

House Calendar No. 81

114TH CONGRESS }
1st Session

HOUSE OF REPRESENTATIVES

{ REPORT
114-381

IN THE MATTER OF ALLEGATIONS
RELATING TO REPRESENTATIVE JARED POLIS

R E P O R T

OF THE

COMMITTEE ON ETHICS



DECEMBER 15, 2015.—Referred to the House Calendar and
ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
Washington, DC, December 15, 2015.

Hon. KAREN L. HAAS,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. HAAS: Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached report, "In the Matter of Allegations Relating to Representative Jared Polis."

Sincerely,

CHARLES W. DENT,
Chairman.
LINDA T. SÁNCHEZ,
Ranking Member.

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IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE JARED POLIS

DECEMBER 15, 2015.—Referred to the House Calendar and ordered to be printed

Mr. DENT, from the Committee on Ethics,
submitted the following

R E P O R T

In accordance with House Rule XI, clauses 3(a)(2) and 3(b), the Committee on Ethics (Committee) hereby submits the following Report to the House of Representatives:

I. INTRODUCTION

On October 30, 2015, the Board of the Office of Congressional Ethics (OCE) transmitted to the Committee a Report and Findings (OCE's Referral) relating to Representative Polis. OCE reviewed allegations that Representative Polis' activities with two businesses could be perceived as official endorsements of those businesses and that he used official resources in promoting the businesses. In one case, Representative Polis appeared in a video produced and distributed by Riot Games, the company that produces the video game League of Legends.¹ In the second, Representative Polis participated in a clothing event with Ninox Designs, LLC (Ninox), a menswear company in his district, and publicized the event.

OCE found that there was substantial reason to believe that Representative Polis engaged in activities that could be perceived as endorsements of Riot Games and Ninox and that he used official resources in promoting the businesses, in violation of federal law and House Rules. For that reason, OCE recommended that the Committee further review these allegations.

The Committee did further review the allegations. Following its review, the Committee concluded that Representative Polis' participation in the Riot Games video and the Ninox event did not violate

¹See Riot Neon, "Jared Polis: Community Congressman," available at <http://na.leagueoflegends.com/en/news/community/community-spotlight/jared-polis-community-congressman>.

any law or House Rules regarding official endorsements or the use of official resources for the promotion of a business endeavor.

Accordingly, the Committee unanimously voted to dismiss this matter, adopt this Report, and take no further action. Upon publication of this report the Committee considers the matter closed.

II. PROCEDURAL BACKGROUND

OCE undertook a preliminary review of this matter on June 27, 2015. On July 27, 2015, OCE initiated a second-phase review. By a split vote of four to two, on October 23, 2015, the OCE Board voted to refer the matter to the Committee and adopt the Findings. The Committee received the OCE Referral on October 30, 2015 and received supplementary information from OCE on November 4, 2015.

The Committee reviewed all of the materials provided to it by OCE, as well as a response from Representative Polis. In addition, the Committee requested that Ninox voluntarily provide information regarding Representative Polis' participation in the clothing event. Ninox cooperated with the Committee's review and provided documents and other information to the Committee. In total, the Committee reviewed 2,369 pages of materials, including interview transcripts of seven witnesses and Representative Polis, Representative Polis' response to the OCE Referral, and the information from Ninox.

On December 11, 2015, the Committee unanimously voted to dismiss this matter, adopt this Report, and take no further action with respect to Representative Polis.

III. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT

Federal law requires that appropriations "shall be applied only to the objects for which the appropriations were made . . ." ² Consistent with this prohibition, the *House Ethics Manual* explains that Members of the House are prohibited from using official resources for any private purpose. ³ House resources acquired with appropriated funds include office phones, computers and other equipment, office supplies, office space, and staff on official time. ⁴ Social media accounts are also an official resource if they are established by a Member or the Member's office to communicate information as a part of the Member's representational or legislative duties and Member and staff time is used to maintain the accounts. ⁵

The House Office Building Commission has also adopted regulations regarding the use of House offices and other facilities. Those regulations ban commercial solicitation for products or services, and the display or distribution of commercial advertising, among other things, in House offices and other House spaces. ⁶

² 31 U.S.C. § 1301.

³ *House Ethics Manual* (2008) [hereinafter *Ethics Manual*] at 335 (discussing 31 U.S.C. § 1301 and House Rule XXIV). The Ethics Manual does not create independent duties outside of the rules and other standards discussed therein.

⁴ *Id.* at 197.

⁵ Committee on House Administration, *Members' Congressional Handbook* (2015) at 27.

⁶ House Office Building Commission, *Rules and Regulations Governing the House Office Buildings, House Garages and the Capitol Power Plant* (Feb. 1999), ¶ 4.

