrich – CBS Correspondence 6.3, Ex. 28 at 23-7239_0356-0358 (providing station with NAB form as Goodrich was “waiting on government approval of the spots”).

⁸⁹ See Staffer 3 Transcript, Ex. 6 at 23-7239_0231-0234; Staffer 3 – Goodrich Email 6.7, Ex. 30 at 23-7239_0363-0364; Goodrich – Staffer 3 Correspondence 6.7, Ex. 31 at 23-7239_0366-0367 (Staffer 3 instructs Mark Goodrich to “please have all vendors submit W-9 to be set up in system asap”); Goodrich – Staffer 3 Email SBGTV 6.7, Ex. 32 at 23-7239_0369-0370; Goodrich – Staffer 3 Email WPLG 6.7, Ex. 33 at 23-7239_0372; Goodrich - Staffer 3 6.7 Email Scripps, Ex. 34 at 23-7239_0374-0375; Staffer 3 – Goodrich Email 6.7 NBC, Ex. 35 at 23-7239_0377-0378; Staffer – 3 Goodrich Email WFOR 6.7, Ex. 36 at 23-7239_0380-0387.

⁹⁰ See Goodrich – Staffer 3 Email 6.6, Ex. 37 at 23-7239_0389; Goodrich – Staffer 3 Email 6.3, Ex. 38 at 23-7239_0392-0414; see also Goodrich, Staffer 3, Leblanc Texts 7.25, Ex. 39 at 23-7239_0415-0417 (Goodrich tells Staffer 3, “It’s nice Kelly [a member of the Representative’s official staff] is talking to you maybe she could let us know when cbs palm beach will be paid [their] 4000 owed for months”).

⁹¹ Goodrich, Cherfilus-McCormick, Staffer 3 Texts 6.10, Ex. 40 at 23-7239_0419-0422.

⁹² *Id.*

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Staffer 3 responded, “Yes.”⁹³ Rep. Cherfilus-McCormick replied, “Ok please ask” and Staffer 3 “liked” that message. Staffer 3 told the OCE she did not recall reaching out to “legal” for an opinion.⁹⁴

74. On June 22, 2022, Jacob Rubashkin, a reporter from Inside Elections, reached out to Rep. Cherfilus-McCormick’s staff, inquiring about the franked videos.⁹⁵ Among other questions, he asked, “Is Mark Goodrich, who is identified on the CBS Political Inquiry Form as the ‘agency contact’ for the congresswoman’s house office, a member of the congresswoman’s official staff? If not, why was he conducting outreach on behalf of the office?”⁹⁶ Mr. Rubashkin also inquired about the NAB Forms submitted to the television stations for the franked videos, asking why the Representative’s office submitted Candidate Advertisement Agreement Forms (as opposed to Non-Candidate/Issue Advertisement Forms).⁹⁷
75. That evening, an employee of CBS—one of the television stations that aired the franked videos—emailed Mark Goodrich, “thank you for your help sorting this out. I have attached the Issue NAB.”⁹⁸ The attachment included a blank Issue NAB form.⁹⁹ Mark Goodrich and his associate, Maritza Masseria, subsequently provided Staffer 3 with a completed copy of the form from CBS.¹⁰⁰ Mark Goodrich also provided Staffer 3, the Congresswoman, and Nadege Leblanc a fully drafted email to send the CBS employee when returning the completed form,¹⁰¹ which Staffer 3 sent shortly after.¹⁰²
76. That same evening (June 22, 2022) and continuing to the following morning, Rep. Cherfilus-McCormick, Nadege Leblanc, and Staffer 3 corresponded by text message regarding their congressional office’s response to the Inside Elections reporter’s inquiry.¹⁰³ The initial draft of the official statement, circulated by Staffer 3 in this text thread, provided in part:

Mark Goodrich has never represented himself to work for the Congressional office.
Mark is a supporter who volunteered to call people he worked with in the past to

⁹³ *Id.*

⁹⁴ Staffer 3 Transcript, Ex. 6 at 23-7239_0260-0261.

⁹⁵ Rubashkin – Staffer 3 – Staffer 4 Correspondence 6.22-6.23, Ex. 41 at 23-7239_0424-0428.

⁹⁶ *Id.*

⁹⁷ See Rubashkin – Staffer 3 – Staffer 4 Correspondence 6.22-6.23, Ex. 41 at 23-7239_0424-0428.

⁹⁸ CBS-Goodrich Correspondence 6.22, Ex. 42 at 23-7239_0430.

⁹⁹ CBS-Goodrich Correspondence 6.22 Attachment, Ex. 43 at 23-7239_0432-0435.

¹⁰⁰ See Masseria – Staffer 3 Correspondence 6.22, Ex. 44 at 23-7239_0437-0440.

¹⁰¹ See 6.23 Goodrich – Staffer 3 Correspondence (FW to CBS), Ex. 45 at 23-7239_0442-0443; see also Staffer 3 Transcript, Ex. 6 at 23-7239_0247-0248.

¹⁰² Staffer 3 – CBS Correspondence 6.23, Ex. 46 at 23-7239_0445.

¹⁰³ The group also discussed contacting the Committee on Ethics. Rep. Cherfilus-McCormick wrote, “We need to find out from ethics if someone could have volunteered to help us get pricing for tv spots.” Nadege Leblanc responded, “Ethics said they would have an answer today. We asked yesterday.” Rep. Cherfilus-McCormick and Nadege Leblanc did not cooperate with this review. Staffer 3 did not recall contacting the Ethics Committee and did not know what answer the office may have received from the Ethics Committee. Staffer 3 Transcript, Ex. 6 at 23-7239_0257-0258. It is unclear whether the Ethics Committee was contacted, and if so, whether it was informed of the full scope of Mark Goodrich’s involvement regarding the videos or his work on the campaign (and his potentially related compensation).

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get the best pricing for our PSA since our office is new and has never purchased tv spots before.¹⁰⁴

In response to this draft, Rep. Cherfilus-McCormick wrote, “let’s just say that Mark never represented himself to work for the office. Leave it at that.”¹⁰⁵ Later, Rep. Cherfilus-McCormick added: “You must put in your response: As to your question about the campaign, we do not work with the campaign and do not know anything about their plans.”¹⁰⁶ In continued conversation the following morning, Nadege Leblanc wrote, “SCM [Rep. Cherfilus-McCormick] I do not think we should mention Mark in our statement at all.”¹⁰⁷

77. Ultimately, the official statement provided to Inside Elections by Staffer 3 did not reference Mark Goodrich.¹⁰⁸ In a follow-up email, the reporter asked, “Is Mark Goodrich a member of the congresswoman’s office staff? If not, why is he the point person on these ad placements? My understanding is that is normally a responsibility of the office’s communications director.”¹⁰⁹ Rep. Cherfilus-McCormick’s office did not respond to the reporter’s email on this point.

