

CONFIDENTIAL

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

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 24-3057

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on June 20, 2024, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Representative Andy Ogles

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

Rep. Ogles’s campaign committee, Andy Ogles for Congress, may have accepted excessive contributions reported as personal loans and contributions from the candidate, that may not have been sourced from Rep. Ogles’s personal funds. If Rep. Ogles’s campaign committee accepted personal loans and contributions that exceeded campaign contribution limits, then Rep. Ogles may have violated federal law, House rules, and standards of conduct.

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

The Board recommends that the Committee further review the above allegation concerning Rep. Ogles because there is substantial reason to believe that Rep. Ogles’s campaign committee accepted excessive contributions reported as personal loans and contributions from the candidate.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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

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FINDINGS OF FACT AND CITATIONS TO LAW

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 24-3057

On June 20, 2024, 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. Ogles may have omitted or misrepresented required information in his financial disclosure statements or Federal Election Commission (“FEC”) candidate committee reports. If Rep. Ogles failed to disclose or misrepresented required information in his financial disclosure statements or FEC candidate committee filings, then he may have violated House rules, standards of conduct, and federal law.
2. Rep. Ogles’s campaign committee, Andy Ogles for Congress, may have accepted excessive contributions reported as personal loans and contributions from the candidate, that may not have been sourced from Rep. Ogles’s personal funds. If Rep. Ogles’s campaign committee accepted personal loans and contributions that exceeded campaign contribution limits, then Rep. Ogles may have violated federal law, House rules, and standards of conduct.
3. The Board recommends that the Committee on Ethics of the United States House of Representatives (“Committee”) further review the above allegation concerning Rep. Ogles because there is substantial reason to believe that he omitted or misrepresented required information in his financial disclosure statements or FEC candidate committee filings.
4. The Board recommends that the Committee further review the above allegation concerning Rep. Ogles because there is substantial reason to believe that his campaign committee accepted excessive contributions reported as personal loans from the candidate.

B. Jurisdictional Statement

5. The allegations that were the subject of this review concern Representative Andy Ogles, a Member of the United States House of Representatives from the 5th Congressional District of Tennessee. 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.

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

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C. Procedural History

6. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on February 16, 2024. The preliminary review commenced on February 17, 2024.²
7. On February 23, 2024, the OCE notified Rep. Ogles of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.³
8. At least three members of the Board voted to initiate a second-phase review in this matter on March 15, 2024. The second-phase review commenced on March 18, 2024.⁴ The second-phase review was scheduled to end on May 1, 2024.
9. On March 18, 2024, the OCE notified Rep. Ogles of the initiation of the second-phase review in this matter, and again notified him of his right to be represented by counsel in this matter, and that invoking that right would not be held negatively against him.⁵
10. The Board voted to extend the second-phase review by an additional period of fourteen days on April 19, 2024. The additional period ended on May 15, 2024.
11. The Board voted to refer the matter to the Committee for further review and adopted these findings on June 20, 2024.
12. The report and its findings in this matter were transmitted to the Committee on August 2, 2024.

D. Summary of Investigative Activity

13. The OCE requested documentary and in some cases testimonial information from the following sources:
 - (1) Rep. Andy Ogles;
 - (2) Chain Bridge Bank;
 - (3) Evolve Bank & Trust;
 - (4) First Horizon Bank;
 - (5) Entity 1;
 - (6) Mrs. Monica Ogles;

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, the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

³ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Ogles (Feb. 20, 2024).

⁴ 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.

⁵ Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Ogles (March 18, 2024).

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- (7) Mr. Hugh M. Williams Jr.;
- (8) Mrs. Charlene D. Williams;
- (9) Witness 1; and
- (10) Witness 2.

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

- (1) Rep. Andy Ogles;
- (2) Chain Bridge Bank;
- (3) Evolve Bank & Trust;
- (4) First Horizon Bank;
- (5) Mrs. Monica Ogles;
- (6) Mr. Hugh M. Williams Jr; and
- (7) Mrs. Charlene D. Williams.

II. REP. OGLES MAY HAVE MISREPRESENTED THE AMOUNT HE LOANED TO HIS CONGRESSIONAL CAMPAIGN.

A. Applicable Law, Rules, and Standards of Conduct

15. Federal Statutes and Regulations

Under the False Statements Act, 18 U.S.C. § 1001, “whoever . . . knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;*
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or*
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;*

shall be fined under this title, [and] imprisoned not more than 5 years”

Under the Sarbanes-Oxley Act (“Sarbanes-Oxley”), 18 U.S.C. § 1519, “[w]however knowingly alters, . . . conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States . . . or in relation to or contemplation of any such matter . . . shall be fined under this title, imprisoned not more than 20 years, or both.”⁶

Under Sarbanes-Oxley, 18 U.S.C. § 2(a), “[w]hoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.” Under Sarbanes-Oxley, 18 U.S.C. § 2(b), “[w]hoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.”

⁶ See *United States v. Benton*, No. 98 F.4th 1119 (D.C. Cir. 2024) (holding the government may prosecute false FEC reports under either or both FECA and § 1519).

