

APPENDIX A

Congress of the United States
Washington, DC 20515

January 10, 2023

The Honorable Michael Guest
The Honorable Susan Wild
Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515

Re: Request for Investigation Regarding Representative George Santos’s Failure to File Timely, Accurate, and Complete Financial Disclosure Reports

Dear Representative Guest and Representative Wild,

We write to request an investigation of George Anthony Devolder-Santos (“George Santos”), who was recently elected Representative in New York’s 3rd Congressional District,¹ for violations of the Ethics in Government Act (the “Act”) by failing to file timely, accurate, and complete financial disclosure reports as required by law.

The Act was designed to “preserve and promote the integrity of public officials and institutions.”² Over the past several weeks, extensive public reporting – as well as Santos’s own admissions – have shown that Mr. Santos misled voters in his District about his ethnicity, his religion, his education, and his employment and professional history, among other things.

Mr. Santos’s financial disclosure reports in 2020 and 2022 are sparse and perplexing. At a minimum, it is apparent that he did not file timely disclosure reports for his most recent campaign. Moreover, his own public statements have contradicted some information included in the 2022 financial disclosure and confirmed that the 2022 financial disclosure failed to disclose other required information.

Given the revelations about his biography, as well as the public information pertaining to his financial disclosures, Mr. Santos has failed to uphold the integrity expected of members of the House of Representatives. We therefore respectfully request that you investigate this matter to determine the extent of these violations and take appropriate action as soon as possible.

Failure to File Timely Reports

The Act requires individuals to file a financial disclosure report within thirty days of becoming a candidate or on or before May 15 of that calendar year, whichever is later, and no later than

¹ See FEC, Candidate Information of George Anthony Devolder-Santos, https://www.fec.gov/data/candidates/?q=H0NY03083&is_active_candidate=true&has_raised_funds=true.

² Ethics in Government Act, Pub. L. No. 95-521, 92 Stat. 1824, 1824 (1978).

thirty days before any election in which the candidate is participating.³ A candidate must then file subsequent financial disclosures annually on May 15⁴ of each year he or she continues to be a candidate.⁵ An individual becomes a candidate when he or she has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000.⁶ Individuals are subject to civil penalties for knowingly and willfully falsifying or failing to file or include any information that they are required to report pursuant to the Act.⁷ Specifically, the Act authorizes the Attorney General to bring a civil action against violators in any appropriate United States district court.⁸ Courts can also impose civil fines of up to \$66,190 for a violation.⁹

As early as January 15, 2021, Mr. Santos's campaign committee received more than \$5,000 in contributions in support of his candidacy for the NY-3 congressional seat.¹⁰ On April 17, 2021, Mr. Santos filed his Statement of Candidacy,¹¹ and by that time, his campaign had raised over \$160,000 in contributions.¹² As mentioned above, individuals who become a candidate for the House of Representatives must file a financial disclosure report (or request an extension) no later than 30 days after they raise or spend \$5,000 toward their House race.¹³ Accordingly, Mr. Santos was required to file his first financial disclosure report by May 15, 2021, and a second financial disclosure report on May 16, 2022.

Mr. Santos failed to file *any* financial disclosure report until September 6, 2022 (the "September 2022 Report").¹⁴ Nor did he seek an extension of his filing deadline. As a result, Mr. Santos failed to file a single financial disclosure report prior to the Republican primary for the NY-3 congressional seat on August 23, 2022, notwithstanding his status as a candidate for 19 months prior.¹⁵

In his financial disclosure related to his 2020 campaign, Mr. Santos stated that he received a salary of \$55,000 from his then-employer. In his 2022 campaign, however, Mr. Santos donated a total of \$705,000 to his campaign, \$580,000 of which was made before he ever filed a financial

³ 5 U.S.C.A. App. 4 § 101(c). Congressional candidates must file financial disclosure reports with the Clerk of the House of Representatives. *Id.* § 103(h)(1)(A)(i)(I).