78. The above evidence reflects that Mark Goodrich was not merely the point of contact between the Representative’s office and the various television stations airing her franked videos, but that he was also extremely involved in the production of the franked videos. He coordinated that production with the Representative’s official staff, and the Representative appears to have been aware of his role in the production of the franked videos as well. He was consulted by the Representative regarding whether the videos should remain on the air, and he “help[ed] sort out” issues with at least one television station regarding political advertising forms in the hours following a reporter’s inquiry about those forms. However, Rep. Cherfilus-McCormick’s office did not report compensating Mark Goodrich for his services with official funds.

ii. Mark Goodrich and Leadership in Action’s Involvement with Franked Mailers

79. Mark Goodrich was also involved in the production of multiple franked mailers on behalf of Rep. Cherfilus-McCormick’s office. Although Mark Goodrich did not cooperate with the OCE’s review, the OCE was able to determine that Mark Goodrich’s involvement with franked mailers at a minimum included a March 2022 newsletter and a May 2022 “legislative updates” mailer sent from Rep. Cherfilus-McCormick’s congressional office. Even though Rep. Cherfilus-McCormick was apparently aware of Mark Goodrich’s role in producing at least the March 2022 newsletter, her congressional office did not report compensating Mark Goodrich for his services.

¹⁰⁴ 6.22 and 6.23 Text Thread – Rep. SCM, Staffer 3, Nadege Leblanc, Ex. 47 at 23-7239_0447-0448.

¹⁰⁵ 6.22 and 6.23 Text Thread – Rep. SCM, Staffer 3, Nadege Leblanc, Ex. 47 at 23-7239_0448.

¹⁰⁶ 6.22 and 6.23 Text Thread – Rep. SCM, Staffer 3, Nadege Leblanc, Ex. 47 at 23-7239_0451.

¹⁰⁷ 6.22 and 6.23 Text Thread – Rep. SCM, Staffer 3, Nadege Leblanc, Ex. 47 at 23-7239_0457.

¹⁰⁸ Rubashkin – Staffer 3 – Staffer 4 Correspondence 6.22-6.23, Ex. 41 at 23-7239_0426.

¹⁰⁹ Rubashkin – Staffer 3 – Staffer 4 Correspondence 6.22-6.23, Ex. 41 at 23-7239_0424-0425.

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The March 2022 Newsletter

80. On March 3, 2022, Maria Garcia—a graphic designer and the registered agent, treasurer, and chairman of Leadership in Action—emailed PDF and text copies of a draft newsletter to Mark Goodrich, who then forwarded them directly to the Representative’s personal email address.¹¹⁰ The draft newsletter contained a disclaimer that it was “paid for by official funds authorized by the U.S. House of Representatives.”¹¹¹ Rep. Cherfilus-McCormick forwarded these documents to her congressional staff.¹¹² This evidence suggests Rep. Cherfilus-McCormick was aware that Mark Goodrich was involved in the production of this franked newsletter.
81. On March 9, 2022, Mark Goodrich forwarded the newsletter from Maria Garcia to Staffer 3, writing, “[T]his is the approved newsletter/mailer can you please get it approved by Franking?”¹¹³ He further instructed Staffer 3 to confirm that the disclaimer language in the newsletter was acceptable.¹¹⁴ A newsletter substantively identical to that circulated by Maria Garcia and Mark Goodrich was provided to the Commission on Congressional Mailing Standards by Rep. Cherfilus-McCormick’s office and was deemed frankable on March 14, 2022.¹¹⁵
82. On March 24, 2022, Mark Goodrich emailed Staffer 3 the newsletter and the vendor’s invoice for the printing and mailing of the newsletter. Mark Goodrich instructed Staffer 3 to “Please submit so we can get the check as soon as possible.”¹¹⁶ Mark Goodrich forwarded various invoices for this mailer to the Representative’s official staff, including Staffer 2 and Nadege Leblanc.¹¹⁷
83. Mark Goodrich continued to liaise between the Representative’s office and Image Plus Graphics, providing the vendor’s W-9 to Rep. Cherfilus-McCormick’s staffers¹¹⁸ and corresponding regarding payment. For example, in an April 6, 2022 email, Staffer 3 informed Mark Goodrich that she would “need the US3602 . . . to submit” the invoice for reimbursement by the House.¹¹⁹ Mark Goodrich responded in part,

¹¹⁰ See SCM FWs email from Mark Goodrich to Staffer 3 PDF – 3.4, Ex. 48 at 23-7239_0466; SCM FWs email from Mark Goodrich to Staffer 3 (Text) – 3.4, Ex. 49 at 23-7239_0468-0470.

¹¹¹ See SCM FWs email from Mark Goodrich to Staffer 3 (Text) – 3.4, Ex. 49 at 23-7239_0468-0470; *see also* Goodrich – Image Plus Graphics Email 3.9, Ex. 50 at 23-7239_0472-0474.

¹¹² See SCM FWs email from Mark Goodrich to Staffer 3 PDF – 3.4, Ex. 48 at 23-7239_0466; SCM FWs email from Mark Goodrich to Staffer 3 (Text) – 3.4, Ex. 49 at 23-7239_0468-0470.

¹¹³ See Staffer 3 – Goodrich Email 3.9, Ex. 51 at 23-7239_0476.

¹¹⁴ *Id.*

¹¹⁵ See H. Comm’n Standards Comm’n’s Advisory Opinions 33374-8 (copy of franked newsletter accessible at <https://frankingfiles.house.gov/27-33374-8.pdf>).

¹¹⁶ Goodrich – Staffer 3 Email 3.24, Ex. 52 at 23-7239_0479-0483.

¹¹⁷ See Goodrich Correspondence with Staffer 2, Staffer 3, and Leblanc 4.14, Ex. 53 at 23-7239_0485-0488; *see* Goodrich Correspondence with Leblanc, Staffer 2 4.14, Ex. 54 at 23-7239_0490-0492; Goodrich Correspondence with Staffer 3, Leblanc, and Staffer 2, 4.19, Ex. 55 at 23-7239_0494-0495.

¹¹⁸ Goodrich – Leblanc Staffer 3 Email 4.8, Ex. 56 at 23-7239_0497-0498.

¹¹⁹ Staffer 3 – Goodrich Email 4.6, Ex. 57 at 23-7239_0500.

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That is not happening. We will of course submit after the mail has been sent. . . . Tell the woman who works for us [to] pay the company please. The 3602's are not needed to cut the check. . . .¹²⁰

Staffer 3 told the OCE that Mark Goodrich's reference to "the woman who works for us" was likely referring to "Kelly," another U.S. House of Representatives employee.¹²¹

84. Mark Goodrich was the main point of contact between Image Plus Graphics and the Representative's office. He solicited a quote for the March 2022 newsletter from Image Plus Graphics, corresponded with them regarding printing, provided them files, and coordinated with the vendor on the addresses to which the mailers would be sent.¹²²

85. Rep. Cherfilus-McCormick's office reported disbursing \$35,916.66 to Image Plus Graphics for the March 2022 mailer.¹²³ However, Rep. Cherfilus-McCormick's office did not report disbursing any funds to Mark Goodrich, Maria Garcia, or Leadership in Action.