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Under the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30104(a), principal campaign committees are required to file quarterly reports which, under 52 U.S.C. § 30104(b), “shall disclose . . . the total amount of all receipts . . . [and] loans made by or guaranteed by the candidate” and identify each “person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan”⁷

FECA, 52 U.S.C. 30109(d)(1)(A)(i), states that “[a]ny person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure . . . aggregating \$25,000 or more during a calendar year shall be fined under title 18, or imprisoned for not more than 5 years, or both”

16. House Ethics Manual

According to the House Ethics Manual, “a Member . . . must take reasonable steps to ensure that any outside organization over which he or she exercises control—including the individual’s own authorized campaign committee . . .—operates in compliance with applicable law.”⁸

The House Ethics Manual further states that “[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 of Government Service, which applies to House Members and staff, provides in ¶ 2 that government officials should ‘[u]phold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion.’ Accordingly, in violating FECA or another provision of statutory law, a Member or employee may also violate these provisions of the House rules and standards of conduct”⁹

17. House Rules

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

18. House Committee on Ethics Guidance

In July 2020, the Committee published a June 2020 Investigative Subcommittee (“ISC”) Report in which the ISC concluded that a Member’s conduct “did not reflect creditably on the House, and was a violation of House Rule XXIII, clause 1” based on campaign finance violations

⁷ See generally FEC Conciliation Agreement in MUR 5358 (Jamie Jacob Morgan) (2007) (candidate who filed his campaign committee’s FEC reports knowingly and willfully violated the Act by filing reports containing fictitious and inflated receipts—including a personal loan secured by a personal automobile—where campaign bank records did not show receipt of any funds from such loan).

⁸ Committee on Ethics, HOUSE ETHICS MANUAL (2022 Print) at 132.

⁹ HOUSE ETHICS MANUAL at 132.

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended (“many of the most egregious errors” having been “facilitated” by the Member).¹⁰ These violations included the Member’s campaign committee’s “disclos[ure] of a loan that was not made” by the Member.¹¹

B. Rep. Ogles Reported Loaning His Campaign \$320,000—But He Never Loaned His Campaign That Amount.

19. Rep. Andy Ogles officially became a candidate in the race for Tennessee’s 5th Congressional District on April 6, 2022.¹² Nine candidates ran in the district’s Republican primary, which took place on August 4, 2022.¹³
20. The FEC requires candidates for federal office to file quarterly reports disclosing the financial state of the campaign—e.g., the total contributions, disbursements, and cash on hand for the campaign.
21. Eight days after the filing deadline, twelve days before the primary election, and while early voting was underway, Rep. Ogles’s campaign filed its original July 2022 Quarterly Report (“July Quarterly Report”) with the FEC.¹⁴
22. In its July Quarterly Report, the campaign reported receiving a \$320,000 loan from Rep. Ogles’s personal funds on April 15, 2022.¹⁵

SCHEDULE A (FEC Form 3)		Use separate schedule(s) for each category of the Detailed Summary Page		FOR LINE NUMBER: (check only one)		PAGE 60 OF 79	
ITEMIZED RECEIPTS				☐ 11a ☐ 11b ☐ 11c ☐ 11d ☐ 12 ☒ 13a ☐ 13b ☐ 14 ☐ 15			
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.							
NAME OF COMMITTEE (In Full) ANDY OGLES FOR CONGRESS							
Full Name (Last, First, Middle Initial) OGLES, ANDY, . . .				Date of Receipt M / D / Y 04 / 15 / 2022			
A. Mailing Address 29 PUBLIC SQUARE				Transaction ID : SA13A.4216			
City COLUMBIA		State TN		Zip Code 38401		Amount of Each Receipt this Period 320000.00	
FEC ID number of contributing federal political committee. C H2TN05446				Memo Item ☐ Candidate Loan			
Name of Employer Self		Occupation Candidate					
Receipt For: 2022 ☒ Primary ☐ General ☐ Other (specify) ▼		Election Cycle-to-Date 320000.00					

¹⁰ House Committee on Ethics, Investigative Subcommittee Report, *In the Matter of Allegations Relating to Representative David Schweikert*, 116th Cong. 2d Sess. (2020) at 11.

¹¹ *See id.*

¹² Andy Ogles, FEC Statement of Candidacy, filed April 6, 2022.

¹³ *See Sample Ballot State Primary Election*, Nashville.gov, https://www.nashville.gov/sites/default/files/2022-07/Sample_Ballot_August_4_2022_pgs_1-20.pdf?ct=1657054919 (last accessed August 1, 2024).

¹⁴ Andy Ogles for Congress, FEC July Quarterly 2022 Report, filed July 23, 2022.

¹⁵ *Id.* at 79.

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23. The campaign reported having \$508,798.61 in cash on hand—including the reported \$320,000 loan—at the end of the reporting period.¹⁶

8. Cash on Hand at Close of Reporting Period (from Line 27).....	508798.61
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24. Rep. Ogles signed off on the July Quarterly Report himself, certifying it was true, correct, and complete to the best of his knowledge.¹⁷

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.			
OGLES, ANDY, , ,			
Type or Print Name of Treasurer			
Signature of Treasurer	OGLES, ANDY, , ,	[Electronically Filed]	Date
			M M / D D / Y Y Y Y 07 / 23 / 2022
NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.			

