

October 8, 2024

Mr. Omar Ashmawy
Staff Director and Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, D.C. 20515-0895

Re: Request for Investigation into Representative Anthony D’Esposito (NY-04)

Dear Mr. Ashmawy:

I respectfully request that the Office of Congressional Ethics immediately investigate U.S. Representative Anthony D’Esposito of New York’s 4th congressional district for his apparent violations of U.S. House of Representatives Rules that prohibit nepotism and other corrupt personnel practices. Public reporting suggests that Rep. D’Esposito hired to work in his district office both the daughter of his long-time fiancée (his soon-to-be stepdaughter) and a woman with whom he was cheating on his fiancée. That same reporting also suggests that Rep. D’Esposito may have compensated at least one of these women for work they did not even perform. Such actions would be an egregious disregard of the House Rules, including Rule 18 that prohibits Rep. D’Esposito from having a sexual relationship with one of his employees and Rule 23, which prohibits Rep. D’Esposito from conducting himself in a manner that reflects discredit on the House.

I respectfully request that you promptly investigate this matter and hold Rep. D’Esposito accountable for his actions.

I. Factual Background

U.S. Representative Anthony D’Esposito was elected to represent New York’s 4th congressional district on November 8, 2022.¹ He was sworn into the office on January 7, 2023.²

According to a September 23, 2024 article in the New York Times, in 2010, Rep. D’Esposito began a romantic relationship with Cynthia Lark. Though the two have never married, Rep. D’Esposito has introduced Lark as his fiancée, spent vacations and holidays with her, and moved into her home.³

That investigation uncovered that Rep. D’Esposito paid tens of thousands of taxpayer dollars to Cynthia Lark’s daughter, Tessa Lark, for work in his district office. The payments began shortly after he took office in January 2023.

¹ See New York Times, “New York Fourth Congressional District Election Results” (last updated Dec. 16, 2022), <https://www.nytimes.com/interactive/2022/11/08/us/elections/results-new-york-us-house-district-4.html>.

² See Congressman Anthony D’Esposito, Press Release “Congressman Anthony D’Esposito Sworn into Office” (Jan. 7, 2023), <https://desposito.house.gov/media/press-releases/congressman-anthony-desposito-sworn-office>.

³ *Id.*

Additionally, the article alleges that Rep. D’Esposito also employed in his district office a woman named Devin Faas with whom he allegedly was having an affair. There are allegations that despite being on payroll, Faas did not perform any work for his office.⁴

Rep. D’Esposito’s apparent decision to use his members representational allowance to pay these two women – with whom he has very close personal ties – could violate multiple House Ethics Rules.

a. Rep. D’Esposito hired Tessa Lark, the daughter of his long-time fiancée to work as a freelance photographer for his district office.

Shortly after Rep. D’Esposito entered Congress, he hired Tessa Lark, as a part-time employee in his district office.⁵ Tessa Lark is the daughter of his long-time fiancée, Cynthia Lark. In total, House payroll sheets indicate that Rep. D’Esposito used taxpayer funds to pay his stepdaughter-to-be over \$20,000.00.⁶ According to other House employees, she allegedly performed graphic design work, photography, and constituent services for the office.⁷

b. Rep. D’Esposito also hired his mistress, Devin Faas, to work in his district office.

Rep. D’Esposito is also accused of hiring Devin Faas, a woman with whom he was cheating on the mother of his stepdaughter-to-be turned employee. Specifically, in 2021, then-candidate Rep. D’Esposito apparently began having an affair with Faas, despite himself being engaged to Cynthia Lark.⁸ The relationship with Faas continued through the summer of 2022, as evidenced by text messages appearing to show the two “exchanging love notes and coordinating meetups” during Rep. D’Esposito’s congressional campaign.⁹ The relationship was reportedly serious and, when Faas’s husband, Derek Ciaschi, discovered the affair, he ended their marriage.¹⁰ According to court documents made available to the New York Times, divorce and child custody proceedings continued between Faas and Ciaschi through the closing months of Rep. D’Esposito’s campaign.¹¹ However, according to the accounts of Ciaschi and others familiar with the relationship, Rep. D’Esposito’s affair with Faas continued for nearly another year, into Rep. D’Esposito’s congressional term.¹²