General ethics principles also restrict how Members, acting in their official capacity, may interact with commercial enterprises. As the *Ethics Manual* explains, Members are frequently approached by individuals or organizations seeking assistance for business undertakings.⁷ It states, “obtaining information for constituents regarding government contracts and services, as well as helping them deal with government regulations, is an important aspect of a Member’s representational duties.”⁸ The Code of Ethics for Government Service, however, requires that any person in government service “never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his government duties.”⁹

In providing guidance regarding these standards, the *Ethics Manual* further cautions that when conducting casework for constituents and participating in privately-sponsored events involving commercial entities, Members must avoid becoming too closely affiliated with such entities, in order to avoid any appearance that they are accruing benefits by virtue of improper influence exerted from their position in Congress, or are dispensing special favors.¹⁰ It states, “in participating in a privately-sponsored event a Member must take care to avoid any action that may be perceived as an endorsement of the private sponsor.”¹¹ The *Ethics Manual* also says that Members and employees should undertake for one individual or business no more than they would be willing to do for others similarly situated.¹²

When a Member has determined that they wish to recognize an individual or business, they should also be mindful of the content of that recognition. In general, when responding to requests for support, Members and staff should draft communications so that they do not lend themselves to misinterpretation as an official endorsement from the Congress.¹³ Moreover, where such recognition may be made in an official government document, the regulations of other entities, such as the Franking Commission or Joint Committee on Printing, may apply.¹⁴ The *Ethics Manual* notes that while it is appropriate for a Member to insert remarks in the Congressional Record that “publicly . . . congratulate a local business for achieving an award or celebrating a significant anniversary,” in making such remarks, “Members should refrain from overtly commercial promotions.”¹⁵

Finally, House Rule XXIII, clauses 1 and 2 state that “[a] Member . . . of the House shall behave at all times in a manner that shall reflect creditably on the House,” and “shall adhere to the *spirit and the letter* of the Rules of the House . . . ” (emphasis added).

⁷ *Ethics Manual* at 349.

⁸ *Id.* at 349–50.

⁹ Code of Ethics for Government Service, 72 Stat., Part 2, B12 (1958), H. Con. Res. 175, 85th Cong.

¹⁰ *Ethics Manual* at 350.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 325–26.

¹⁵ *Id.* at 326.

IV. BACKGROUND

A. REPRESENTATIVE POLIS' APPEARANCE IN THE RIOT GAMES VIDEO

Representative Polis appeared in a web-based video produced by Riot Games, the developer of a free, online video game called "League of Legends."¹⁶ Representative Polis is a self-described "gamer" and has played League of Legends for many years.¹⁷ While League of Legends is free to download and play, players may purchase virtual items within the game through "micro-transactions," such as buying "skins" to dress a character or unlocking a particular character.¹⁸

The video that features Representative Polis is part of a series of videos produced by Riot Games' Marketing Department called the "Queuing Up project" (Queuing Up).¹⁹ The goal of Queuing Up is to improve player retention and lapsed player reactivation by increasing positive player sentiment around the League of Legends community.²⁰ The videos feature League of Legends players who have interesting stories to tell.²¹ One video profiles a professional chef that creates video game-themed food and runs a YouTube channel with videos about video game themed recipes.²² Other videos in the project feature couples who were brought together by League of Legends and college students that organize play at their schools.²³ Riot Games' Brand Manager told OCE that the goal of the project is not to attract new players or advertise the in-game products players could buy, but to have a positive impact on perceptions of the game within the League of Legends community.²⁴ The Brand Manager explained that the longer a player is happy and interested in the game, the more likely they are to keep playing the game and spend money.²⁵ Riot Games spent approximately \$25,000 on the video featuring Representative Polis. That amount was a fraction of Riot Games' 2015 budget for the Queuing Up project as a whole.

Riot Games chose to feature Representative Polis in a video as a part of Queuing Up because he is well known in the League of Legends community.²⁶ He played an active role in opposing the Stop Online Piracy Act (SOPA) and Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property (PROTECT IP) Act (PIPA).²⁷ In 2012, Representative Polis participated in an online forum for League of Legends players to educate the community about SOPA and PIPA.²⁸

On October 28, 2013, Riot Games contacted Representative Polis' congressional office by email to express its interest in creating what it described as a "human interest piece" on Representative Polis.²⁹ In that email, Riot Games' Brand Manager explained that

¹⁶OCE's Referral, Ex. 1 at 3.

¹⁷*Id.*, Ex. 3 at 2.

¹⁸*Id.*, Ex. 1 at 3; *see also* Ex. 2 at 5.

¹⁹*Id.*, Ex. 1 at 9.

²⁰*Id.*, Ex. 4.

²¹*Id.*, Ex. 1 at 9.

²²*Id.*

²³*Id.*, Ex. 2 at 12–13.

²⁴*Id.*, Ex. 1 at 7.

²⁵*Id.*

²⁶*Id.*, Ex. 1 at 9.

²⁷*Id.* at 9–10.

²⁸*Id.*, Ex. 3 at 4–5.

²⁹*Id.*, Ex. 6.

Riot Games was looking to “capture and share more positive, human stories of fun, talented, competitive and responsible individuals who also just happen to be part of our player base.”³⁰ After Representative Polis agreed to be featured in the video, he participated in a preliminary call with Riot Games staff.³¹ Representative Polis’ congressional staff prepared a short memo briefing Representative Polis before the call.³² The memo described the call as the beginning stage of a “special human interest piece” that would eventually be a “video documentary” about a “yet-to-be-determined inspiring element” of Representative Polis’ career.³³ The memo also included a link to a previously-produced video as an example of what Riot Games was proposing to produce about Representative Polis.³⁴ That video was a short documentary film, not produced by Riot Games, which profiled the life of a young man who became a quadriplegic after an accident and is now a film editor. Just before the filming of the video, Representative Polis participated in a second call with Riot Games.³⁵ Representative Polis’ congressional staff scheduled both calls and the times for filming the video.³⁶

Riot Games filmed at Representative Polis’ home in Colorado on December 15, 2013.³⁷ They also filmed in Washington, D.C. on February 24 and 25, 2014.³⁸ In both sessions, they captured video of Representative Polis and interviewed him.³⁹ Riot Games sent Representative Polis’ staff a preview of the video before it was released.⁴⁰ Representative Polis and his staff did not recall whether he reviewed the video before its release.⁴¹

On April 27, 2015, Riot Games released the four minute and twenty second video featuring Representative Polis on its YouTube channel and on the League of Legends forums.⁴² The video features shots of Washington, D.C., including Representative Polis at his desk in the Longworth House Office building and walking around the Capitol. It also features footage of him and his partner playing League of Legends at their home in Colorado.