May 2022 Legislative Updates Mailer

86. Mark Goodrich likewise appears to have further served the Representative's official office as its point of contact with Image Plus Graphics regarding a May 2022 Legislative Updates mailer. He corresponded with the vendor regarding printing, provided files, and coordinated the addresses to which the mailers would be sent.¹²⁴

87. Mark Goodrich worked on the mailer with Staffer 3 from the Representative's official office, who implemented changes to the mailer at Mark Goodrich's direction.¹²⁵

88. Rep. Cherfilus-McCormick's office reported disbursing \$61,392 to Image Plus Graphics for the May 2022 Legislative Updates mailer.¹²⁶ However, Rep. Cherfilus-McCormick's office did not report disbursing any funds to Mark Goodrich, Maria Garcia, or Leadership in Action.

iii. Mark Goodrich's Involvement with Franked Radio Ads

89. Mark Goodrich provided additional services as the point of contact between the Representative's official office and a vendor for franked radio advertisements. Here again, Rep. Cherfilus-McCormick's office did not report compensating Mark Goodrich with official funds in connection with the franked radio advertisements.

¹²⁰ See *id.*

¹²¹ Staffer 3 Transcript, Ex. 6 at 23-7239_0270-0271 and 23-7239_0233.

¹²² See Goodrich – Image Plus Graphics Email 3.9, Ex. 50 at 23-7239_0472-0474; Image Plus Graphics – Goodrich Correspondence 3.17, Ex. 58 at 23-7239_0503-0505; Image Plus Graphics – Goodrich Correspondence 3.31, Ex. 59 at 23-7239_0507-0509.

¹²³ See Statement of Disbursements of the House, as Compiled by the Chief Administrative Officer, from April 1, 2022 to June 30, 2022, available at https://www.house.gov/sites/default/files/2022-08/2022q2_singlevolume.pdf.

¹²⁴ See Goodrich – Image Plus Graphics Email 5.27, Ex. 60 at 23-7239_0511-0513; Goodrich – Image Plus Graphics Correspondence 6.2, Ex. 61 at 23-7239_0515-0518; Ex. 81 at 23-7239_0576-0579.

¹²⁵ See Goodrich – Staffer 3 Email 5.2, Ex. 62 at 23-7239_0520-0523.

¹²⁶ See Statement of Disbursements of the House, as Compiled by the Chief Administrative Officer, from April 1, 2022 to June 30, 2022, available at https://www.house.gov/sites/default/files/2022-08/2022q2_singlevolume.pdf.

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90. Mark Goodrich contacted JA Marketing regarding a PSA campaign for the Representative's office in March 2022. He obtained pricing information for the ad campaign, collected the vendor's W-9 form, and provided the vendor with the personal contact information for Rep. Cherfilus-McCormick's Digital Director "if needed for [the vendor's] records."¹²⁷
91. In a March 18, 2022 email, JA Marketing informed Mark Goodrich that the 144 PSA spots would be airing that weekend, costing a total of \$5,043.¹²⁸ Rep. Cherfilus-McCormick's office later reported disbursing that amount to JA Marketing.¹²⁹ However, Rep. Cherfilus-McCormick's office did not report disbursing funds to Mark Goodrich in connection with his work related to the franked radio ads.
92. Mark Goodrich also appears to have been involved in the creation of other "PSAs" or radio ads for the Representative's office, though it is unclear whether these radio ads ever aired.¹³⁰

iv. Mark Goodrich's Involvement with Franked Emails

93. On March 9, 2022, Mark Goodrich emailed Staffer 3 the "approved newsletter/mailer" that was being submitted for approval to be franked as a print mailer.¹³¹ Mark Goodrich noted that once the print newsletter was approved for franking, Staffer 3 could "use this for [her] online newsletter (and we can help with the graphics to be rearranged if need be)."¹³²
94. The same day, Mark Goodrich emailed Staffer 3 a "cleaned list for your email newsletter (20,000 email names)."¹³³ The list contained email addresses for individuals in Broward and Palm Beach counties, Florida.
95. On March 29, 2022, the Commission on Congressional Mailing Standards deemed Rep. Cherfilus-McCormick's "Email – eNewsletter – March Edition" frankable.¹³⁴ This was the Representative's office's only email newsletter approved for franking in 2022.¹³⁵

v. Mark Goodrich's Performance of Other Tasks for Official Office

96. As noted above, Mark Goodrich provided services to Rep. Cherfilus-McCormick's office in connection with various franked communications. Additionally, documents reviewed by the

¹²⁷ Goodrich - JA Marketing Correspondence, Ex. 63 at 23-7239_0525-0527.

¹²⁸ Goodrich - JA Marketing Correspondence, Ex. 63 at 23-7239_0525.

¹²⁹ See Statement of Disbursements of the House, as Compiled by the Chief Administrative Officer, from April 1, 2022 to June 30, 2022, available at https://www.house.gov/sites/default/files/2022-08/2022q2_singlevolume.pdf. The only radio ads for which Rep. Cherfilus-McCormick's office obtained franking approval in 2022 were two radio ads on "legislative priorities," which were deemed frankable on March 24, 2022, after Rep. Cherfilus-McCormick's radio ads apparently aired through JA Marketing.

¹³⁰ See Goodrich – Staffer 3 and Staffer 2 Correspondence 2.11, Ex. 64 at 23-7239_0529-0531 (Goodrich provides Representative and her staffers script of a radio PSA which is "submitted"); Goodrich – Staffer 3 Email 5.11, Ex. 65 at 23-7239_0533 (Goodrich provides Staffer 3 with "Radio spots to be approved for franking").

¹³¹ See Staffer 3 – Goodrich Email 3.9, Ex. 51 at 23-7239_0476.

¹³² See *id.*

¹³³ Goodrich – Staffer 3 Email 3.9, Ex. 66 at 23-7239_0535.

¹³⁴ See H. Commc'n Standards Comm'n's Advisory Opinions 33374-14 (copy of franked e-newsletter accessible at <https://frankingfiles.house.gov/27-33374-14.pdf>).

¹³⁵ See H. Commc'n Standards Comm'n's Advisory Opinions (filtered by Rep. Cherfilus-McCormick and 2022).