⁴ In 2022, this deadline was extended to May 16 to account for the deadline falling on a Sunday. *See* U.S. House of Representatives Committee on Ethics, Instruction Guide - Financial Disclosure Statements and Periodic Transaction Reports at 2 (2021),

<https://ethics.house.gov/sites/ethics.house.gov/files/documents/FINAL%202021%20FD%20Instructions.pdf> [hereinafter the "House Financial Disclosure Instruction Guide"].

⁵ 5 U.S.C.A. App. 4 § 101(c).

⁶ *See id.* § 101(c); 52 U.S.C. § 30101(2).

⁷ 5 U.S.C.A. App. 4 § 104(a).

⁸ *Id.* § 104(a)(1).

⁹ *Id.*; 2022 Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations, 87 Fed. Reg. 2523 (Jan. 18, 2022).

¹⁰ *See* Devolder-Santos for Congress, Amended 2021 April Quarterly Report (May 9, 2022), <https://docquery.fec.gov/pdf/272/202205099502712272/202205099502712272.pdf>

¹¹ *See* Devolder-Santos for Congress, Statement of Candidacy (April 17, 2021), <https://docquery.fec.gov/pdf/781/202104179443792781/202104179443792781.pdf>.

¹² *See id.*; Devolder-Santos for Congress, Amended 2021 July Quarterly Report (September 12, 2022), <https://docquery.fec.gov/pdf/698/202209129528389698/202209129528389698.pdf>.

¹³ 5 U.S.C.A. App. 4 § 101(c); *see also* House Financial Disclosure Instruction Guide at 3-4.

¹⁴ Clerk of the House of Representatives, George Anthony Devolder-Santos Financial Disclosure Report (Sept. 6, 2022), https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2022/10050385.pdf [hereinafter the "George Santos Disclosure Report"].

¹⁵ *See* New York Times, *New York Third Congressional District Primary Election Results* (Aug. 23, 2022), <https://www.nytimes.com/interactive/2022/08/23/us/elections/results-new-york-us-house-district-3.html>.

disclosure report for the 2022 election cycle.¹⁶ Federal campaign law requires that candidates only donate personal funds. By failing to file any financial disclosure report in 2021, and not filing a report in 2022 until *after* donating significant funds to his campaign, it is impossible to know whether Mr. Santos all of a sudden had the necessary resources to make personal contributions to his campaign of nearly 13 times his previous annual salary.

Accordingly, we ask that you immediately investigate Mr. Santos for his failure to file the required financial disclosure report in 2021, and for his untimely filing in 2022.

Failure to File Complete and Accurate Reports

Unfortunately, Mr. Santos's violations of the Act don't end there. The September 2022 Report contains a number of concerning omissions and potential false statements.

First, the Act requires filers to disclose each financial institution that held deposits valued at more than \$1,000 if the total value of the accounts exceed \$5,000 at the end of the reporting period.¹⁷ In the September 2022 Report, Mr. Santos disclosed a checking account balance of more than \$100,000 and a savings account balance of more than \$1,000,000, but he did not identify the name of either banking institution.¹⁸ Furthermore, the national average interest rate for savings accounts is 0.19 percent.¹⁹ An interest rate of 0.19 percent on an account that has \$1 million would provide \$1,901.66 in income. The Committee should investigate whether Mr. Santos failed to properly report interest income as required by law.

Second, the September 2022 Report disclosed that he owned an apartment in Rio de Janeiro, Brazil valued between \$500,000 and \$1,000,000. Yet in recent media interviews, Mr. Santos – who at one point had claimed that he owned 13 properties – admitted that he did not own any property at all.²⁰ If Mr. Santos does not, in fact, own any property, then the representation of ownership over the Rio de Janeiro apartment is false and a clear violation of the Act.