The video is narrated with quotes from Representative Polis. He introduces himself as a Member of the House of Representatives from the Second Congressional District of Colorado.⁴³ He discusses his biography, his love for playing video games, specifically League of Legends, and what it is like to be a Member of Congress.⁴⁴ He also talks about his work on SOPA and PIPA.⁴⁵ Representative Polis describes how he engaged the League of Legends community regarding those bills in 2012.⁴⁶ Approximately two minutes of the video is devoted to the League of Legends’ community’s involvement in SOPA and PIPA and includes footage of Representative

³⁰ *Id.*

³¹ *Id.*, Ex. 1 at 20.

³² *Id.*, Ex. 9.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*, Ex. 1 at 20.

³⁶ *Id.*, Ex. 12.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*, Ex. 1 at 23–25.

⁴⁰ *Id.*, Ex. 10 at 9–10.

⁴¹ *Id.*, Ex. 3 at 17; Ex. 10 at 9–10.

⁴² *Id.*, Ex. 14 at 2.

⁴³ *Id.*, Ex. 15 at 1.

⁴⁴ *Id.*

⁴⁵ *Id.* at 2.

⁴⁶ *Id.*

Polis on the House floor and in Committee hearings discussing that legislation in 2012. The video closes with footage of Representative Polis playing League of Legends with voiceover by him saying that he represents the Second Congressional District of Colorado, but he also hopes to be someone “that the community of League of Legends players across the country and world can turn to as a person in Congress who understands an experience and wants to protect it and is very much a part of that community.”⁴⁷

Representative Polis’ Communications Director told OCE that on the day the video was released, Representative Polis participated in an on-line question and answer session on the website Reddit.⁴⁸ Representative Polis told OCE that he did not remember participating in the Q&A, but that he would have been amenable to doing so.⁴⁹ Representative Polis’ staff also tweeted about the video on his official Twitter account after it was released.⁵⁰ Several months later, after the OCE review began, Representative Polis’ staff discussed their use of Representative Polis’ official Twitter account with Committee staff.⁵¹ Following this discussion, Representative Polis’ congressional staff removed the tweet regarding the Riot Games video from the Member’s official Twitter account.⁵²

As described above, OCE recommended further review of the allegation that Representative Polis engaged in activity that could be perceived as an endorsement of a Riot Games product and used official resources in a manner that promoted Riot Games’ business. OCE found that the video in which Representative Polis appeared was produced and distributed by a for-profit company; that the video was part of a marketing effort undertaken by a for-profit company, with a goal of increasing retention of players who would then spend money within the game; that the video was produced and distributed at substantial cost to the for-profit company; and that a significant part of the video was filmed in Representative Polis’ congressional office and around the Capitol complex.⁵³ Based on these facts, OCE found that the Riot Games video could be perceived as an endorsement of Riot Games’ product, the League of Legends game, and the promotion of a commercial endeavor.⁵⁴ Therefore, OCE found that there was substantial reason to believe that Representative Polis had engaged in activity that could be perceived as an endorsement of a company’s product, and by permitting Riot Games to film him in his congressional office and around the Capitol complex, used official resources in a manner that promoted a business endeavor, in violation of federal law and House rules.⁵⁵

Representative Polis viewed his participation in the video as part of his representational duties.⁵⁶ He told OCE that he agreed to be featured in the video because it would be a way to interact with constituents who play League of Legends.⁵⁷ He said that from his

⁴⁷ *Id.*

⁴⁸ *Id.*, Ex. 16 at 10–11.

⁴⁹ *Id.*, Ex. 3 at 19.

⁵⁰ *Id.*, Ex. 16 at 9–10; *see also* Ex. 3 at 20.

⁵¹ *Id.*, Ex. 3 at 20.

⁵² *Id.*

⁵³ *Id.* ¶ 5.

⁵⁴ *Id.* ¶ 107.

⁵⁵ *Id.* ¶ 108.

⁵⁶ *Id.*, Ex. 3 at 12.