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OCE show that Mark Goodrich provided other services to Rep. Cherfilus-McCormick's office after her victory in the January 2022 special election. Rep. Cherfilus-McCormick and Mark Goodrich did not cooperate with this review, which limited the OCE's ability to determine the full scope of services he provided to the Representative's office. However, documents and information provided by witnesses in this review documented that Mark Goodrich, at a minimum (and in addition to the services he provided in connection with franked communications):

- a. Made calls in connection with planning Rep. Cherfilus-McCormick's visits to schools in her district;¹³⁶
- b. Drafted priorities for Rep. Cherfilus-McCormick regarding the Veteran's Committee (one of the committees on which Rep. Cherfilus-McCormick sits) based on conversations with veterans' groups, at the request of Rep. Cherfilus-McCormick's staff;¹³⁷
- c. Drafted language addressing questions regarding Rep. Cherfilus-McCormick's travel to Israel as well as other media statements;¹³⁸
- d. Was involved in crafting Rep. Cherfilus-McCormick's House bio;¹³⁹ and
- e. Handled media requests following the Representative's election to office.¹⁴⁰

97. Staffer 2 told the OCE that Mark Goodrich "assisted" the Representative's official office:

Q. Okay. So when you say that [Mark Goodrich] advised the Congresswoman's official office, it's not as though you called him and said, I need some advice, and he said, Here's what I would do if I were you. You asked him to—

A. Correct.

Q. --help you do things, right?

A. That's right. Assisted and advice. Yep.

Q. Right. And so you – you would tell him that you needed help, and he would generate work product for you?

A. He would generate whatever we need help with.¹⁴¹

¹³⁶ See 2.11 Goodrich, Cherfilus-McCormick, Staffer 3 Texts, Ex. 67 at 23-7239_0537- (in response to a text message from Rep. Cherfilus-McCormick stating "Let's plan some school visits next week in Ft. Lauderdale and Tamarac," Mark Goodrich replied, "I will make calls," noted he would follow up once he had a list of principals who were available to meet, and mentioned that outreach to schools had already begun).

¹³⁷ See Goodrich – Staffer 2 Email 2.3, Ex. 68 at 23-7239_0539-0541; Goodrich – Staffer 2 Texts 2.3, Ex. 69 at 23-7239_0543; Staffer 2 Transcript, Ex. 5 at 23-7239_0132-0135; Staffer 2 – Goodrich Email 2.3, Ex. 70 at 23-7239_0545.

¹³⁸ Goodrich – Staffer 2 Email 1.19, Ex. 71 at 23-7239_0547; Staffer 2 Transcript, Ex. 5 at 23-7239_0135-0137.

¹³⁹ Goodrich Email with Cherfilus-McCormick, Howard, Staffer 2, and Leblanc 1.18, Ex. 72 at 23-7239_0549; Staffer 2 Transcript, Ex. 5 at 052-053.

¹⁴⁰ Staffer 2 Transcript, Ex. 5 at 23-7239_0179-0180, 0135-0137, and 0138.

¹⁴¹ Staffer 2 Transcript, Ex. 5 at 23-7239_0180.

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98. Staffer 2 told the OCE that Mark Goodrich worked from the Representative's Sunrise, Florida campaign office while performing work for her official congressional office.¹⁴²
99. The above-described evidence suggests that Mark Goodrich was involved in the production of various franked communications sent from the Representative's office, as well as other tasks for the Representative's official office. However, the Representative's congressional office did not report compensating Mark Goodrich with official funds for the above-referenced work.

C. The OCE Could Not Determine Whether or How Mark Goodrich was Compensated for his Work for Rep. Cherfilus-McCormick's Congressional Office.

100. Mark Goodrich and Rep. Cherfilus-McCormick did not cooperate with this review. Staffers for Rep. Cherfilus-McCormick interviewed by the OCE did not know whether or how Mark Goodrich was compensated for his work.
101. As previously discussed, the PAC affiliated with Mark Goodrich (Leadership in Action) received over \$250,000 from Rep. Cherfilus-McCormick's LLC in 2021, prior to her election to Congress.¹⁴³ However, in light of the non-cooperation of Mark Goodrich, Maria Garcia, Leadership in Action, and Rep. Cherfilus-McCormick, the OCE was unable to ascertain whether these payments may have also compensated Mark Goodrich for future services provided to Rep. Cherfilus-McCormick's congressional office.
102. Moreover, although Rep. Cherfilus-McCormick's LLC (SCM Consulting) stopped making payments to Leadership in Action in November of 2021, the OCE could not determine whether other entities continued to compensate Mark Goodrich on behalf of Rep. Cherfilus-McCormick or her campaign.¹⁴⁴ Rep. Cherfilus-McCormick's congressional office never reporting disbursing any official funds to Mark Goodrich or Leadership in Action.

¹⁴² Staffer 2 Transcript, Ex. 5 at 23-7239_0154.

¹⁴³ See SCM Consulting Group, LLC Bank Statements, Ex. 2 at 23-7239_0004-0028; see Fla. Dep't of State: Div. of Elections, Campaign Finance Database (<https://dos.elections.myflorida.com/committees/ComLkupByName.asp>) – Campaign Finance Activity, Contributions to Leadership in Action by SCM Consulting Group, LLC (all dates) (last accessed September 6, 2023), Ex. 1 at 23-7239_0001.

¹⁴⁴ SCM Consulting's final payment to Leadership in Action was apparently made November 12, 2021, although Mark Goodrich continued to work for the Representative's campaigns and pay for campaign-related expenses with Leadership in Action funds beyond that date (see Section III, Part B, para. 51). Truth & Justice, Inc.—a Florida corporation discussed in greater detail in Section V—reportedly began making contributions to Leadership in Action on August 31, 2022. Contributions from Truth & Justice, Inc. to Leadership in Action totaled \$193,500 between August 31, 2022 and February 8, 2023. See Fla. Dep't of State: Div. of Elections, Campaign Finance Database (<https://dos.elections.myflorida.com/committees/ComLkupByName.asp>) – Campaign Finance Activity, Contributions to Leadership in Action by Truth & Justice, Inc. (all dates) (last accessed September 6, 2023). Mark Goodrich, Maria Garcia, Leadership in Action, Truth & Justice, Inc., Rep. Cherfilus-McCormick, and Rep. Cherfilus-McCormick's campaign committee did not cooperate with this review, and thus the OCE could not determine the purpose of Truth & Justice, Inc's payments to Leadership in Action or whether they were related to the Representative's campaign.

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V. **REP. CHERFILUS-MCCORMICK'S CAMPAIGN MAY HAVE ACCEPTED AND FAILED TO REPORT CONTRIBUTIONS FROM TRUTH & JUSTICE, INC. THAT EXCEEDED FEC CAMPAIGN CONTRIBUTION LIMITS.**

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

103. Federal Law

11 C.F.R. 100.52(a) defines a contribution to include “a gift, subscription, loan, . . . or anything of value made by any person for the purpose of influencing any election for Federal office.”

11 C.F.R. 100.52(d)(1) provides that “the provision of any goods or services without charge . . . is a contribution. Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.”

11 C.F.R. 109.20 provides that an expenditure made by any person “in cooperation, consultation or concert with, or at the request or suggestion of” a candidate or a candidate’s authorized committee (including an agent of either), is an in-kind contribution to the candidate.

11 C.F.R. 101.2 provides that “[a]ny candidate who receives a contribution as defined at 11 C.F.R. part 100, subpart B and C obtains any loan, or makes any disbursement, in connection with his or her campaign shall be considered as having received such contribution, obtained such loan or made such disbursement as an agent of his or her authorized committee(s).”

