



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

May 29, 2019

Honorable David Skagg and Board Members
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, DC 20515-0895

Email: oce@mail.house.gov

Re: Representative Lucy McBath's Ethics Violation

Dear Chairman Skagg and Board Members:

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good.

We request the Office of Congressional Ethics investigate Representative Lucy McBath for improperly soliciting and accepting free office space in violation of House ethics rules. In February 2019, the Brookhaven City Mayor John Ernst explained that McBath and her staff "approached" the city "because their office was not ready and [they needed] temporary space."¹ The city then provided McBath with free temporary office space in the city's community center.² After a concerned citizen questioned the arrangement, Brookhaven city spokesperson Burke Brennan acknowledged the city was not charging for the office space and its motive for doing so was to "build a good relationship with her."³ The community center's published rates are \$35 per hour for residents and \$70 per hour for non-residents.⁴

House Ethics Rules prohibit Members from soliciting "anything of value," i.e. temporary office space.⁵ The House Ethics Manual explains,

¹ Exhibit A (Facebook Post), available at <https://www.facebook.com/GregsListAWR/posts/10217393688806615>.

² John Ruch, *U.S. Rep. McBath Gets Free Temporary Office In Brookhaven City Community Center*, [Reporter Newspapers](#), Feb. 8, 2019.

³ *Id.*

⁴ *Id.*; City of Brookhaven, Facility Rental Rates, available at https://www.brookhavenga.gov/sites/default/files/fileattachments/parks_and_recreation/page/4471/brookhaven_rental_rates18.pdf, last accessed May 22, 2019.

⁵ Comm. on Standards of Official Conduct, House Ethics Manual, at 26 (2008). The Member's Congressional Handbook also recognized that "office space" is something of value, and when leased from a private entity it must be "leased at a fair market value as the result of a bona fide, arms-length, marketplace transaction." Comm. on House Admin., Member's Congressional Handbook, at 25 (July 25, 2018).

While the House gift rule defines what Members, officers, and employees may **accept** in the way of gifts, the rule does not authorize them to **ask for** any gift. The prohibition against solicitation is very broad. It applies to the solicitation not only of money, but anything of value. In addition, the prohibition covers solicitations of things for the personal benefit of the Member, officer, or employee, as well as things that would involve no personal benefit.⁶

The Ethics Manual further provides examples demonstrating that a Member may not solicit a gift even if the gift would be permissible under one of the exceptions to the gift ban.⁷ A permissible gift becomes impermissible if solicited.⁸ For instance, a Member is prohibited from asking for office space and then accepting free office space even though it would have been a permissible gift had it not been solicited.⁹

The Mayor of Brookhaven explained that McBath “approached” the City for office space, indicating she solicited the City. McBath’s solicitation put the City in the difficult position of either denying the request of their Representative or committing an ethics violation. The City acknowledged it complied in order to gain favor with McBath. This is exactly the type of influence and favor that the solicitation ban is written to prevent. The Office of Congressional Ethics is responsible for ensuring each Representative fulfills the public trust inherent to the office and complies with the House’s ethical standards. Therefore, we urge the Board to immediately investigate.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applied to information submitted to the Office of Congressional Ethics.

Respectfully submitted,



Kendra Arnold
Executive Director, Foundation for Accountability & Civic Trust

⁶ House Ethics Manual, at 26.

⁷ House Ethics Manual, at 26.

⁸ House Ethics Manual, at 26.

⁹ House Ethics Manual, at 55 (stating a Member may accept “[a]nything paid for by the Federal Government, by a State of local government, or secured by the Government under a Government contract” (quoting House Rule 25, clause (5)(a)(3)(O))); Member’s Congressional Handbook, at 25 (“The Committee on Ethics has ruled that Members **may accept** free office space, located in their district, when such space is provided by a federal, state, or local government agency.” (emphasis added)).

Exhibit A



Greg Williams

February 17 · 🌐



Incompetence continues to flow from the newly elected 6th District rep. McBath's questionable ethics were exposed during the campaign when her property tax dodging antics came to light. The inability to serve constituents more than 3 months after Election Day is a disservice to the voters and a national embarrassment. If you'd like to register a complaint about McBath, call Senator Isakson's office for fastest response. That's what Lucy suggests.



REPORTERNEWSPAPERS.NET

U.S. Rep. McBath gets free temporary office in Brookhaven city community center

👍👎👀 31

62 Comments 8 Shares



John Ernst First off, facts:

They approached Brookhaven because their office was not ready and need temporary space. It is under federal regulations (my understanding) that they could use local government buildings but not private. Their office was to be opened in a short time. They were in Lynwood for all of four days and were gone before this article hit or the author of the article asked the questions. They used a room, and fold out tables that were already there, and the WiFi. I am told that they maybe a half dozen coffee pods.

Brookhaven has offered "free" temp space for other government both county and state both Democrats and Republicans to hold meetings etc.

The party of the sitting Congresspersons did not and does not matter.

The permanent office
Is in Sandy Springs.

Like · 13w · Edited



Chris Scheve **John Ernst** there are no federal regulations against Members renting private office space.

Like · 13w



John Ernst **Chris Scheve** correct but the reqs to get temp private office are substantial and could not be done in time.

The permanent is a private rental.

Like · 13w · Edited