⁵⁷ *Id.*

perspective, the purpose of the video was to provide journalistic content to the League of Legends community.⁵⁸ Representative Polis' staff perceived the video in the same way. His Chief of Staff and Scheduler told OCE that they understood that the video would be a documentary about the Congressman.⁵⁹ Representative Polis did not view the video as endorsing a product because he did not tell people to play the game or to buy anything.⁶⁰ Instead, to the extent Representative Polis discussed his love of the game, he viewed those comments as biographical and compared them to telling a reporter he is a Colorado Rockies fan.⁶¹

B. REPRESENTATIVE POLIS'S PARTICIPATION IN A CLOTHING EVENT WITH NINOX

After OCE initiated its preliminary review of Representative Polis' appearance in the Riot Games video, Representative Polis participated in an event sponsored by Ninox, a men's clothing designer and retailer located in his congressional district. Prior to the event, on February 28, 2014, Representative Polis was featured in a *GQ Magazine* (*GQ*) story that said he had the "worst Congressional style ever," and implored Representative Polis to let *GQ* help him with his clothes.⁶² On March 31, 2015, the founder of Ninox emailed Representative Polis' congressional office proposing that Representative Polis try on some of Ninox's clothing because *GQ* had not done a follow-up piece.⁶³ The initial request from Ninox said it may be a "fun way to get some press."⁶⁴

Representative Polis agreed to participate in the "makeover" and his staff assisted by working with Ninox to schedule the time and choose the location.⁶⁵ His staff also assisted Ninox with choosing the clothing he would try on at the event, to ensure it was the right size and met his preferences and requirements for dress on the House floor.⁶⁶ His staff also suggested that Representative Polis be photographed after the makeover with the sign outside of his district congressional office.

On June 30, 2015, Representative Polis participated in the makeover.⁶⁷ He tried on several pieces of Ninox's clothing at a park in Boulder, Colorado.⁶⁸ He was photographed at the event and at his district office by Ninox's photographer, his staff, and the media.⁶⁹ Representative Polis' staff and Ninox reached out to the media to publicize the event before and after it occurred.⁷⁰ Several media outlets later wrote stories about the makeover, including the *Boulder Daily Camera*, the *Denver Post*, the *Washington Post* and *GQ*. Following the event, Representative Polis purchased some clothing from Ninox at full price, with his own money.⁷¹

⁵⁸*Id.* at 18.

⁵⁹*Id.*, Ex. 7 at 8; Ex. 8 at 7.

⁶⁰*Id.*, Ex. 3 at 13.

⁶¹*Id.*

⁶²Dennis Tang, *Worst Congressional Style Ever? Yeah, Probably*, *GQ*, Feb. 25, 2014.

⁶³OCE's Referral, Ex. 18.

⁶⁴*Id.*

⁶⁵*Id.*, Ex. 19; Ex. 16 at 19.

⁶⁶*Id.*, Ex. 16 at 20.

⁶⁷*Id.*, Ex. 19.

⁶⁸*Id.*, Ex. 3 at 25–26.

⁶⁹*Id.*, Ex. 16 at 22, 24.

⁷⁰*Id.*, Ex. 16 at 18.

⁷¹*Id.*, Ex. 3 at 30.

Representative Polis' congressional staff posted photos of the event and thanked Ninox through Representative Polis' official Twitter and Instagram accounts.⁷² His official Twitter account also re-tweeted a tweet from Ninox about the event.⁷³

Ninox also used social media to publicize the event. It posted photographs of Representative Polis on its Twitter, Instagram and Facebook accounts, including some that referenced Ninox products.⁷⁴ Ninox also used a photograph of Representative Polis wearing sunglasses to advertise the "\$89 Polis Special," a one-week sunglasses sale, on Facebook.⁷⁵

In addition, Ninox sent a "blast email" to 1,149 people on July 8, 2015. Entitled, "Worst-Dressed Congressman Jared Polis Gets a Style Upgrade from Ninox," this email included a before and after picture of Representative Polis, images of Representative Polis wearing Ninox clothing, information about the clothing products he tried on, and an advertisement for the \$89 "Polis Special." Neither Representative Polis, nor any member of his staff, were included on the email distribution list.

Currently, Ninox features Representative Polis on its website as a "Boulder Icon."⁷⁶ The page includes photos of Representative Polis from the makeover, references the specific Ninox products that he tried on, and states that he wears the clothes around Washington, D.C.⁷⁷ It also states, "Jared became a fan of the Carson pants instantly and can be seen sporting them on the house [sic] floor."⁷⁸ Finally, the Ninox website contains images of Representative Polis and the various articles written about the makeover.

As described above, OCE recommended further review of the allegation that Representative Polis engaged in an activity that could be perceived as an endorsement of Ninox's products and used official resources in a manner that promoted Ninox's business.⁷⁹ OCE noted in the Referral that neither Representative Polis nor members of his congressional staff made any effort to address the potential use of photographs from the makeover event by Ninox for commercial purposes.⁸⁰ OCE found that Representative Polis, by engaging in and publicizing the makeover event with Ninox, engaged in activity that could be perceived as an endorsement of a company's product and used official resources, including staff time and official social media resources, in a manner that promoted a business endeavor, in violation of federal law and House rules.⁸¹

Representative Polis viewed the makeover event as a part of his representational duties for a business in his district and stated that he did not tell anyone to buy or purchase a product.⁸² Representative Polis told OCE that the makeover was an open event so anyone could take photos and use them how they wanted.⁸³ Indeed, Representative Polis' Communications Director invited local

⁷² *Id.*, Ex. 20–23.

⁷³ *Id.*, Ex. 22.

⁷⁴ *Id.* ¶ 136.

⁷⁵ *Id.* ¶ 138.

⁷⁶ *Id.* ¶ 145.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.* ¶ 6.

⁸⁰ *Id.* ¶ 142.

⁸¹ *Id.* ¶ 149.

⁸² *Id.*, Ex. 3 at 23.