11 C.F.R. 104.3(a)(4)(i) states that “[e]ach report filed under § 104.1 shall disclose the total amount of receipts for the reporting period and for the calendar ... and shall disclose the information set forth at paragraphs (a)(1) through (a)(4) of this section.

4. ITEMIZATION OF RECEIPTS FOR ALL POLITICAL COMMITTEES INCLUDING AUTHORIZED AND UNAUTHORIZED COMMITTEES.

The identification (as defined at § 100.12 of this chapter) of each contributor and the aggregate year-to-date (or aggregate election-cycle-to-date, in the case of an authorized committee) total for such contributor in each of the following categories shall be reported.

- i. Each person ... who makes a contribution to the reporting political committee during the reporting period, whose contribution or contributions aggregate in excess of \$200 per calendar year (or per election cycle in the case of an authorized committee), together with the date of receipt and amount of any such contributions, except that the reporting political committee may elect to report such information for contributors of lesser amount(s) on a separate schedule[.]*

52 U.S.C. § 30116(a)(1)(A)), as in effect during the 2021-2022 election cycle, provided that contributions made by persons to candidates were limited to \$2,900 per election, per candidate. See 86 Fed. Reg. 7867.

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11 C.F.R. 100.10 defines “person” to mean “an individual, partnership, committee, association, corporation, labor organization, and any other organization, or group of persons, but does not include the Federal government or any authority of the Federal government.”

B. Rep. Cherfilus-McCormick May Have Accepted and Failed to Report In-Kind Contributions from Truth & Justice, Inc. Exceeding Federal Contribution Limits

i. 2022 Re-Election Campaign’s Financial Status and Truth & Justice, Inc.

102. Documents obtained by the OCE show that a Florida company, Truth & Justice, Inc., made multiple payments to a printing and mailing vendor, Image Plus Graphics, on behalf of Rep. Cherfilus-McCormick’s 2022 re-election campaign. These payments—made over the course of a few weeks in July and August of 2022—totaled \$150,288.64.

103. Reports filed by Rep. Cherfilus-McCormick’s campaign committee with the FEC reflect that the campaign’s coffers were largely depleted by the beginning of July 2022. The campaign committee reported that the campaign’s cash on hand as of June 30, 2022 was \$837.26, for example.¹⁴⁵ OCE staff analyzed data reported by Rep. Cherfilus-McCormick’s campaign to the FEC and determined that each of Truth & Justice, Inc.’s three payments to Image Plus Graphics likely exceeded the campaign’s cash on hand at the time the payments were made.¹⁴⁶ This campaign’s reported lack of cash on hand existed despite the numerous loans that Rep. Cherfilus-McCormick made to her campaign during this time.¹⁴⁷

104. The three payments made by Truth & Justice, Inc. to Image Plus Graphics were made by wire transfer.¹⁴⁸ Documents reviewed by the OCE appear to show that Mark Goodrich directed the wiring of funds from Truth & Justice, Inc. to the vendor, Image Plus Graphics, on behalf of the campaign, as outlined below.

ii. July 29, 2022 Payment to Campaign Vendor for \$45,521.09

¹⁴⁵ See Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 4/Current), filed December 8, 2022. The campaign originally reported \$1,678,618.70 in cash on hand on June 30, 2022, but revised that number drastically over the course of several amendments, eventually reporting a mere \$837.26 balance. See Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Original), filed July 15, 2022 (reporting \$1,678,618.70 in cash on hand); Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 1), filed July 21, 2022 (reporting \$1,278,618.70 in cash on hand); Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 3), filed September 19, 2022 (reporting a negative balance of -\$17,956.30 in cash on hand); Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 3), filed November 7, 2022 (reporting \$837.26 in cash on hand);

¹⁴⁶ See Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 4/Current), filed December 8, 2022; Sheila Cherfilus McCormick for Congress, Inc., FEC Pre-Primary 2022 Report (Amendment 4/Current), filed January 23, 2023; Sheila Cherfilus McCormick for Congress, Inc., FEC October Quarterly 2022 Report (Amendment 3/Current), filed January 23, 2023.

¹⁴⁷ *Id.* For example, Rep. Cherfilus-McCormick’s campaign committee reported receiving loans from the candidate dated June 30, 2022; July 1, 2022; July 5, 2022; July 6, 2022; July 12, 2022; July 15, 2022; July 27, 2022; July 28, 2022; July 29, 2022; August 3, 2022; August 15, 2022; August 16, 2022; August 17, 2022; August 18, 2022; August 22, 2022; and August 23, 2022.

¹⁴⁸ Image Plus Graphics Wire Confirmations, Ex. 16 at 23-7239_0317-0321.

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105. Truth & Justice, Inc. first paid Image Plus Graphics for mailers on behalf of Rep. Cherfilus-McCormick's campaign on July 29, 2022, with a \$45,521.09 wire transfer. As noted previously, Rep. Cherfilus-McCormick's campaign's cash on hand was highly variable around this time.¹⁴⁹ OCE staff's analysis of data reported by Rep. Cherfilus-McCormick's campaign committee to the FEC suggests the campaign likely lacked the cash on hand necessary to pay Image Plus Graphics \$45,521.09 as of July 29, 2022—despite numerous loans Rep. Cherfilus-McCormick made to her campaign committee in the preceding days and weeks.¹⁵⁰
106. Mark Goodrich coordinated with Image Plus Graphics regarding the \$45,521.09 payment and the underlying invoice for which it paid.
107. A week prior to the wire transfer, on July 23, 2022, Image Plus Graphics emailed Mark Goodrich regarding Invoice 11979, a net invoice containing charges for “the 1st piece for Sheila,” a “VBM Current Distribution” mailer.¹⁵¹ Documents obtained by the OCE show that the invoiced amount for this mailer was \$45,521.29.¹⁵²

¹⁴⁹ See generally Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 4/Current), filed December 8, 2022; Sheila Cherfilus McCormick for Congress, Inc., FEC Pre-Primary 2022 Report (Amendment 4/Current), filed January 23, 2023; Sheila Cherfilus McCormick for Congress, Inc., FEC October Quarterly 2022 Report (Amendment 3/Current), filed January 23, 2023.

¹⁵⁰ For example, Rep. Cherfilus-McCormick's campaign committee reported receiving loans from the candidate dated June 30, 2022; July 1, 2022; July 5, 2022; July 6, 2022; July 12, 2022; July 15, 2022; July 27, 2022; July 28, 2022; July 29, 2022; August 3, 2022; August 15, 2022; August 16, 2022; August 17, 2022; August 18, 2022; August 22, 2022; and August 23, 2022. See Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 4/Current), filed December 8, 2022; Sheila Cherfilus McCormick for Congress, Inc., FEC Pre-Primary 2022 Report (Amendment 4/Current), filed January 23, 2023; Sheila Cherfilus McCormick for Congress, Inc., FEC October Quarterly 2022 Report (Amendment 3/Current), filed January 23, 2023.

¹⁵¹ See Goodrich – Image Plus Graphics Correspondence 7.23, Ex. 73 at 23-7239_0551; Image Plus Graphics Transaction List for Cherfilus-McCormick Campaign, Ex. 17 at 23-7239_0323.