25. Rep. Ogles won the Republican primary and general election and assumed office in January of 2023.
26. Rep. Ogles's reported loan became the subject of local media scrutiny, as Rep. Ogles's publicly disclosed income, assets, and liabilities appeared insufficient to loan \$320,000 to his campaign.¹⁸
27. The OCE commenced this review on February 17, 2024. Rep. Ogles did not cooperate with the OCE's review. He did not produce documents in response to the OCE's requests and refused to participate in an interview.
28. On May 15, 2024—the final day of the OCE's review and hours before the OCE's interviews of Witness 1 and Witness 2 in this matter—counsel for Rep. Ogles provided a letter to the OCE stating that:

A review of the circumstances of the April 2022 loan determined that the loan made by Representative Ogles to the campaign was not in the amount of \$320,000, but rather \$20,000 While Representative Ogles had identified approximately \$320,000 in personal funds available for loan to the campaign, only \$20,000 was actually transferred.¹⁹

¹⁶ *Id.* at 2.

¹⁷ *Id.* at 1.

¹⁸ *See, e.g.*, Nov. 28, 2022 Email from Witness 2 to Witness 1 re NewsChannel 5 story (Exhibit 1 at 24-3057_0002); Text Message between Frances and Witness 2 re Phil Williams Tweet and story (Exhibit 8 at 24-3057_0131); Phil Williams, *He doesn't report having checking or savings. So where did Andy Ogles get \$320,000 for his campaign?*, NEWS CHANNEL 5 (Nov. 29, 2023), <https://www.newschannel5.com/news/newschannel-5-investigates/revealed/he-doesnt-report-having-checking-or-savings-so-where-did-andy-ogles-get-320-000-for-campaign> (last visited August 2, 2024).

¹⁹ *See* Letter from Scott Gast, Compass Legal Group to Co-Chairmen Paul Vinovich and Mike Barnes, Office of Cong. Ethics (May 15, 2024).

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Soon after, Rep. Ogles's campaign committee amended its FEC reports, correcting the amount of the loan and the campaign's cash on hand over time.²⁰

29. In a statement addressing his campaign committee's recent amendments to its FEC reports, Rep. Ogles said that the \$320,000 had been a "pledge" he made to his campaign, which included assets such as bank and retirement accounts.²¹ Rep. Ogles stated that "[w]hile we only needed to transfer \$20,000, unfortunately, the full amount of my pledge was mistakenly included on my campaign's FEC reports."²²
30. Rep. Ogles's refusal to cooperate with this review hindered the OCE's ability to assess Rep. Ogles's intent, if any, in overreporting the amount of his loan and his campaign's cash on hand. However, as explained in more detail in the following sections, information provided to the OCE suggests that Rep. Ogles was responsible for the inaccurate reporting of the loan and raises questions regarding his intent that warrant further review:
- i. First, the campaign's financial state during the months leading up to the Republican primary was "tighter" than reported, given the \$300,000 gap between the campaign's reported and actual cash on hand.²³ Those in charge of the campaign's finances (namely, Rep. Ogles) were likely aware of the campaign's actual cash on hand because the campaign never operated at a loss, despite its tight finances. *See infra* section II.b.i.
 - ii. Second, Rep. Ogles apparently exercised control over his campaign finances, to the exclusion of his campaign treasurer and manager, who relied on him for information about the financial state of the campaign. Rep. Ogles then provided his campaign treasurer with improper documentation of the \$320,000 reported loan. *See infra* section II.b.ii.
 - iii. Third, Rep. Ogles's recent characterization of the \$320,000 reported loan is inconsistent with information he provided to his campaign manager and treasurer, and Rep. Ogles apparently did not avail himself of multiple opportunities to correct them regarding the actual amount of the loan. *See infra* section II.b.iii.
 - iv. Finally, the circumstances surrounding Rep. Ogles's overreporting of the loan—a fast-approaching primary election in which multiple other candidates had raised or loaned their campaigns greater sums of money—provide possible motivations for Rep. Ogles's inflating his campaign's coffers. Witness 1, Rep. Ogles's campaign treasurer, speculated that Rep. Ogles may have overreported the amount of his loan to make the campaign look better and "buy the primary."²⁴ *See infra* section II.b.iv.

²⁰ *See* Andy Ogles for Congress, FEC Regularly Filed Reports Amendments (11), filed May 22, 2024.

²¹ Congressman Andy Ogles (@AndyOgles), Twitter (May 23, 2024, 2:01 PM), <https://x.com/AndyOgles/status/1793703913876783529>.

²² *Id.*

²³ Transcript of Witness 1, ("Witness 1 Transcript"), May 15, 2024, (Exhibit 2 at 24-3057_0034).

²⁴ Witness 1 Transcript (Exhibit 2 at 24-3057_0033).

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31. While Rep. Ogles did not cooperate with the OCE's review, the limited evidence reviewed by the OCE suggests that Rep. Ogles may have intentionally misrepresented the amount of money he loaned to his campaign.

- i. Rep. Ogles's campaign operated with \$300,000 less than it reported—but did not dip into the red or spend general election dollars, suggesting Rep. Ogles was aware of the campaign's true, unreported cash on hand.