Third, Mr. Santos also disclosed that he received “dividends” valued at more than \$1,000,000 in both 2021 *and* 2022 from his sole ownership in the Devolder Organization (“Devolder”), which he formed in May 2021 *after* he announced his candidacy for 2022.²¹ The September 2022 Report describes Devolder as a “capital intro consulting company.” According to public reports, the financial data company Dun & Bradstreet estimated that Devolder only had revenue of

¹⁶ See Devolder-Santos for Congress, Receipts, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00721365&contributor_name=George+Santos&two_year_transaction_period=2022; Devolder-Santos for Congress, 2022 Post-General Report at 82 (Dec. 8, 2022), <https://docquery.fec.gov/pdf/330/202212089548011330/202212089548011330.pdf>.

¹⁷ House Financial Disclosure Instruction Guide at 21.

¹⁸ George Santos Disclosure Report.

¹⁹ See Matthew Goldberg, *What is the Average Interest Rate for Savings Accounts?*, Bankrate (Jan. 5, 2023), <https://www.bankrate.com/banking/savings/average-savings-interest-rates/#:~:text=The%20national%20average%20interest%20rate,percent%2C%20according%20to%20Bankrate's%20Dec.>

²⁰ See Emily Brooks, *Eight Outstanding Questions Surrounding George Santos*, The Hill (Dec. 28, 2022), <https://thehill.com/homenews/house/3790085-eight-outstanding-questions-surrounding-george-santos/>.

²¹ *Id.*

\$43,688 as of July 30, 2022.²² Accordingly, Mr. Santos’s disclosure of more than \$1,000,000 in “dividends” per year is highly suspect.

Fourth, Mr. Santos recently explained that the sudden “success” of Devolder stemmed from “multi-million dollar agreements” with clients or customers.²³ Yet the Act requires candidate filers who personally performed services for clients “in either of the two preceding calendar years that generated fees for your employer in excess of \$5,000” to identify each of those clients on Schedule J.²⁴ The disclosure of clients is not mandatory if the clients’ identities are prohibited from disclosure but a filer must indicate that certain confidential clients are not reported and state the specific reason for the nondisclosure.²⁵

A recent public report identified several purported clients of Devolder as large Republican donors, which Mr. Santos confirmed.²⁶ Yet Mr. Santos neither identified any clients for whom he personally performed services nor indicated that he could not report any clients due to confidentiality.²⁷

Fifth, the Act requires filers to report “the exact amount of income earned by them” in both the preceding calendar year and the current calendar year through the date of filing.²⁸ Since Mr. Santos’s report was filed on September 6, 2022, he should have disclosed earned income for 2021 and earned income for January 1, 2022 through September 6, 2022. Yet in Schedule C, George Santos lists the same exact salary of \$750,000 for both 2021 and 2022 (through the date of filing),²⁹ which Mr. Santos acknowledged that he “paid himself” through income purportedly earned through Devolder.³⁰ Moreover, Devolder was administratively dissolved on September 23, 2022 by the State of Florida because Mr. Santos never filed the required annual statement for the company,³¹ raising questions about the company’s status, the ability of Mr. Santos to earn any income from it, and the accuracy of the income he allegedly earned and disclosed. Conveniently, Mr. Santos filed paperwork to reinstate Devolder’s registration on December 20, 2022, *after* wide-spread reports that Mr. Santos fabricated aspects of his background and employment.³² But the paperwork sheds no light on the entity’s clients nor how the entity could have paid Mr. Santos a \$750,000 salary and more than \$1,000,000 in dividends.

²² Michael Kranish et al., *Rep.-elect George Santos Acknowledges ‘Resume Embellishment’ but answers little on finances*, Washington Post (Dec. 26, 2022), <https://www.washingtonpost.com/politics/2022/12/26/george-santos-resume-wealth/>.

²³ See Brooks, *supra*.

²⁴ House Financial Disclosure Instruction Guide at 39.

²⁵ *Id.* at 40.