¹⁵² See Image Plus Graphics Transaction List for Cherfilus-McCormick Campaign, Ex. 17 at 23-7239_0323.

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108. On July 29, 2022, Truth & Justice, Inc. wired Image Plus Graphics the \$45,521.29.¹⁵⁴ On that same date, Mark Goodrich corresponded with Image Plus Graphics by email, writing, “I’m at bank wiring your money now. I will call you shortly” and later, “[w]ire is sent.”¹⁵⁵ Within the hour, Image Plus Graphics received confirmation from its bank of the \$45,521.29 wire received from Truth & Justice, Inc.¹⁵⁶ This correspondence shows that Mark Goodrich coordinated the payment to Image Plus Graphics from Truth & Justice, Inc. on behalf of Rep. Cherfilus-McCormick’s campaign.

iii. August 10, 2022 Payment to Campaign Vendor for \$50,000

109. Rep. Cherfilus-McCormick’s campaign account had a \$61,392 credit with Image Plus Graphics as of July 1, 2022, but that credit was depleted by multiple campaign mailer projects over the course of the month.¹⁵⁷ Truth & Justice, Inc. made a second payment to Image Plus Graphics on August 10, 2022 for \$50,000, which paid off the campaign’s outstanding invoices, including a \$48,793.46 invoice for the campaign’s “Truth mailer.” Evidence obtained by the OCE shows that Mark Goodrich directed this payment and corresponded with Image Plus Graphics regarding the mailers for which it paid.

110. On July 29, 2022, Image Plus Graphics emailed Mark Goodrich “we are getting out the Truth mailer today, and into tomorrow I believe....this is your Net invoice.”¹⁵⁸ In response, Mark Goodrich asked Image Plus Graphics to “change to campaign” and said he would “pay this new invoice next week when I get back.”¹⁵⁹ On August 10, 2022, Truth & Justice, Inc. wired \$50,000 to Image Plus Graphics, which was applied to the campaign’s account.¹⁶⁰

111. The “Truth” mailer contained text stating that it was “paid for by Sheila-Cherfilus McCormick For Congress Inc,” which is Rep. Cherfilus-McCormick’s campaign committee.¹⁶¹ As noted above, however, the OCE reviewed evidence that Truth & Justice, Inc. effectively paid for this campaign mailer, as well as others.

¹⁵⁴ See Image Plus Graphics Wire Confirmations, Ex. 16 at 23-7239_0317-0321.

¹⁵⁵ Goodrich – Image Plus Graphics 7.29 Correspondence, Ex. 75 at 23-7239_0556-0557.

¹⁵⁶ Image Plus Graphics Wire Confirmations, Ex. 16 at 23-7239_0317-0321.

¹⁵⁷ On July 23, 2022, Image Plus Graphics emailed Mark Goodrich the net invoice for the “VBM Current Distribution mailer,” and noted that several other mail pieces were in the pipeline to be distributed by Image Plus Graphics for the campaign the following week. Image Plus Graphics informed Mark Goodrich that it would “need to hit [him] up for payments as the \$61k credit will likely be used up” by the VBM Current Distribution mailer. See Goodrich - Image Plus Graphics Correspondence 7.23, Ex. 73 at 23-7239_0551. As noted above, Image Plus Graphics received \$45,521.29 from Truth & Justice, Inc. on July 29, 2022 in connection with the VBM Current Distribution mailer. See Image Plus Graphics Wire Confirmations, Ex. 16 at 23-7239_0317-0321. However, other mailer projects—including a \$48,793.46 “Truth” mailer—reduced the campaign’s account balance to -\$47,380.74 as of July 29, 2022. See Image Plus Graphics Transaction List for Cherfilus-McCormick Campaign, Ex. 17 at 23-7239_0323.

¹⁵⁸ Goodrich – Image Plus Graphics Correspondence 7.29, Ex. 75 at 23-7239_0556-0557.

¹⁵⁹ *Id.*

¹⁶⁰ Image Plus Graphics Wire Confirmations, Ex. 16 at 23-7239_0317-0321.

¹⁶¹ See The Truth (Ver 2) (1) Mailer, Ex. 76 at 23-7239_0562.

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Images of “The Truth (Ver 2) (1)” obtained by the OCE from Image Plus Graphics¹⁶²

112. As noted previously, Rep. Cherfilus-McCormick’s campaign’s cash on hand was highly variable at this time.¹⁶³ Based on the OCE’s analysis of data reported by Rep. Cherfilus-McCormick’s campaign committee to the FEC, the campaign likely lacked the cash on hand necessary to pay Image Plus Graphics \$50,000 as of August 10, 2022—despite numerous loans made by Rep. Cherfilus-McCormick to her campaign committee in the preceding days and weeks.¹⁶⁴

113. Evidence obtained by the OCE shows that Rep. Cherfilus-McCormick was aware that Mark Goodrich was handling the printing and mailing of the Truth mailer:

- a. On July 20, 2022, Staffer 3 texted Mark Goodrich, “Mark[,] SCM [Rep. Cherfilus-McCormick] asked me to send you the truth mailer. I’m waiting for the last change to

¹⁶² See *id.*

¹⁶³ See generally Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 4/Current), filed December 8, 2022; Sheila Cherfilus McCormick for Congress, Inc., FEC Pre-Primary 2022 Report (Amendment 4/Current), filed January 23, 2023; Sheila Cherfilus McCormick for Congress, Inc., FEC October Quarterly 2022 Report (Amendment 3/Current), filed January 23, 2023.

¹⁶⁴ For example, Rep. Cherfilus-McCormick’s campaign committee reported receiving loans from the candidate dated June 30, 2022; July 1, 2022; July 5, 2022; July 6, 2022; July 12, 2022; July 15, 2022; July 27, 2022; July 28, 2022; July 29, 2022; August 3, 2022; August 15, 2022; August 16, 2022; August 17, 2022; August 18, 2022; August 22, 2022; and August 23, 2022. See Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 4/Current), filed December 8, 2022; Sheila Cherfilus McCormick for Congress, Inc., FEC Pre-Primary 2022 Report (Amendment 4/Current), filed January 23, 2023; Sheila Cherfilus McCormick for Congress, Inc., FEC October Quarterly 2022 Report (Amendment 3/Current), filed January 23, 2023.

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be made so it should be sent shortly. She would like you to mail it out because it sounds like Leidos is using a third party. Took a long time to receive quote and it was 56k.”¹⁶⁵

b. On Thursday, July 21, 2022, Rep. Cherfilus-McCormick forwarded an email with the print-ready files for the “Truth” mailer to Mark Goodrich and Staffer 3.¹⁶⁶ In the body of the email, Rep. Cherfilus-McCormick wrote, “Mark, Please send this out in the mail immediately! Thank you so much!”¹⁶⁷

c. On July 24, 2022, Nadege Leblanc texted Mark Goodrich and Staffer 3: “The ‘Truth’ mailer[,] I have not seen it[,] but SCM [Rep. Cherfilus-McCormick] said she would like some printed for our canvassers to have.”¹⁶⁸ Mark Goodrich replied, “They just started preparing the truth mailer as it was only approved Thursday,” but added he could get extra copies printed for hand delivery.¹⁶⁹

iv. *August 17, 2022 Payment to Campaign Vendor for \$54,767.55*

114. The third known payment Truth & Justice, Inc. made to Image Plus Graphics for mailers on behalf of Rep. Cherfilus-McCormick’s campaign was a \$54,767.55 wire transfer dated August 17, 2022.