Despite the apparently intimate nature of their relationship, Rep. D’Esposito hired Faas as a liaison to the same congressional district office where he also employed his stepdaughter-to-be turned employee. Faas first appeared on the House payroll in March 2023, mere months after Tessa Lark

⁴ New York Times, “A Congressman Had an Affair. Then He Put His Lover on the Payroll” (last updated Sept. 23, 2024), <https://www.nytimes.com/2024/09/23/nyregion/anthony-desposito-affair-congress.html>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

started working for Rep. D’Esposito, just weeks after her divorce from Ciaschi was finalized, and during which time her relationship with Rep. D’Esposito was allegedly ongoing.¹³ Faas was paid a total of \$7,400 by Rep. D’Esposito’s office. During that time, she apparently also worked for the Town of Hempstead, full-time. However, it is unclear whether she actually performed any work for Rep. D’Esposito’s district office.¹⁴ Other House employees familiar with the office stated that they never encountered Faas working for Rep. D’Esposito.¹⁵ Other public reporting could not confirm whether Faas had a legitimate position with the office.¹⁶

II. Legal Background

House Rules prohibit Members from engaging in several unscrupulous personnel practices. Chief among them, Members may not engage in sexual relationships with their subordinate employees.¹⁷ Members are also strictly prohibited from hiring relatives to work in their congressional offices.¹⁸ House Rules and Committee on Ethics guidance make clear that these rules are to be interpreted broadly and Members must abide by the “spirit” – in addition to the “letter” – of the rules.¹⁹ Finally, Members must at all times behave “in a manner that ... reflect[s] creditably on the House.”²⁰ Rep. D’Esposito’s alleged conduct, as outlined above, is in clear violation of House Rules and guidance issued by the House Committee on Ethics.

a. Rep. D’Esposito appears to have violated House Rules by engaging in a sexual relationship with a subordinate employee.

Under House Rules, a Member may not engage in a sexual relationship with any employee of the House who works under their supervision.²¹ Further, a Member may not make unwelcome sexual advances towards an employee of the House.²²

The House aptly adopted the Rule prohibiting sexual relationships between Members and their employees in 2018, following a number of sexual harassment and misconduct allegations affecting congressional offices.²³ This prohibition was championed by Members of both parties who agreed that sexual relationships between Members and their employees promote power imbalances and

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ The Guardian, “New York congressman allegedly gave his lover a job – and his fiancée’s daughter, too” (Sept. 24, 2024), <https://www.theguardian.com/us-news/2024/sep/24/anthony-desposito-affair-payroll-jobs>; ABC News, “D’Esposito scandal sparks ‘migraine’ for Republicans hoping to keep House” (Sept. 24, 2024), <https://abcnews.go.com/Politics/desposito-scandal-sparks-migraine-republicans-hoping-house/story?id=113962337>; CNN, “GOP congressman gave jobs to his lover and to his fiancée’s daughter, New York Times says” (Sept. 24, 2024), <https://www.cnn.com/2024/09/24/politics/anthony-d-esposito-new-york-times-report/index.html>.

¹⁷ House R. 23, cl. 18.

¹⁸ House R. 23, cl. 8.

¹⁹ House R. 23, cl. 2.

²⁰ House R. 23, cl. 1.

²¹ House R. 23, cl. 18(a).

²² House R. 23, cl. 18(b).

²³ The Washington Post, “House Prohibits Sexual Relationships Between Lawmakers and Their Staffers,” (last updated June 2, 2018), https://www.washingtonpost.com/powerpost/house-prohibits-sexual-relationships-between-lawmakers-and-their-staffers/2018/02/06/85e4d28e-0b49-11e8-95a5-c396801049ef_story.html

workplace abuse.²⁴ Amid the #MeToo movement and a national reckoning over this form of workplace misconduct, the House of Representatives took a firm stand by establishing this prohibition, with very limited exceptions.

