

January 9, 2023

Corey Amundson
Chief, Public Integrity Section
Department of Justice, Criminal Division
1301 New York Avenue, 10th Floor
Washington, DC 20005

The Honorable Cheryl L. Johnson
Clerk of the U.S. House of Representatives
U.S. Capitol, Room H154
Washington, DC 20515-6601

Re: Request for Investigation Regarding Representative-elect George Santos Failing to File Timely, Accurate, and Complete Financial Disclosure Reports

Dear Mr. Amundson and Clerk Johnson:

It has come to my attention that George Anthony Devolder-Santos (“George Santos”), a Representative in New York’s 3rd Congressional District,¹ is in violation 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 Rep. Santos’s decision to not disclose and possibly falsify financial disclosure reports blatantly disregards those important objectives. I 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 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

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).

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).

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

Rep. Santos announced his candidacy for the NY-03 congressional office on October 10, 2021.¹⁰ By October 22, 2021, he had received more than \$5,000 in contributions.¹¹ 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.¹² Accordingly, Rep. Santos was required to file his first financial disclosure report no later than November 22, 2021, and a second financial disclosure report on May 16, 2022. Yet Rep. Santos failed to file *any* financial disclosure report until September 6, 2022.¹³ This means that he did not file any personal financial disclosure reports in 2021 or in 2022 prior to the Republican primary for the NY-13 congressional seat on August 23, 2022.¹⁴

Rep. Santos donated a total of \$705,000 to his campaign, \$580,000 of which were made before he ever filed a financial disclosure report for the 2022 election cycle. 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 Rep. Santos had the necessary resources to make such large contributions to his campaign using personal funds. Accordingly, we ask that you immediately investigate Rep. 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, Rep. Santos's violations of the Act don't end there. The one report that Rep. Santos did file in 2022 contains a number of concerning omissions.

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.¹⁵ In Rep. Santos's 2022 report, he discloses a checking account balance of more than \$100,000 and saving account balance of more than \$1 million, but does not identify the name of

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, Statement of Organization (Oct. 10, 2021), available at <https://docquery.fec.gov/cgi-bin/forms/C00721365/1541445/>.

¹¹ See Devolder-Santos for Congress, Year-End Report sched. A itemized receipts (filed Sept. 12, 2022), available at <https://docquery.fec.gov/cgi-bin/forms/C00721365/1629050/sa/ALL>.

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

¹³ 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"].

¹⁴ 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>

¹⁵ House Financial Disclosure Instruction Guide at 21.

either banking institution.¹⁶ Furthermore, Rep. Santos does not disclose any income from either account.¹⁷ For an account of over \$1 million, he would have certainly met the \$200 interest income threshold.¹⁸ But Rep. Santos failed to properly report *any* interest income as required by law.

Second, a filer must disclose any real estate held for investment valued at more than \$1,000 as well as any unearned income that exceeds \$200 during the reporting period.¹⁹ Unearned income includes rental income.²⁰ Rep. Santos lists an apartment in Rio de Janeiro on his 2022 report, presumably because the property is held for investment purposes, but does not disclose any form of unearned income associated with the property.²¹ It is highly unlikely that an investment property valued at more than \$500,000 would not have generated any income. Assuming the property generated rental income, Rep. Santos's failure to disclose such income is a clear violation of the Act.

Third, 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.²² Since Rep. 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 for both 2021 and 2022 (through the date of filing).²³ Since his report should have only included 2022 income through September 6, 2022, it seems unlikely that he would receive the exact same salary for the entire year of 2021 and for only nine months in 2022.

Fourth, 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 Rep. Santos disclosed a significant salary and ownership interest in Devolder Organization. Although very little information about Devolder Organization exists online, his report describes the organization

¹⁶ George Santos Disclosure Report, Sept. 6, 2022, https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2022/10050385.pdf.

¹⁷ House Financial Disclosure Instruction Guide at 21.

¹⁸ The national average interest rate for savings accounts is 0.19 percent. An interest rate of 0.19 percent on an account that has \$1 million would provide \$1,901.66 in income. *See* Bankrate, "What is the Average Interest Rate for Savings Accounts?", <https://www.bankrate.com/banking/savings/average-savings-interest-rates/#:~:text=The%20national%20average%20interest%20rate,percent%2C%20according%20to%20Bankrate's%20Dec.>

¹⁹ House Financial Disclosure Instruction Guide at 14.

²⁰ *Id.*

²¹ George Santos Disclosure Report, Sept. 6, 2022, https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2022/10050385.pdf.

²² House Financial Disclosure Instruction Guide at 31.

²³ George Santos Disclosure Report, Sept. 6, 2022, https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2022/10050385.pdf.

²⁴ House Financial Disclosure Instruction Guide at 39.

²⁵ *Id.* at 40.

as a “capital intro consulting company.”²⁶ Yet, despite significant income from what he describes as a consulting company, Rep. Santos neither identified any clients he personally performed services for nor indicated that he could not report said clients due to confidentiality.²⁷ In December, Rep. Santos noted that he “landed a couple of million-dollar contracts” and “my referral fee there can be anywhere between \$200,000 and \$400,000” indicating he had multiple clients who paid him more than \$5,000.²⁸

Finally, even if the public were to assume that the information provided within the disclosure report was accurate, it would clearly contradict claims Rep. Santos has made about his familial and financial background. While Rep. Santos has said he has a “family fortune in real estate”, the apartment in Rio de Janeiro is the only property listed on his report—and he doesn’t even report any investment income from this property.²⁹ And despite describing himself as a “seasoned Wall Street financier and investor”, Santos did not list any retirement assets or investment assets other than his bank accounts and the apartment.³⁰

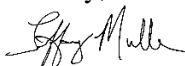
George Santos’s brazen contempt for his financial disclosure obligations is not only a violation of federal law but it shields the public from critical information about his financial interests—information that voters should have had before his election to Congress and that his district constituents should have while represents them in Congress.

In order to safeguard the integrity of federal ethics laws, I respectfully request that you immediately undertake a full investigation of this matter and promptly take all other steps needed to seek appropriate penalties and corrective action.

I understand that 18 U.S.C. § 1001 applies to the information I am providing. To the best of my 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.

Sincerely,



End Citizens United
Tiffany Muller
PO Box 66005
Washington, DC 20035

²⁶ George Santos Disclosure Report, Sept. 6, 2022, https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2022/10050385.pdf.

²⁷ *Id.*

²⁸ Semafor, “George Santos tries to explain his wealth”, Dec. 28, 2022, <https://www.semafor.com/article/12/28/2022/george-santos-tries-to-explain-his-wealth>

²⁹ See George Santos Disclosure Report, *see also* New York Times, “Who Is Rep.-Elect George Santos? His Résumé May Be Largely Fiction”, Dec. 19, 2022, https://www.nytimes.com/2022/12/19/nyregion/george-santos-ny-republicans.html?utm_source=Sailthru&utm_medium=email&utm_campaign=12/19/22%20%20Punchbowl%20News%20AM&utm_term=Punchbowl%20AM%20and%20Active%20Subscribers%20from%20Memberful%20Combined.

³⁰ *Id.*