115. Records reviewed by the OCE show that Image Plus Graphics generated two invoices for the Cherfilus-McCormick campaign dated August 15, 2022.¹⁷⁰ Combined, these invoices amounted to \$57,743.12.¹⁷¹

116. On August 17, 2022, Image Plus Graphics received a \$54,767.55 wire from Truth & Justice, Inc., which it applied to the campaign’s account.¹⁷²

117. Again, Rep. Cherfilus-McCormick’s campaign’s cash on hand was highly variable at this time.¹⁷³ Based on the OCE’s analysis of data reported by Rep. Cherfilus-McCormick’s campaign committee to the FEC, the campaign likely lacked the cash on hand necessary to pay Image Plus Graphics \$54,767.55 as of August 17, 2022—despite numerous loans made by Rep. Cherfilus-McCormick to her campaign committee in the preceding days and weeks.¹⁷⁴

¹⁶⁵ Goodrich – Staffer 3 Text 7.20, Ex. 77 at 23-7239_0564.

¹⁶⁶ Goodrich – Image Plus Graphics Correspondence 7.21, Ex. 78 at 23-7239_0566-0567.

¹⁶⁷ Goodrich – Image Plus Graphics Correspondence 7.21, Ex. 78 at 23-7239_0566.

¹⁶⁸ Leblanc – Goodrich – Staffer 3 Text 7.24, Ex. 79 at 23-7239_0569-0570.

¹⁶⁹ Leblanc – Goodrich – Staffer 3 Text 7.24, Ex. 79 at 23-7239_0569-0570.

¹⁷⁰ See Image Plus Graphics Transaction List for Cherfilus-McCormick Campaign, Ex. 17 at 23-7239_0323.

¹⁷¹ See Image Plus Graphics Transaction List for Cherfilus-McCormick Campaign, Ex. 17 at 23-7239_0323.

¹⁷² Image Plus Graphics Wire Confirmations, Ex. 16 at 23-7239_0317-0321; Image Plus Graphics Transaction List for Cherfilus-McCormick Campaign, Ex. 17 at 23-7239_0323.

¹⁷³ See generally Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022 Report (Amendment 4/Current), filed December 8, 2022; Sheila Cherfilus McCormick for Congress, Inc., FEC Pre-Primary 2022 Report (Amendment 4/Current), filed January 23, 2023; Sheila Cherfilus McCormick for Congress, Inc., FEC October Quarterly 2022 Report (Amendment 3/Current), filed January 23, 2023.

¹⁷⁴ For example, Rep. Cherfilus-McCormick’s campaign committee reported receiving loans from the candidate dated June 30, 2022; July 1, 2022; July 5, 2022; July 6, 2022; July 12, 2022; July 15, 2022; July 27, 2022; July 28, 2022; July 29, 2022; August 3, 2022; August 15, 2022; August 16, 2022; August 17, 2022; August 18, 2022; August 22, 2022; and August 23, 2022. See Sheila Cherfilus McCormick for Congress, Inc., FEC July Quarterly 2022

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VI. REP. CHERFILUS-MCCORMICK'S CAMPAIGN MAY HAVE FAILED TO REPORT TRANSACTIONS WITH REP. CHERFILUS-MCCORMICK'S BUSINESSES

A. Applicable Law, Rules, and Standards of Conduct

114. Federal Law

11 C.F.R. 101.2 provides that “[a]ny candidate who receives a contribution as defined at 11 C.F.R. part 100, subpart B and C obtains any loan, or makes any disbursement, in connection with his or her campaign shall be considered as having received such contribution, obtained such loan or made such disbursement as an agent of his or her authorized committee(s).”

11 C.F.R. 104.3(a)(4)(i) states that “[e]ach report filed under § 104.1 shall disclose the total amount of receipts for the reporting period and for the calendar ... and shall disclose the information set forth at paragraphs (a)(1) through (a)(4) of this section. . . .

4. ITEMIZATION OF RECEIPTS FOR ALL POLITICAL COMMITTEES INCLUDING AUTHORIZED AND UNAUTHORIZED COMMITTEES.

The identification (as defined at § 100.12 of this chapter) of each contributor and the aggregate year-to-date (or aggregate election-cycle-to-date, in the case of an authorized committee) total for such contributor in each of the following categories shall be reported.

- i. Each person ... who makes a contribution to the reporting political committee during the reporting period, whose contribution or contributions aggregate in excess of \$200 per calendar year (or per election cycle in the case of an authorized committee), together with the date of receipt and amount of any such contributions, except that the reporting political committee may elect to report such information for contributors of lesser amount(s) on a separate schedule[.]*

11 C.F.R. 104.3(b) states that “[e]ach report filed under § 104.1 shall disclose the total amount of all disbursements for the reporting period and for the calendar year (or for the election cycle, in the case of an authorized committees) and shall disclose the information set forth at paragraphs (b)(1) through (b)(4) of this section.

4. ITEMIZATION OF DISBURSEMENTS BY AUTHORIZED COMMITTEES.

Each authorized committee shall report the full name and address of each person in each of the following categories, as well as the information required by each category.

- i. Each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the election cycle is made by the reporting authorized committee to*

Report (Amendment 4/Current), filed December 8, 2022; Sheila Cherfilus McCormick for Congress, Inc., FEC Pre-Primary 2022 Report (Amendment 4/Current), filed January 23, 2023; Sheila Cherfilus McCormick for Congress, Inc., FEC October Quarterly 2022 Report (Amendment 3/Current), filed January 23, 2023.

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meet the authorized committee's operating expenses, together with the date, amount and purpose of each expenditure.

115. House Ethics Manual

The House Ethics Manual states “[w]hile FECA and other statutes on campaign activity are not rules of the House, Members and employees must also bear in mind that the House Rules require that they conduct themselves ‘at all times in a manner that shall reflect creditably on the House’ (House Rule 23, clause 1). In addition, 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.”