32. First, by reporting the amount of the loan as \$320,000 (rather than \$20,000, as was actually transferred), Rep. Ogles created the appearance that his campaign had more money than it did.²⁵ This \$300,000 difference was not inconsequential—or overlooked: Witness 2, the campaign treasurer, explained the financial state of the campaign and its implications for Rep. Ogles's management of campaign finances:

Well, I mean, it – it – it seemed – yeah, at the time, it seemed like it was fine and healthy like we never were in a cash crunch. But, you know, in hindsight, taking that [\$300,000] out, we would've been, you know, tighter on things and, you know, when I did go back and review and—the first thing I looked for when I reconciled the books was, did we ever go negative or spend general money right away? And we didn't. So I – I guess from that standpoint, they managed it somewhat well. So they must have known that it's not there, so don't spend more than that, if that makes sense.²⁶

33. Rep. Ogles was aware of the actual amount loaned to his campaign and the correct amount of the campaign's cash on hand. Rep. Ogles, who signed off on the July Quarterly Report, must have also been aware of the discrepancy between the campaign's actual and reported cash on hand. The reported loan and the campaign's reported cash on hand were reported on by the local news media.²⁷ The campaign's fundraising totals and July Quarterly Report were

²⁵ See Andy Ogles for Congress, FEC July Quarterly 2022 Report, filed July 23, 2022 (reporting the campaign's cash on hand as \$508,798.61, inclusive of the falsely reported \$320,000 loan).

²⁶ Witness 1 Transcript (Exhibit 2 at 24-3057_0034).

²⁷ See, e.g., Sam Stockard, *Ogles' late fundraising report shows less than touted in 5th Congressional District race* (July 26, 2022), TENNESSEE LOOKOUT, <https://tennesseelookout.com/2022/07/26/ogles-late-fundraising-report-shows-less-than-touted-in-5th-congressional-district-race/> (last visited August 2, 2024); Adam Friedman, *Democrats on pace with Republican fundraising in top Middle Tennessee races* (October 18, 2022, updated October 19, 2022), THE TENNESSEAN, <https://www.tennessean.com/story/news/politics/2022/10/18/democrats-match-republican-fundraising-in-top-middle-tennessee-races-heidi-campbell-andy-ogles/69565268007/> (last visited August 2, 2024); Sam Stockard and Antia Wadhwani, *Ogles rolls past Campbell in revamped 5th Congressional District* (November 8, 2022), TENNESSEE LOOKOUT, <https://tennesseelookout.com/2022/11/08/ogles-rolls-past-campbell-in-revamped-5th-congressional-district/> (last visited August 2, 2024); Phil Williams, *What are Andy Ogles' financial ties? Freshman GOP congressman ignores federal disclosure law* (January 26, 2023, updated January 10, 2024), NEWSCHANNEL5 <https://www.newschannel5.com/news/newschannel-5-investigates/what-are-andy-ogles-financial-ties-freshman-gop-congressman-ignores-federal-disclosure-law/> (last visited August 2, 2024); Adam Friedman and Sam Stockard, *Federal election officials threaten Ogles with campaign finance audit or enforcement – again* (September 6, 2023), TENNESSEE LOOKOUT, <https://tennesseelookout.com/2023/09/06/federal-election-officials-threaten-ogles-with-campaign-finance-audit-or-enforcement-again/> (last visited August 2, 2024); Phil Williams, *He doesn't report having checking or savings. So where did Andy Ogles get \$320,00 for his campaign?* (November 29, 2023, updated January 10, 2024), NEWSCHANNEL5

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referred to in a campaign press release that Rep. Ogles largely drafted.²⁸ Rep. Ogles's campaign committee's FEC filings repeatedly reported the \$320,000 loan and inflated cash on hand.²⁹ Rep. Ogles, despite knowing those reported numbers were inaccurate, did not correct the public record or cause his campaign committee to amend its financial disclosure reports until 2024, after the initiation of this review.³⁰

- ii. Rep. Ogles controlled his campaign's finances and provided his treasurer with misleading documentation of the reported \$320,000 loan.

34. Second, Rep. Ogles appears to have exercised significant control over his campaign's finances, to the point that both his campaign treasurer and campaign manager lacked access to his campaign bank account and relied on Rep. Ogles for information about campaign finances.³¹ Specifically, although Rep. Ogles's campaign treasurer was involved in preparing the July 2022 Quarterly Report (in which the \$320,000 loan was originally reported), the treasurer told the OCE he was provided misleading documentation of the purported \$320,000 loan by Rep. Ogles.³² The treasurer explained that he received a "PDF of bank transactions, not an actual bank statement" from Rep. Ogles:³³

<https://www.newschannel5.com/news/newschannel-5-investigates/what-are-andy-ogles-financial-ties-freshman-gop-congressman-ignores-federal-disclosure-law/> (last visited August 2, 2024).

²⁸ See Andy Ogles for Congress July 28, 2022 Press Release (Exhibit 3 at 24-3057_0060) (a statement "[i]n response to various requests for information about the [O]gles campaign's late filing and reported fundraising" in which Rep. Ogles stated that "[w]e ...filed an accurate report"); see also Transcript of Witness 2, (Witness 2 Transcript"), May 15, 2024, Exhibit 4 at 24-3057_0095 - 0096) (in reference to the press release, "it was taking a copy and paste from the response that Andy had given and just putting my name on it").