Despite unambiguous guidance from the House Ethics Committee, the New York Times reporting strongly suggests that Rep. D’Esposito engaged in a sexual relationship with Devin Faas while she was employed by his office.²⁵ Individuals familiar with their relationship described it as “romantic” and indicated that they believed it to be sexual in nature. When asked, Rep. D’Esposito’s own spokesperson also did not deny that the relationship was sexual in nature.²⁶ The failure of a sitting Member of Congress to immediately deny an allegation that, if true, would mean that he has violated the House Ethics Rules is disturbing. His representative’s cavalier response to the Times’ reporting suggests that Rep. D’Esposito is not concerned with his responsibility to abide by House Rules designed to protect against sexual misconduct in the workplace. Immediate further investigation is needed to determine whether Rep. D’Esposito engaged in an inappropriate sexual relationship with a subordinate employee in his office.

b. Rep. D’Esposito potentially violated House Rules by apparently retaining an employee who did not perform duties commensurate with the compensation they received.

Under House Rules, a Member may not “retain an employee who does not perform duties ... commensurate with the compensation such employee receives.”²⁷ In other words, a Member cannot pay an individual a salary if they do not show up to work. So-called “ghost employment” represents a serious ethics concern because it involves using taxpayer dollars to compensate employees who are not performing work for the federal government – and thus the Member’s constituents. It is the classic example of public sector corruption.

Despite the seriousness of the offense, the New York Times investigation suggests that Rep. D’Esposito paid Devin Faas a taxpayer-funded salary despite her apparently not performing any work for his office. According to the report, four former House employees claimed that they never encountered Faas working for the office. This fact is perhaps unsurprising since during the time Rep. D’Esposito was paying Faas a federal salary, she was also apparently a full-time employee with the Town of Hempstead. At best, Devin’s employment arrangement with Rep. D’Esposito was unusual, but it appears that something far more serious may have been occurring. If Faas did not perform work commensurate with her compensation, then Rep. D’Esposito has violated House Ethics Rules and federal law. Again, the Office of Congressional Ethics should act swiftly to investigate these allegations.

²⁴ *Id.*

²⁵ New York Times, “A Congressman Had an Affair. Then He Put His Lover on the Payroll” (last updated Sept. 23, 2024), <https://www.nytimes.com/2024/09/23/nyregion/anthony-desposito-affair-congress.html>.

²⁶ *Id.*

²⁷ House R. 23, cl. 8(a).

c. Rep. D’Esposito may have violated House Rules by employing his relative.

House Rules also prohibits Members from retaining employees who are “relatives” of the Member.²⁸ As used in the Rules, a “relative” is an individual who is related to the Member as a “parent, child, sibling, parent’s sibling, first cousin, sibling’s child, spouse, parent-in-law, child-in-law, sibling-in-law, stepparent, stepchild, stepsibling, half-sibling, or grandchild.”²⁹ This prohibition is intended to prevent Members from exploiting government service to enrich themselves or their family members.

Despite this prohibition, Rep. D’Esposito hired Tessa Lark, the daughter of his longtime fiancée, Cynthia Lark, to work as a special assistant in his district office. Although Tessa Lark may not meet the technical definition of “relative” as enumerated in the Rules, she is, for all intents and purposes, a relative of Rep. D’Esposito. She lives at the same home as him and lists their shared home as her voting residence. Additionally, the benefit that Rep. D’Esposito conferred on Tessa Lark is the kind of benefit that the prohibition seeks to prevent. Tessa Lark had just graduated from art school when Rep. D’Esposito’s office created a position for her and hired her as a freelance photographer. She was paid thousands of dollars for part-time work. The nature of her employment is not entirely clear; at times, she assisted with the digital artwork in the office and at others, she advised on immigration matters. The one constant thread of her employment with Rep. D’Esposito is that at the end of each workday, it would appear that Tessa Lark returned to a home that she shared with her stepfather-to-be, Rep. D’Esposito. Even if hiring Tessa Lark may not have violated the “letter” of the rule, it certainly violated the “spirit” of the prohibition. Again, the Office of Congressional Ethics should act swiftly to investigate these allegations.

d. Rep. D’Esposito’s infidelity combined with his unscrupulous hiring decisions violates House Rules prohibiting Members from behaving in a manner that reflects discredit on the House.