B. Rep. Cherfilus-McCormick May Have Failed to Report Transactions Between Her Campaign Account and Business Accounts to the FEC

During this review, the OCE identified three instances in which apparent transfers between Rep. Cherfilus-McCormick’s campaign’s bank account and Rep. Cherfilus-McCormick’s business’s accounts were not reported to the FEC.¹⁷⁵ Neither Rep. Cherfilus-McCormick nor her campaign committee cooperated with this review; as a result, the OCE was unable to ascertain whether other unreported transactions may have taken place. The below transactions were identified by comparing data reported to the FEC by Rep. Cherfilus-McCormick’s campaign committee against information obtained by the OCE in the course of this review.

i. *June 3, 2021 Transfer of \$25,294.51 from EC Firm, LLC*

116. Rep. Cherfilus-McCormick’s campaign committee reported making a June 3, 2021 disbursement in the amount of \$25,294.51 to EC Firm.¹⁷⁶ EC Firm is a Florida LLC in which Rep. Cherfilus-McCormick owned a 50 percent interest.¹⁷⁷ Edwin Cherfilus, Rep. Cherfilus-McCormick’s brother, is the registered agent and manager of EC Firm, LLC.¹⁷⁸

117. In response to a request from the OCE seeking all documents and communications relating to this payment, Mr. Cherfilus stated in relevant part:

In response to the transaction dated 6/3/2021, alleging a payment of \$25,294[.]51 from Sheila Cherfilus McCormick for Congress to the EC Firm, LLC, these funds were initially withdrawn from the Candidate’s corporate equity account for the campaign. However, the Candidate opted to return the funds back to her equity

¹⁷⁵ The OCE was unable to determine whether other unreported transactions between accounts owned by the Representative and her campaign took place. Neither Rep. Cherfilus-McCormick nor her campaign committee cooperated with this review.

¹⁷⁶ Sheila Cherfilus McCormick for Congress, Inc., FEC July 2021 Quarterly Report, filed July 15, 2021.

¹⁷⁷ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022.

¹⁷⁸ See The EC Firm, LLC Articles of Organization for Florida Limited Liability Company, Fla. Dep’t of State, Div. of Corps., filed March 11, 2021.

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account with the EC Firm, LLC. There is no further information to present on this transaction.¹⁷⁹

118. While Rep. Cherfilus-McCormick's campaign committee did report paying the EC Firm, LLC \$25,294.51, it did not report receiving funds in this amount from Rep. Cherfilus-McCormick or the EC Firm in the first place.

ii. *June 28, 2021 Transfer of \$88,828 from Campaign Committee to SCM Consulting*

119. Documents obtained by the OCE show that \$88,828 was transferred from Rep. Cherfilus-McCormick's campaign committee's bank account to SCM Consulting's bank account on June 28, 2021.¹⁸⁰ SCM Consulting, as previously noted, was an LLC wholly owned by Rep. Cherfilus-McCormick.¹⁸¹ Rep. Cherfilus-McCormick's campaign committee did not report making an expenditure in this amount or on this date to the Representative or SCM Consulting.

iii. *August 17, 2021 Transfer of \$10,000 from Campaign Committee to SCM Consulting*

120. Rep. Cherfilus-McCormick's campaign committee reported receiving a \$10,000 loan from Rep. Cherfilus-McCormick on August 17, 2021.¹⁸²

121. While documents obtained by the OCE do show that SCM Consulting transferred \$10,000 to Rep. Cherfilus-McCormick's campaign committee on August 17, 2021, they also document another transaction between those accounts on that date—specifically, a transfer of \$10,000 *from* Rep. Cherfilus-McCormick's campaign committee *to* SCM Consulting.¹⁸³ Rep. Cherfilus-McCormick's campaign committee did not report this expenditure to the FEC.

VII. CONCLUSION

122. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Cherfilus-McCormick made payments to a state political action committee in connection with her campaign and failed to report these payments as contributions to her campaign.

123. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Cherfilus-McCormick's congressional office received services related to franked communications and other official work from an individual who was not compensated with official funds.

¹⁷⁹ Edwin Cherfilus RFI Response, Ex. 80 at 23-7239_0572-0575.

¹⁸⁰ SCM Consulting Group, LLC Bank Statements, Ex. 2 at 23-7239_0004-0028.

¹⁸¹ Rep. Cherfilus-McCormick 2021 Financial Disclosure Report, filed August 12, 2022.

¹⁸² Sheila Cherfilus McCormick for Congress, Inc., FEC Pre-Special 2021 Report (Amendment 2), filed September 15, 2022.

¹⁸³ SCM Consulting Group, LLC Bank Statements, Ex. 2 at 23-7239_0004-0028.

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124. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Cherfilus-McCormick's campaign committee accepted and failed to report contributions exceeding contribution limits.
125. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Cherfilus-McCormick's campaign committee failed to report transactions between the campaign committee's bank account and Rep. Cherfilus-McCormick's businesses' bank accounts.
126. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Cherfilus-McCormick may have made payments to a state political action committee in connection with her campaign and failed to report these payments as contributions to her campaign.
127. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Cherfilus-McCormick's congressional office received services related to franked communications and other official work from an individual who was not compensated with official funds.
128. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Cherfilus-McCormick's campaign committee accepted and failed to report contributions exceeding contribution limits.
129. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Cherfilus-McCormick's campaign committee failed to report transactions between the campaign committee's bank account and Rep. Cherfilus-McCormick's businesses' bank accounts.

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

130. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE review:
 - (1) Rep. Cherfilus-McCormick;
 - (2) Mark Goodrich;
 - (3) Maria Isabel Garcia Del Rio/Leadership in Action PAC;
 - (4) Willis P. Howard;
 - (5) Maritza Masseria;
 - (6) Truth & Justice, Inc.;
 - (7) Sheila Cherfilus McCormick for Congress, Inc.;
 - (8) Hector Roos;
 - (9) Nadege Leblanc;
 - (10) Trinity Health Care Services, LLC;
 - (11) Marie Cherfilus;
 - (12) Edwin Cherfilus;

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- (13) Emily Dray;
- (14) Kameron Doganieri;
- (15) Samantha Feldman;
- (16) Ryann Greenberg;
- (17) Woodwater Investments;
- (18) Kathrine White;
- (19) Wells Fargo Bank;
- (20) Truist Bank;
- (21) Fiverr;
- (22) Dropbox;
- (23) Creatopy;
- (24) ABC 25 WPBF; and
- (25) The Florida Department of Health.

131. The Board recommends that the Committee on Ethics issue subpoenas to:

- (1) Rep. Cherfilus-McCormick;
- (2) Mark Goodrich;
- (3) Maria Isabel Garcia Del Rio/Leadership in Action PAC;
- (4) Willis P. Howard;
- (5) Maritza Masseria;
- (6) Truth & Justice, Inc.;
- (7) Cherfilus-McCormick for Congress, Inc.;
- (8) Hector Roos;
- (9) Nadege Leblanc;
- (10) Trinity Health Care Services, LLC;
- (11) Marie Cherfilus;
- (12) Edwin Cherfilus;
- (13) Emily Dray;
- (14) Kameron Doganieri;
- (15) Samantha Feldman;
- (16) Ryann Greenberg;
- (17) Woodwater Investments;
- (18) Kathrine White;
- (19) Wells Fargo Bank;
- (20) Truist Bank;
- (21) Fiverr;
- (22) Dropbox;
- (23) Creatopy;
- (24) ABC 25 WPBF; and
- (25) The Florida Department of Health.