²⁹ See Andy Ogles for Congress, FEC Pre-Primary 2022 Report, filed July 23, 2022; Andy Ogles for Congress, FEC July Quarterly 2022 Report, filed July 23, 2022; Andy Ogles for Congress, FEC October Quarterly 2022 Report, filed October 15, 2022; Andy Ogles for Congress, FEC Pre-General 2022 Report, filed October 27, 2022; Andy Ogles for Congress, FEC Post-General 2022 Report, filed December 08, 2022; Andy Ogles for Congress, FEC Pre-General 2022 Report, filed January 05, 2023; Andy Ogles for Congress, FEC Post-General 2022 Report, filed January 05, 2023; Andy Ogles for Congress, FEC October Quarterly 2022 Report, filed January 05, 2023; Andy Ogles for Congress, FEC July Quarterly 2022 Report, filed January 05, 2023; Andy Ogles for Congress, FEC Pre-Primary 2022 Report, filed January 05, 2023; Andy Ogles for Congress, FEC Year End 2022 Report, filed January 30, 2023; Andy Ogles for Congress, FEC Year End 2022 Report, filed April 15, 2023; Andy Ogles for Congress, FEC April Quarterly 2023 Report, filed April 15, 2023; Andy Ogles for Congress, FEC July Quarterly 2023 Report, filed July 14, 2023; Andy Ogles for Congress, FEC April Quarterly 2023 Report, filed July 19, 2023; Andy Ogles for Congress, FEC Year End 2022 Report, filed July 19, 2023; Andy Ogles for Congress, FEC Post-General 2022 Report, filed July 19, 2023; Andy Ogles for Congress, FEC July Quarterly 2023 Report, filed July 19, 2023; Andy Ogles for Congress, FEC Pre-General 2022 Report, filed July 19, 2023; Andy Ogles for Congress, FEC October Quarterly 2022 Report, filed September 11, 2023; Andy Ogles for Congress, FEC July Quarterly 2023 Report, filed September 13, 2023; Andy Ogles for Congress, FEC April Quarterly 2023 Report, filed September 13, 2023; Andy Ogles for Congress, FEC October Quarterly 2023 Report, filed October 15, 2023; Andy Ogles for Congress, FEC Year End 2023 Report, filed January 31, 2024; Andy Ogles for Congress, FEC April Quarterly 2024 Report, filed April 15, 2024.

³⁰ See Andy Ogles for Congress, FEC Regularly Filed Reports Amendments (11), filed May 22, 2024.

³¹ See Witness 2 Transcript (Exhibit 4 at 24-3057_0069-0070, 0073-0074, 0087-0088); see Witness 1 Transcript (Exhibit 2 at 24-3057_0024 – 0026, 0030 – 0032).

³² Witness 1 Transcript (Exhibit 2 at 24-3057_0021 – 0027).

³³ See *id.*

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A. [I] thought that his PDFs that he was [...] sending were bank statements. I only later came to find out those weren't actually bank statements, and they were just like a transaction printout and not an actual bank statement. [I] have, as far as the banking access, I have been asking for bank access since day one, so.

Q. And have you gotten it at any point in time?

A. No. No, I have not gotten it. To – to this day I still don't have access.

Q. Is that unusual that you haven't received access to the bank statements?

A. [...] I work with two dozen congressmen, five senators, he's the only one that I don't have access to his bank account.³⁴

35. The PDFs provided by Rep. Ogles to his campaign treasurer appear to contain a line entry for a \$320,000 "loan from candidate" dated April 15, 2022.³⁵ Because Rep. Ogles did not cooperate with the OCE's review, the OCE was unable to question Rep. Ogles regarding the entry for the loan—or how the entry for a \$320,000 loan came to be, given that Rep. Ogles has admitted he did not loan his campaign \$320,000.³⁶

36. Rep. Ogles's campaign manager, Witness 2, similarly told the OCE that he did not have access to the campaign's bank account, that no one on the campaign was kept apprised of the campaign's cash on hand, and that he was not even given a campaign card until October of 2022 (two months after Rep. Ogles won the Republican primary).³⁷ Witness 2 told the OCE that all financial questions during the campaign were directed to Rep. Ogles.³⁸ Press releases about campaign finances merely regurgitated information provided by Rep. Ogles, according to Witness 2.³⁹ The degree of exclusive control Rep. Ogles apparently exercised over his campaign finances, as well as the documentation he chose to share with his campaign treasurer for the reported loan, raise questions regarding Rep. Ogles's responsibility for and intent in overreporting the amount of his loan to the campaign.

³⁴ Witness 1 Transcript (Exhibit 2 at 24-3057_0024 - 0025). Witness 1 stated he had conversations with Rep. Ogles "many times" about receiving access to the bank account, but never received it. *See* Witness 1 Transcript (Exhibit 2 at 24-3057_0028 - 0032).