⁸³ *Id.* at 27.

press members to attend and document the event.⁸⁴ The Communications Director told OCE that she assumed that Ninox was not publicizing the makeover, other than perhaps reaching out to *GQ* in connection with the magazine's original story.⁸⁵ Neither Representative Polis nor his congressional staff was aware that Ninox used his image and name for the "Polis Special" until well after the sale ended.⁸⁶ When Representative Polis became aware, he asked Ninox to remove the post on Facebook. Ninox complied with his request.⁸⁷

V. FINDINGS

Federal law and House Rules govern how Members, when acting in their official capacity, may interact with commercial entities. The law and Rules do not, however, provide a "bright line" as to what Members may or may not do in relation to a corporation or business. Thus, Members have some discretion to perform representational duties related to commercial entities, but must use caution not to take actions that could be perceived as an official endorsement of a commercial entity, or to use official resources to promote a business endeavor.

The Committee considered Representative Polis' participation in the video produced by Riot Games and the clothing event with Ninox, and concluded that Representative Polis did not use official resources for a commercial purpose or violate House Rules regarding official endorsement of a commercial entity. While it does appear that both the Riot Games video and the Ninox clothing event were intended, at least in part, to promote the businesses, this is true in virtually every instance in which a business participates in or arranges an event with a Member. Further, the video and clothing event also had clear and substantial non-commercial, representational, purposes. Moreover, based on the facts available to them at the time, neither Representative Polis nor his staff had reason to believe that Representative Polis' participation in the video and clothing event would serve as any advertisement for the respective companies, or that Representative Polis' image would be used to promote sales of any particular product. When Representative Polis discovered, long after the clothing event, that Ninox had used photos of him from the event to advertise a "Polis special," he promptly asked Ninox to remove those advertisements.

Although the Committee did not find that Representative Polis' engagements with Riot Games and Ninox violated any House Rule, law, regulation, or other standard of conduct, the Committee reminds all Members of its guidance that Members should take care when participating in activities with outside entities. The Committee encourages all Members who are contemplating participating in events with commercial entities to contact the Committee with any questions they may have, and to exercise caution to avoid any appearance of an improper official endorsement or use of official resources for a commercial purpose.

⁸⁴ *Id.*, Ex. 16 at 18.

⁸⁵ *Id.*, Ex. 16 at 18, 25.

⁸⁶ *Id.*, Ex. 3 at 29; Ex. 16 at 31.

⁸⁷ *Id.*, Ex. 3 at 29–30.

VI. CONCLUSION

Because Representative Polis' activities did not violate House Rules, laws, regulations, or other standards of conduct regarding official endorsements or the use of official resources for the promotion of a business endeavor, the Committee has determined to take no further action in this matter, and upon publication of this Report, considers the matter closed.

VII. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(c)

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.

APPENDIX A

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 15-6333

The Board of the Office of Congressional Ethics (the "Board"), by a vote of no less than four members, on October 23, 2015, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Jared Polis

NATURE OF THE ALLEGED VIOLATION: Representative Jared Polis appeared in a video produced and distributed by the video game company Riot Games, in which he is seen playing the company's League of Legends video game. If Representative Polis' appearance in the company's video could be perceived as an official endorsement of the company's product or if Representative Polis used official resources in a manner that promoted Riot Games' business, then he may have violated federal law and House rules.

Representative Polis participated in a makeover and photo shoot with Ninox Design, LLC ("Ninox"), a menswear company based in his congressional district. Photographs from the makeover were subsequently used by the menswear company to advertise and promote its products. If Representative Polis' participation in the makeover could be perceived as an official endorsement of the company's products or if Representative Polis used official resources in a manner that promoted Ninox's business, then he may have violated federal law and House rules.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the allegation that Representative Polis engaged in activity that could be perceived as an endorsement of a Riot Games' product and used official resources in a manner that promoted Riot Games' business, as there is substantial reason to believe that Representative Polis engaged in such activity or used official resources in such a manner, in violation of federal law and House rules.

The Board recommends that the Committee on Ethics further review the allegation that Representative Polis engaged in activity that could be perceived as an endorsement of Ninox's products and used official resources in a manner that promoted Ninox's business, as there is substantial reason to believe that Representative Polis engaged in such activity or used official resources in such a manner, in violation of federal law and House rules.

VOTES IN THE AFFIRMATIVE: 4

VOTES IN THE NEGATIVE: 2

ABSTENTIONS: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO
THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director & Chief Counsel

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 15-6333

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 15-6333

On October 23, 2015, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to laws, regulations, rules, and standards of conduct (*in italics*).

The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. Representative Jared Polis appeared in a video produced and distributed by the video game company Riot Games, in which he is seen playing the company’s League of Legends video game.
2. If Representative Polis’ appearance in the company’s video could be perceived as an official endorsement of the company’s product or if Representative Polis used official resources in a manner that promoted Riot Games’ business, then he may have violated federal law and House rules.
3. Representative Polis participated in a makeover and photo shoot with Ninox Design, LLC (“Ninox”), a menswear company based in his congressional district. Photographs from the makeover were subsequently used by the menswear company to advertise and promote its products.
4. If Representative Polis’ participation in the makeover could be perceived as an official endorsement of the company’s products or if Representative Polis used official resources in a manner that promoted Ninox’s business, then he may have violated federal law and House rules.
5. The Board recommends that the Committee on Ethics further review the allegation that Representative Polis engaged in activity that could be perceived as an endorsement of a Riot Games’ product and used official resources in a manner that promoted Riot Games’ business, as there is substantial reason to believe that Representative Polis engaged in such activity or used official resources in such a manner, in violation of federal law and House rules.
6. The Board recommends that the Committee on Ethics further review the allegation that Representative Polis engaged in activity that could be perceived as an endorsement of Ninox’s products and used official resources in a manner that promoted Ninox’s

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business, as there is substantial reason to believe that Representative Polis engaged in such activity or used official resources in such a manner, in violation of federal law and House rules.