Members are human – and like everyone, they make mistakes. This complaint does not purport to claim that every personal transgression by a Member should trigger an official ethics investigation. But when Rep. D’Esposito assumed his role as a United States Congressman, he agreed to uphold the virtue of the institution in which he serves. He agreed, along with every other Member of the 118th Congress, to *at all times* conduct himself in a manner that reflects creditably on the United States House of Representatives.³⁰ For decades, the House Rules have included this requirement, and for good reason – it demands Members commit to bettering the public’s perception and trust in Congress.

Rep. D’Esposito betrayed that commitment when he cheated on his long time fiancée in a years-long affair with a married woman, employed his soon-to-be stepdaughter in his district office, and then spent additional taxpayer dollars paying his mistress a salary for potentially minimal or no work in that same district office. At each step of the way, Rep. D’Esposito knew his infidelity and the circumstances under which he used congressional funds to pay his mistress and his soon-to-be stepdaughter could become a public scandal, which would reflect discredibly on the House.

²⁸ House R. 23, cl. 8(c).

²⁹ *Id.*

³⁰ House R. 23, cl. 1.

Unsurprisingly, in just a week, Rep. D’Esposito’s behavior has resulted in headlines like the following:

“A Congressman Had an Affair. Then He Put His Lover on the Payroll.” – *New York Times*

“New York Republican’s dual nepotism, infidelity scandals adds to the House GOP’s many ethics troubles” – *MSNBC News*

“GOP lawmaker allegedly hired both his fiancée’s daughter and a romantic partner, raising ethics questions” – *USA Today*

“NY Congressman Who Blasted Santos Faces Scrutiny Over Payroll” – *Bloomberg News*

These headlines further fray the public’s confidence in its elected officials and our democratic institutions. A report last year found that only 26% of U.S. adults have a favorable view of Congress.³¹ And roughly one-third of those surveyed “mention[ed] negative personal traits of elected officials, saying that elected officials are dishonest or self-centered.”³² Another report suggested a majority of Americans think their government is corrupt.³³

The Committee on Ethics has invoked Rule 23’s requirement that Members behave in a manner that reflects creditably on the House to investigate or discipline Members in a myriad of cases. For example, the rule was invoked against Members for engaging in sexual relationships with House pages, for making improper sexual advances against a Peace Corps volunteer, and for inflating the salaries of congressional employees to enable them to pay the Member’s personal, political, or congressional expenses.³⁴ As public approval of Congress is nearing all-time lows, it is more important than ever that those charged with enforcing Ethics Rules take their responsibility seriously.

If the allegations above are true, Rep. D’Esposito should be found to have violated Rule 23, clause 1 for acting in a manner that brings discredit to the United States House of Representatives.

III. Request for Action

I respectfully request that you commence an immediate investigation into this matter. Based on the foregoing, Rep. D’Esposito appears to have placed his personal relationships above his constituents and the taxpayers in what appears to be a series of shocking violations of House Rules. His actions have undoubtedly cast discredit on the institution of the United States House of

³¹ Evaluations of members of Congress and the biggest problem with elected officials today, Pew Research Center (Sept. 19, 2023), <https://www.pewresearch.org/politics/2023/09/19/evaluations-of-members-of-congress-and-the-biggest-problem-with-elected-officials-today/>.

³² *Id.*

³³ Most Americans, Across Party Lines, Say Government ‘Corrupt, Rigged’: Poll, Newsweek (July 1, 2022), <https://www.newsweek.com/most-americans-across-party-lines-say-government-corrupt-rigged-poll-1721208>.

³⁴ Committee on Ethics, House Ethics Manual at 14-15, <https://ethics.house.gov/sites/ethics.house.gov/files/documents/Dec%202022%20House%20Ethics%20Manual%20website%20version.pdf>.

Representatives. And if unchecked, Rep. D'Esposito may engage in further violations of important House Rules. I therefore request the Office of Congressional Ethics immediately commence an investigation into these allegations.

In accordance with 18 U.S.C. § 1001, I affirm that, to the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation.

Sincerely,

A handwritten signature in black ink, appearing to read "Tiffany Muller". The signature is cursive and somewhat stylized, with the first name being more prominent.

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