³⁵ Andy Ogles for Congress Transaction Report 4/15/2022 – 7/15/2022 (Exhibit 5 at 24-3057_0117 - 125). Redactions implemented by Witness 1's counsel render most of the document indecipherable. This in turn limited the OCE's understanding of the document, which Rep. Ogles apparently provided to his treasurer as documentation of the \$320,000 loan. The OCE only obtained this document (which was responsive to the OCE's Request for Information) after Witness 1 referenced having provided it to his attorneys during his interview. *See* Witness 1 Transcript (Exhibit 2 at 24-3057_0022 - 0023). The extreme redaction of documents, in addition to the potential withholding of other responsive documents by Rep. Ogles's counsel, impeded the OCE's review. Witness 1, Witness 2, and Rep. Ogles shared the same counsel.

³⁶ *See* Congressman Andy Ogles (@AndyOgles), Twitter (May 23, 2024, 2:01 PM), <https://x.com/AndyOgles/status/1793703913876783529>.

³⁷ Witness 2 Transcript (Exhibit 4 at 24-3057_0086 - 0088).

³⁸ *Id.* (Exhibit 4 at 24-3057_0070).

³⁹ *Id.* (Exhibit 4 at 24-3057_0073 – 0074, 0096).

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- iii. Rep. Ogles’s continued to misrepresent the amount and/or legitimacy of the \$320,000 loan in communications with his campaign manager and campaign treasurer.

37. Third, documents reviewed by the OCE suggest that, around the time the reported loan was receiving media scrutiny, Rep. Ogles told his campaign treasurer and campaign manager that the loan was a “line of credit backed by his home.”⁴⁰ From these communications, it does not appear Rep. Ogles mentioned that the amount of the loan was incorrectly reported or clarified that the \$320,000 reported loan was a financial “pledge” that went largely unfulfilled to his campaign (indeed, he continued to refer to it as a “loan”).⁴¹
38. Two years after the loan was first reported and following the initiation of the OCE’s review, Witness 1 learned that the loan was only \$20,000 by reviewing documents provided by his counsel.⁴² He had never discussed the fact that the loan was only \$20,000 with the Congressman.⁴³ Rep. Ogles’s curt explanation that the loan was a “line of credit” did not address the issue of the amount of Rep. Ogles’s loan.⁴⁴ Witness 2 similarly was not provided information regarding the actual dollar amount of the loan by Rep. Ogles.⁴⁵
39. Although Rep. Ogles discussed the loan with his campaign manager and campaign treasurer on multiple occasions, the OCE found no evidence that Rep. Ogles clarified that the amount transferred to the campaign was only \$20,000. Instead, Rep. Ogles apparently defended the source of the funds in communications with his campaign treasurer and campaign manager.⁴⁶ Rep. Ogles presumably also knew that his campaign manager was addressing inquiries regarding the loan,⁴⁷ but did not correct his understanding of the amount of the loan. The discrepancies between Rep. Ogles’s recent public statements regarding the loan and the information he communicated to his campaign treasurer and campaign manager raise further questions about his intent in the original reporting of the loan.
- iv. The circumstances of the reported \$320,000 loan offer possible motivations for Rep. Ogles’s inflating the amount of his loan and his campaign’s cash on hand.
40. Finally, the inflated \$320,000 loan was reported by Rep. Ogles’s campaign during a primary race in which multiple other candidates had raised or loaned their campaign hundreds of

⁴⁰ See October 15, 2023 email from Rep. Ogles to Witness 1 Fwd: Message from KM_227, (Exhibit 6 at 24-3057_0127) (“the loan is a line of credit secured by our home”); see Undated text from Witness 2 to Witness 1, (Exhibit 7 at 24-3057_0129) (“Andy says the loan is a line of credit against his home”); see November 28, 2023 email from Witness 1 to Witness 2 Re: Question From a Local Reporter, (Exhibit 1 at 24-3057_0002) (“my understanding from Andy is that his loan was a line of credit...[s]o not from personal funds”); see also Witness 1 Transcript (Exhibit 2 at 24-3057_0040 - 0041).

⁴¹ See *id.*; see Witness 1 Transcript (Exhibit 2 at 24-3057_0042); see Witness 2 Transcript (Exhibit 4 at 24-3057_79).

⁴² See Witness 1 Transcript (Exhibit 2 at 24-3057_0047 – 0048 and 0019). Witness 1 and Rep. Ogles shared the same counsel.

⁴³ See *id.*

⁴⁴ See Witness 1 Transcript (Exhibit 2 at 24-3057_0006 - 0058).

⁴⁵ See Witness 2 Transcript (Exhibit 4 at 24-3057_0079 - 0080).

⁴⁶ See *supra* note 39.

⁴⁷ See Witness 2’s Text Messages (Exhibits 8 and 9 at 24-3057_0130 - 0140).

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thousands, if not millions, of dollars.⁴⁸ In May of 2022, Rep. Ogles's campaign announced that it had already raised \$453,000 in donations (a larger sum than it later reported having raised during that period).⁴⁹ Rep. Ogles did not cooperate with the OCE's review, hindering the OCE's ability to determine what motives, if any, Rep. Ogles may have had for overreporting the amount he loaned his campaign. However, Witness 1 offered a guess as to why Rep. Ogles had overreported the quantity loaned:

Q. And why was it reported to you as \$320,000 when the documents show that it was \$20,000?

A. Why was it shown to me that way?

Q. Well why was it – why were you told that it was \$320,000?

A. That's a good question. I can only guess, and I'm – I don't know why. I can only figure a guess.

...