B. Jurisdictional Statement

7. The allegations that were the subject of this review concern Representative Jared Polis, a Member of the United States House of Representatives from the 2nd District of Colorado. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics directs that, “[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution.”¹ The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

8. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on June 26, 2015. The preliminary review commenced on June 27, 2015.² The preliminary review was scheduled to end on July 26, 2015.
9. On June 29, 2015, the OCE notified Representative Polis of the initiation of the preliminary review, provided him with a statement of the nature of the review, notified him of his right to be represented by counsel in this matter, and notified him that invoking his right to counsel would not be held negatively against him.³
10. At least three members of the Board voted to initiate a second-phase review in this matter on July 24, 2015. The second-phase review commenced on July 27, 2015.⁴ The second-phase review was scheduled to end on September 9, 2015.
11. On July 27, 2015, the OCE notified Representative Polis of the initiation of the second-phase review, again notified him of his right to be represented by counsel in this matter, and notified him that invoking that right would not be held negatively against him.⁵
12. The Board voted to extend the second-phase review by an additional period of fourteen days on August 28, 2015. The additional period ended on September 23, 2015.
13. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on October 23, 2015.

¹ H. Res 895, 110th Cong. §1(e) (2008) (as amended).

² A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is received by the OCE on a date certain. According to H. Res. 895 of the 110th Congress (hereafter “the Resolution”), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

³ Letter from OCE Deputy Chief Counsel to Representative Polis, June 29, 2015.

⁴ According to the Resolution, the Board must vote (as opposed to make a written authorization) on whether to conduct a second-phase review in a matter before the expiration of the 30-day preliminary review. If the Board votes for a second-phase, the second-phase commences the day after the preliminary review ends.

⁵ Letter from OCE Deputy Chief Counsel to Representative Polis, July 27, 2015.

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14. The report and its findings in this matter were transmitted to the Committee on Ethics on October 30, 2015.

D. Summary of Investigative Activity

15. The OCE requested documentary and, in some cases, testimonial information from the following sources:

- (1) Representative Jared Polis;
- (2) Representative Polis' Former Chief of Staff;
- (3) Representative Polis' Former Scheduler;
- (4) Representative Polis' Communications Director;
- (5) Representative Polis' Former Communications Director;
- (6) Riot Games Brand Manager;
- (7) Riot Games Associate Brand Manager; and
- (8) Riot Games Associate Video Producer.

16. Ninox, in declining to respond to the OCE's Request for Information, did not cooperate with the OCE's review and was determined to be a non-cooperating witness.

II. REPRESENTATIVE POLIS, BY APPEARING IN A RIOT GAMES VIDEO, MAY HAVE ENGAGED IN ACTIVITY THAT COULD BE PERCEIVED AS AN ENDORSEMENT OF A COMPANY'S PRODUCT AND MAY HAVE USED OFFICIAL RESOURCES IN A MANNER THAT PROMOTED A BUSINESS ENDEAVOR

A. Applicable Laws, Rules, and Standards of Conduct

17. 31 U.S.C. § 1301

Federal law provides that official funds may be used only for the purposes for which they were appropriated.

18. House Rules

Pursuant to House Rule 23, clause 1, Members "shall behave at all times in a manner that shall reflect creditably on the House."

Under House Rule 23, clause 2, Members "shall adhere to the spirit and the letter of the Rules of the House"

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19. House Ethics Manual

The House Ethics Manual instructs that “Members and employees of the House are prohibited from using official resources for any private purpose.”⁶

“Anything supported with official funds is an official resource, including congressional offices. The House Office Building Commission . . . has issued regulations governing the use of House facilities. These regulations generally ban solicitation and commercial activity”⁷

“Other entities may have jurisdiction over the use of particular official resources. The Joint Committee on Printing, for example, publishes ‘Government Printing and Binding Regulation’ pertaining to government documents. These regulations caution: ‘No Government publication . . . shall contain . . . material which implies in any manner that the Government endorses or favors any specific commercial product, commodity, or service.’⁸

“The Joint Committee on Printing has advised that commercial advertising is not a proper or authorized function of government. . . . Members should also bear these regulations in mind in the context of the common practice of inserting an Extension of Remarks in the Congressional Record, noting the accomplishments of a district business. While it is usually appropriate publicly to congratulate a local business for achieving an award or celebrating a significant anniversary, Members should refrain from overtly commercial promotions.”⁹

The House Ethics Manual specifically extends the prohibition of using official resources for private purposes to commercial use: “The prohibition against use of House resources to support unofficial undertakings clearly applies to support of business endeavors. Thus, an outside entity should never be permitted to use congressional stationery to promote a commercial or other unofficial endeavor When responding to requests for support, Members and staff should draft communications so that they do not lend themselves to misinterpretation as an official endorsement from the Congress. . . .”¹⁰

The manual further provides that “a Member may be asked to participate personally in an event that is sponsored by an outside organization In participating in such an event, Members and staff must avoid becoming too closely affiliated with any commercial entity, in order to avoid any appearance that they are accruing benefits by virtue of improper influence exerted from their position in Congress, or are dispensing special

⁶ House Ethics Manual (2008) at 335 (citing 31 U.S.C. § 1301(a)).

