

March 28, 2022

The Honorable Christopher Coons, Chair
The Honorable James Lankford, Vice Chair
Select Committee on Ethics
United States Senate
220 Hart Building
United States Senate
Washington, D.C. 20510

Re: Request for Investigation into Senate Candidate James Carlin's Continued Failure to File Personal Financial Disclosure Report.

Dear Chairman Coons and Vice Chairman Lankford:

On February 2, 2022, I sent a letter requesting the Senate Select Committee on Ethics investigate Jim Carlin, a candidate for the United States Senate for Iowa, for failing to file a Public Financial Disclosure Report within thirty (30) days of becoming a candidate, in violation of Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 101.

My previous letter has gone unanswered, so I am respectfully urging the Senate Select Committee on Ethics to take action immediately concerning Carlin's failure to file a Public Financial Disclosure. As of today, 396 days after becoming a candidate for office, Carlin has still failed to file a report, nor did he request an extension prior to the deadline of May 15, 2021.

As previously mentioned, the Ethics in Government Act (the "Act") authorizes the Attorney General of the United States to seek a civil penalty for a *knowing* and *willful* failure to file a Financial Disclosure Report.¹ Importantly, the Act makes clear that your Committee shall refer to the Attorney General "the name of any individual which [the] committee has reasonable cause to believe has willfully failed to file a report..."²

We now have clear evidence that Carlin's failure to file is *knowing* and *willful*. Carlin has made public comments that are dismissive of the Committee on Ethics' Personal Financial Disclosure requirement, and his continued refusal to file can only be interpreted as open defiance of the Committee. On February 16, 2022, it was reported by KCAU-TV in Sioux City, Iowa that Carlin acknowledged he had not fulfilled his obligation to file his disclosure. Indeed, Carlin referred to his failure to file as "much ado about nothing" and "not that big of a deal."³

¹ Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 104(a)(1) (emphasis added).

² *Id.* at § 104(b).

³ Gage Teunissen, *Ethics complaints filed against Carlin, other candidate in run for U.S. Senate*, KCAU-TV, Feb. 16, 2021, <https://www.siouxlandproud.com/news/your-local-election-hq/ethics-complaints-filed-against-carlin-other-candidate-in-run-for-u-s-senate/>.

Yet, a full month later, he has still not done so, despite also stating that filing his financial disclosure would be an “easy problem to remedy.”⁴

These public statements, confirmed by local media, provide the Committee clear evidence that Carlin has knowingly and willfully failed to file the report after acknowledgment of an obligation to do so.

Contrary to Carlin’s assertions, the Personal Financial Disclosure is a big deal, and certainly not “much ado about nothing.” Because this standard is so important, Congress assigned stiff penalties to those who knowingly and willfully violate it, including fines of up to \$50,000, imprisonment for up to a year, or both.⁵ The Personal Financial Disclosure is a fundamental part of how voters evaluate candidates for political office, and voters need plenty of time to do it, which is why candidates are supposed to file it within 30 days of declaring their candidacy.

March 18th is the filing deadline for U.S. Senate candidates in Iowa to submit signatures so that they can appear on the ballot in 2022. Carlin has collected thousands of signatures from Iowans and submitted them to the Iowa Secretary of State for certification, all without telling Iowans anything about his personal finances and potential conflicts of interest. It’s an open question whether Carlin would have collected as many signatures if the details of his Personal Financial Disclosure were known—as they should have been—in May of last year. By flouting the law, Carlin has deprived Iowans of the chance to make an informed decision whether he should even appear on the ballot.

Iowans certainly deserve to know, prior to Iowa’s June 7 primary election, what Carlin is hiding, especially in light of his personal contributions of \$216,761.09⁶ to his campaign. Right now, 395 days after he declared his candidacy, Iowa voters still have no idea about the source of those funds. Importantly, Jim Carlin is not a first-time candidate unaware of public reporting requirements. Carlin’s background includes:

- Iowa House of Representatives
- Sitting Iowa State Senator
- Vice-Chair of the Senate Ethics Committee⁷
- Trial lawyer by occupation

Carlin’s open defiance of the Personal Financial Disclosure requirement is readily apparent from his public comments to the press and from his continued failure to file. It is no

⁴ Gage Teunissen, *Ethics complaints filed against Carlin, other candidate in run for U.S. Senate*, KCAU-TV, Feb. 16, 2021, <https://www.siouxlandproud.com/news/your-local-election-hq/ethics-complaints-filed-against-carlin-other-candidate-in-run-for-u-s-senate/>.

⁵ 5 U.S.C. app. § 104 (noting fines of \$50,000 for knowingly and willfully failing to file).

⁶ FEC, *Financial Summary*, FEC (March 16, 2022), <https://www.fec.gov/data/candidate/S2IA00131/>.

⁷The Iowa Legislature, *Ethics (S)*, The Iowa Legislature, (March 16, 2022), <https://www.legis.iowa.gov/committees/committee?ga=89&groupID=307>.

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longer a question of whether he knowingly and willfully violated the law by failing to file. Nor is there any necessity for the Committee to give Carlin an opportunity to further delay, as Carlin's conduct speaks for itself. The question is: will the Committee on Ethics enforce its own standards and federal law? I request the Committee immediately forward this evidence of an intentional violation of the Ethics in Government Act to the Attorney General of the United States.

Sincerely,

A handwritten signature in blue ink, appearing to read "Will Rogers", with a long horizontal flourish extending to the right.

Will Rogers
1328 43rd St.
Des Moines, IA 50311