A. Yeah. It just looks better when you have more money, right, and scare away the competition and buy the primary. That's my best guess, but I – I don't know.⁵⁰

41. Based on the foregoing, the Board finds that there is substantial reason to believe that Rep. Ogles omitted or misrepresented required information in his financial disclosure statements or FEC candidate committee reports.

III. THE OCE SOUGHT TO DETERMINE WHETHER REP. OGLES'S CAMPAIGN COMMITTEE MAY HAVE ACCEPTED EXCESSIVE CONTRIBUTIONS THAT WERE REPORTED AS PERSONAL LOANS AND CONTRIBUTIONS FROM THE CANDIDATE.

A. Applicable Law, Rules, and Standards of Conduct

42. Federal Statutes and Regulations

Under 52 U.S.C. § 30104(b)(3), “[e]ach report shall under this section shall disclose . . . the identification of each—

(A) person . . . who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess

⁴⁸ See, e.g., Nate Rau, *District 5 candidates announce fundraising numbers*, AXIOS NASHVILLE (April 12, 2022), <https://www.axios.com/local/nashville/2022/04/12/district-5-candidates-fundraising-numbers> (last visited June 11, 2024); see also Adam Friedman, *Kurt Winstead, Beth Harwell lead in donations in Tennessee district 5 race*, THE TENNESSEAN (July 19, 2022, updated July 26, 2022).

⁴⁹ *Ogles Camp Announces \$435K for 5th District Bid In First 30 Days*, Andy Ogles for Congress (May 11, 2022), <https://andyogles.com/ogles-camp-announces-453k-for-5th-district-bid-in-first-30-days/> (last visited June 11, 2024).

⁵⁰ Witness 1 Transcript (Exhibit 2 at 24-3057_0033).

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of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office) . . .

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

FECA, 52 U.S.C. 30109(d)(1)(A)(i), states that “[a]ny person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure . . . aggregating \$25,000 or more during a calendar year shall be fined under title 18, or imprisoned for not more than 5 years, or both”

Pursuant to 11 CFR § 110.1(b)(1), “No person shall make contributions to any candidate, his or her authorized political committees or agents with respect to any election for Federal office that, in the aggregate, exceed \$2,000.” This limit applies to each election the candidate participates in (e.g., primary, general, run-off, etc.) and is adjusted for inflation every two years.⁵¹ For the 2021 to 2022 election cycle, the contribution limit was \$2,900.⁵²

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

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

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

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

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

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

. . .

(c) Jointly owned assets. Amounts derived from a portion of assets that are owned jointly by the candidate and the candidate’s spouse as follows:

- (1) The portion of assets that is equal to the candidate's share of the asset under the instrument of conveyance or ownership; provided, however,*
- (2) If no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property.”*

⁵¹ See 11 C.F.R. § 110.1(b).

⁵² See FEC, Contribution Limits for 2021-2022, <https://www.fec.gov/updates/contribution-limits-2021-2022/> (last visited April 27, 2023).

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43. House Rules

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

44. House Ethics Manual

According to the House Ethics Manual, “a Member . . . must take reasonable steps to ensure that any outside organization over which he or she exercises control—including the individual’s own authorized campaign committee . . .—operates in compliance with applicable law.”⁵³

The House Ethics Manual further states that, “While FECA and other statutes on campaign activity are not rules of the House, Members and employees must also bear in mind that the House Rules require that they conduct themselves ‘at all times in a manner that shall reflect creditably on the House’ (House Rule 23, clause 1). In addition, the Code of Ethics of Government Service, which applies to House Members and staff, provides in ¶ 2 that government officials should ‘[u]phold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion.’ Accordingly, in violating FECA or another provision of statutory law, a Member or employee may also violate these provisions of the House rules and standards of conduct”⁵⁴

B. The OCE Was Unable to Determine Whether Rep. Ogles’s Loan to His Campaign Came From His Personal Funds.

45. As previously discussed, Rep. Ogles’s campaign committee filed a July 2022 Quarterly Report stating that it had received a \$320,000 loan from Rep. Ogles on April 15, 2022. The report indicated that the loan was made from Rep. Ogles’s personal funds.⁵⁵

46. Rep. Ogles’s financial disclosures, both as a candidate and a Member, do not identify assets, liabilities, or income sufficient to substantiate the reported \$320,000 loan.⁵⁶ The OCE sought to determine whether the loan came from Rep. Ogles’s personal funds—or whether, instead, Rep. Ogles’s campaign committee accepted excessive contributions that were reported falsely as a loan from Rep. Ogles’s personal funds.

⁵³ HOUSE ETHICS MANUAL at 132.

⁵⁴ *Id.*

⁵⁵ Andy Ogles for Congress, FEC July Quarterly 2022 Report, filed July 23, 2022 at 79.

⁵⁶ See Rep. Ogles 2022 Candidate Financial Disclosure Report, filed Jan. 30, 2023; see Rep. Ogles’s 2022 New Filer Financial Disclosure Report, filed May 15, 2023.