⁷ *Id.* at 325.

⁸ *Id.* at 325-36.

⁹ *Id.*

¹⁰ *Id.* at 350.

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*favors. Thus, in participating in a privately-sponsored event a Member must take care to avoid any action that may be perceived as an endorsement of the private sponsor.*¹¹

20. House Office Building Commission Rules and Regulations

Paragraph 4 of the Rule and Regulations Governing the House Office Buildings, House Garages, and the Capitol Power Plant provides: “[C]ommercial soliciting for products or services . . . in any of the areas covered by these regulations is prohibited.”

B. Representative Jared Polis’ Appearance in a Riot Games Video Could Be Perceived as an Endorsement of the League of Legends Game and as Promoting a Business Endeavor

21. Representative Jared Polis is an avid player of video games: “It’s one of the main things I do with my free time as recreation. I’m definitely a gamer.”¹² One magazine has dubbed him “the Gamer Congressman,”¹³ and he has been described as “Congress’ chief video-game-enthusiast.”¹⁴
22. Riot Games is the developer of the video game “League of Legends,” a free-to-play game that generates income through in-game “micro-transactions” in which game players may choose to buy new “skins” in which to cloak their game characters.¹⁵ According to an industry research firm, Riot Games generated over \$1.3 billion in revenue in 2014.¹⁶
23. Representative Polis told the OCE that he has played League of Legends for approximately seven or eight years, as an “active gamer.”¹⁷ He has described himself as “a member of the League of Legends community.”¹⁸
24. In addition to playing League of Legends, Representative Polis has had occasional interactions with Riot Games. For example, on January 11, 2012, during debate over legislative proposals to regulate the Internet, including the Stop Online Piracy Act (“SOPA”) and the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property (PROTECT IP) Act (“PIPA”), Representative Polis wrote a post on the League of Legends online forums urging fellow gamers to help stop SOPA.¹⁹

¹¹ *Id.* (citing Code of Ethics for Government Service, Paragraph 5, *supra* note 6).

¹² Scott Schackford, *The Gamer Congressman*, REASON, June 2014.

¹³ *Id.*

¹⁴ Ben Terris, *From ProFlowers to Chief Fundraiser for House Democrats: The Evolution of Jared Polis*, WASHINGTON POST, May 27, 2014.

¹⁵ Transcript of Interview of Riot Games Brand Manager, Sept. 18, 2015 (Exhibit 1 at 15-6333_0004) (“Riot Games Brand Manager Transcript”); Transcript of Interview of Riot Games Associate Video Producer, Sept. 17, 2015 (Exhibit 2 at 15-6333_0042) (“Riot Games Associate Video Producer Transcript”).

¹⁶ John Gaudiosi, *This Company Is Hosting the First Ever eSports Event at Madison Square Garden*, FORTUNE, June 9, 2015.

¹⁷ Transcript of Interview of Rep. Jared Polis, July 23, 2015 (Exhibit 3 at 15-6333_0065) (“Rep. Polis Transcript”).

¹⁸ Rep. Jared Polis, League of Legends Forum Post, Jan. 11, 2012, *available at* <http://forums.na.leagueoflegends.com/board/showthread.php?t=1696462>.

¹⁹ *Id.*; Rep. Polis Transcript (Exhibit 3 at 15-6333_0065).

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25. In his post, Representative Polis expressed his concern “about the future of the Internet and gaming if Congress doesn’t wake up,” and urged members of the community to “call your members of Congress and let them know of your opposition to SOPA.”²⁰
26. Representative Polis explained that, prior to his post, Riot Games “invited me to help educate their community members about why some of the policy decisions that were being made in Washington were relevant to the community. I agreed to do so, and interact with members of the League of Legends community in their online forum.”²¹
27. In addition, on at least two occasions, Representative Polis assisted Riot Games in obtaining visas for individuals traveling to the United States for eSports competitions and for high-tech employees traveling to the United States.²² Representative Polis said that Riot Games came to him for assistance because of his specialized knowledge of gaming issues.²³

Riot Games’ “Queuing Up” Project

28. At some point prior to October 2013, Riot Games marketing staff developed a program that came to be known as the “Queuing Up” project.²⁴
29. According to a 2015 “Queuing Up Strategy” document prepared by Riot Games, the goal of the project is to “[i]mprove player retention and lapsed player reactivation by increasing positive player sentiment around the League of Legends Community.”²⁵ This was to be achieved by identifying League of Legends players who have interesting stories to tell, then producing and sharing videos highlighting these players’ stories.²⁶
30. The initial core team behind the Queuing Up program consisted of the Riot Games Brand Manager, the Riot Games Associate Brand Manager, and a video producer.²⁷
31. The Riot Games Brand Manager described his responsibilities as “figuring out marketing materials, campaigns,” noting that “brand marketing is a section of marketing.”²⁸ He reported to Riot Games’ Marketing Lead for North America.²⁹
32. The Riot Games Brand Manager served as the “Product Owner” for the first two videos produced as part of the program.³⁰ He described his role at Riot Games:

League of Legends, since it’s a free-to-play game, there is no upfront cost to play, like many other games. We focus . . . Instead of doing a

²⁰ Rep. Jared Polis, League of Legends Forum Post, Jan. 11, 2012, *supra* n.18.