²⁶ See Roger Sollenberger, *George Santos’ Massive Campaign Loans May Not Be Legal*, The Daily Beast (Dec. 28, 2022), <https://www.thedailybeast.com/george-santos-massive-campaign-loans-may-not-be-legal>.

²⁷ *Id.*

²⁸ House Financial Disclosure Instruction Guide at 31.

²⁹ George Santos Disclosure Report.

³⁰ See Sollenberger, *supra*.

³¹ See Florida Division of Corporations, Devolder Organization LLC, <http://search.sunbiz.org/Inquiry/CorporationSearch/EventHistory?aggregateId=flal-121000206150-d2719327-f0cc-424e-8b6c-04026a110c67&entityId=L21000206150&CurrentPage=0&SearchTerm=DEVOLDER&InquiryType=EntityName&inquiryDirectionType=CurrentList&SearchNameOrder=DEVOLDERORGANIZATION%20L210002061500&ListNameOrder=DEVOLDERLAWFIRM%20L160001128740> (last accessed Jan. 5, 2023).

³² Devolder Organization LLC, 2022 Florida Limited Liability Company Reinstatement (Dec. 20, 2022), <http://search.sunbiz.org/Inquiry/CorporationSearch/GetDocument?aggregateId=flal-121000206150-d2719327-f0cc->

As this Committee well knows, financial disclosure laws are essential to enforce compliance with the law as well as to ensure voters have access to relevant information about candidates. If Mr. Santos's 2020 and 2022 financial disclosures are to be believed, his salary increased from \$55,000 in 2020 to \$750,000 in 2021 and 2022, of which he gave a whopping \$705,000 to his campaign. The Committee should investigate the veracity of these claims and whether Mr. Santos has engaged in fraudulent activity through Devolder.

Conclusion

In order to safeguard the integrity of federal ethics laws and the House of Representatives itself, we respectfully request that you immediately undertake a full investigation into this matter of George Santos's failure to timely and accurately file financial disclosure reports and promptly take all other necessary steps to seek appropriate penalties and corrective action.

We understand that 18 U.S.C. § 1001 applies to the information we are providing. To the best of our knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Thank you for your prompt attention to this matter.

We represent that we have provided an exact copy of the filed complaint and all attachments to the respondent.

Sincerely,



Daniel Goldman

Member of Congress

245 Cannon House Office Building

Washington, DC, 20515-3210



Ritchie Torres

Member of Congress

1414 Longworth House Office Building

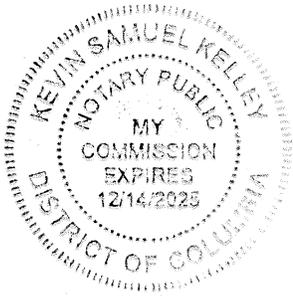
Washington, DC, 20515-3215

cc: Representative George Santos (Respondent)

1117 Longworth House Office Building

Washington, DC, 20515

Signed and sworn to (or affirmed) before me on January 10, 2023 by Representative Daniel Goldman.



Kevin Samuel Kelley
Notary Public, District of Columbia
My Commission Expires 12/14/2025

Kevin Kelley 1/10/23

Signed and sworn to (or affirmed) before me on January 10, 2023 by Representative Ritchie Torres.

Kevin Samuel Kelley
Notary Public, District of Columbia
My Commission Expires 12/14/2025

Kevin Kelley 1/10/23



Congress of the United States

Washington, DC 20515

January 10, 2023

The Honorable Michael Guest
The Honorable Susan Wild
Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515

Re: Letter of Certification of Committee on Ethics Complaint

Dear Representative Guest and Representative Wild,

We the undersigned do certify that we have provided a hard copy of our Complaint as well as a copy via email to Representative George Santos via his Office.

Sincerely,



Dan Goldman

Member of Congress

245 Cannon House Office Building

Washington, DC, 20515-3210



Ritchie Torres

Member of Congress

1414 Longworth House Office Building

Washington, DC, 20515-3215