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47. During the course of this review, Rep. Ogles admitted he never transferred \$320,000 to his campaign committee.⁵⁷ Instead, he claims that his loan to the campaign was in the amount of \$20,000.⁵⁸
48. Rep. Ogles did not cooperate with the OCE's review, limiting the OCE's ability to identify the source of the alleged \$20,000 loan. Neither Rep. Ogles's campaign treasurer nor his campaign manager could definitively confirm the source of the Congressman's \$20,000 loan.⁵⁹ Absent documentation from Rep. Ogles or the opportunity to question him about the loan, the OCE was unable to determine whether the loan was made from his personal funds.
49. Potential inaccuracies in Rep. Ogles's financial disclosure reports further confounded the OCE's efforts to assess Rep. Ogles's wealth and his ability to loan his campaign \$20,000 in April 2022. For example, Rep. Ogles has not disclosed owning a bank account in his financial disclosure reports.⁶⁰ However, Rep. Ogles's campaign treasurer told the OCE that he was of the impression that the \$20,000 loan was transferred to the campaign from Rep. Ogles's personal bank account.⁶¹
50. Further, in connection with this review, Rep. Ogles's counsel confirmed the existence of a \$700,000 line of credit opened by Rep. Ogles in September 2022 that was not included in Rep. Ogles's candidate or Member financial disclosures.⁶² Rep. Ogles's counsel did not indicate whether this unreported liability was used to finance the \$20,000 loan, noting that "[t]his line of credit was for the purchase of real property, a portion of which was subsequently sold" and that "[t]he proceeds from the sale were used to pay down the line of credit, which was refinanced into a current line of credit in the amount of \$450,000 on March 18, 2024."⁶³
51. If Rep. Ogles's \$20,000 loan was funded by a line of credit, bank loan, etc., the source of the funds used to make the loan should have been disclosed in the campaign committee's reports.⁶⁴ Alternatively, if Rep. Ogles made the loan from a bank loan, but the \$20,000 amount exceeded the funds available to him (based on the portion for which he was liable or

⁵⁷ See Congressman Andy Ogles (@AndyOgles), Twitter (May 23, 2024, 2:01 PM), <https://x.com/AndyOgles/status/1793703913876783529>; see Letter from Scott Gast, Compass Legal Group to Co-Chairmen Paul Vinovich and Mike Barnes, Office of Cong. Ethics (May 15, 2024).

⁵⁸ See *id.*

⁵⁹ See, e.g., Witness 1 Transcript (Exhibit 2 at 24-3057_0039 - 0040) and Witness 2 Transcript (Exhibit 4 at 24-3057_0079 - 0080).

⁶⁰ See Rep. Ogles 2022 Candidate Financial Disclosure Report, filed Jan. 30, 2023; see Rep. Ogles's 2022 New Filer Financial Disclosure Report, filed May 15, 2023.

⁶¹ See Witness 1 Transcript (Exhibit 2 at 24-3057_0038 – 0039).

⁶² See Letter from Scott Gast, Compass Legal Group to Co-Chairmen Paul Vinovich and Mike Barnes, Office of Cong. Ethics (May 15, 2024).

⁶³ See *id.*

⁶⁴ See 11 C.F.R. § 104.3(d)(4) ("When a candidate obtains a bank loan or loan of money derived from an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit . . . for use in connection with the candidate's campaign, the candidate's principal campaign committee shall disclose . . . the date, amount, and interest rate of the loan, advance, or line of credit; the name and address of the lending institution; and the types and value of collateral or other sources of repayment that secure the loan, advance, or line of credit, if any.").

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended his share of the assets under the instrument of conveyance), then Rep. Ogles's campaign committee may have received an excessive contribution.⁶⁵

52. In the absence of accurate financial disclosure reports and without cooperation from Rep. Ogles, the OCE was unable to determine whether Rep. Ogles's alleged \$20,000 loan to his campaign was made from his personal funds or came from another source representing an excessive contribution.

53. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Ogles's campaign committee accepted excessive contributions that were reported as personal loans and contributions from the candidate.

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

54. The following witnesses, by declining to provide requested information to the OCE, did not cooperate with the OCE's review:

- (a) Rep. Andy Ogles;
- (b) Chain Bridge Bank;
- (c) Evolve Bank & Trust;
- (d) First Horizon Bank;
- (e) Mrs. Monica Ogles;
- (f) Mr. Hugh M. Williams Jr.; and
- (g) Mrs. Charlene D. Williams.

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

- (a) Rep. Andy Ogles;
- (b) Chain Bridge Bank;
- (c) Evolve Bank & Trust;
- (d) First Horizon Bank;
- (e) Mrs. Monica Ogles;
- (f) Mr. Hugh M. Williams Jr.; and
- (g) Mrs. Charlene D. Williams.

V. CONCLUSION

56. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Ogles omitted or misrepresented required information in his financial disclosure statements or FEC candidate committee reports.

57. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Ogles omitted or misrepresented required information in his financial disclosure statements or FEC candidate committee reports.

⁶⁵ See 11 C.F.R. § 100.33 and 11 C.F.R. § 100.83.

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58. Based on the foregoing information, the Board finds that there is substantial reason to believe that Rep. Ogles's campaign committee may have accepted excessive contributions that were reported as personal loans and contributions from the candidate.
59. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Ogles's campaign committee may have accepted excessive contributions that were reported as personal loans and contributions from the candidate.