²¹ Rep. Polis Transcript (Exhibit 3 at 15-6333_0068).

²² *Id.* at 15-6333_0070-0071.

²³ *Id.* at 15-6333_0071.

²⁴ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0006).

²⁵ Riot Games Associate Video Producer, “Queuing Up Strategy 2015” (Exhibit 4 at 15-6333_0097).

²⁶ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0008-0009).

²⁷ *Id.* at 15-6333_0007.

²⁸ *Id.* at 15-6333_0002.

²⁹ *Id.* at 15-6333_0003.

³⁰ *Id.* at 15-6333_0011.

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big promotional push, doing a big release, and then making off of our money then, like the movie industry, we focus instead of keeping players engaged, and happy with the game, as long as possible. The longer you're playing the game, the more likely you are to find either a skin or summoner icon that you might find valuable enough to spend money on. . . . A lot of the efforts that we do, and a lot of the work that I do, is focused on what are the different ways that we can engage the community, make them feel good about the game that they play, the people they play with. That it's worth their time, by extension, potentially worth their money to buy something that they might like.³¹

33. The Riot Games Brand Manager described the Queuing Up project:

The basic idea was, harking back to that idea that the longer that we keep players happy and interested in the game, the more likely they are to stick around, and the more likely they are to spend money. My job is both identifying opportunities to make players happier, and then challenges that are keeping players from being happy . . .

The idea was basically, how could we highlight different individuals within the community that have positive, human, empathetic stories, behind how they play. The idea being, if we're able to appropriately draw a connection between, "Hey this is an interesting, cool person, that plays the same game I do. Okay, everyone else in this game might be terrible, but I at least now know that that one person I saw in this video, I like, and I maybe feel a little better about the community in the process."³²

34. The Riot Games Brand Manager explained that the goal of the project was, "by using video as a storytelling medium, [to] tell positive stories from different perspectives within the community. Overarching goal hopefully being when players see this media, they feel good about the community they are a part of, the people who also play the same game that they do We want players to have a good time playing our game; the theory is if they are, somewhere down the line they may spend more money."³³
35. The Riot Games Associate Brand Manager told the OCE that the Queuing Up videos were produced "[m]ainly as inspiration. To know that there's someone out there just like me who plays the game but also happens to be a world renowned chef, or a congressman, or fire fighter or something. It helps bridge the gap. . . . There was no economic goal for the project. . . . Oftentimes, it's really intangible, the idea that there are other human beings on the other side of the game that you're playing."³⁴ He

³¹ *Id.* at 15-6333_0004.

³² *Id.* at 15-6333_0006.

³³ *Id.* at 15-6333_0008.

³⁴ Transcript of Interview of Riot Games Associate Brand Manager, Sept. 18, 2015 (Exhibit 5 at 15-6333_0102) ("Riot Games Associate Brand Manager Transcript").

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acknowledged, however, that “[i]f players have a stronger sense of community, I think they’re more likely to stay in that community.”³⁵

36. Riot Games spent a significant amount of money to produce the first two videos. As the project continued, its budget also increased substantially.³⁶
37. The Queuing Up videos are posted on the League of Legends YouTube site and also featured within the game client.³⁷ The videos may be featured on Riot Games’ social media sites.³⁸ There may also be a posting on the League of Legends forums highlighting release of a video.³⁹
38. The Riot Games Brand Manager told the OCE that the subjects of the first two Queuing Up videos were chosen because both were “pretty well known people” in the League of Legends community.⁴⁰
39. The first Queuing Up video focused on “Chef Lubu,” a professional chef who creates video gamed-themed food and runs a YouTube channel with videos about video game-themed recipes.⁴¹
40. The second Queuing Up video featured Representative Polis.⁴² According to the Riot Games Brand Manager, Representative Polis was known within Riot Games as a result of his active role, including posting on the League of Legends forums, during the congressional debate over SOPA and PIPA.⁴³
41. The Riot Games Brand Manager explained the reasoning for choosing these video subjects: “Lubu was a no brainer, a chef that makes League of Legends themed dishes, that sounds awesome. What are similar stories to that? What about a congressman who mains . . . one of the characters in our game. That juxtaposition is so interesting and compelling, like that could make a really cool story.”⁴⁴
42. The Riot Games Associate Brand Manager recalled a similar process for identifying Representative Polis as a potential video subject: “[A]t some point the name, Congressman Polis, was brought to the table. We did some research, and I hadn’t been around at Riot when he originally engaged with our community around the SOPA/PIPA time. We had gone through and read about his involvement and learned he was a gamer, which was awesome.”⁴⁵ He added, “Most of the folks that we were going to

³⁵ *Id.*

³⁶ Email from Counsel to Riot Games to OCE Investigative Counsel, Oct. 15, 2015.

³⁷ Riot Games Associate Video Producer Transcript (Exhibit 2 at 15-6333_0044).

³⁸ *Id.* (Exhibit 2 at 15-6333_0060); Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0034).

³⁹ Riot Games Associate Video Producer Transcript (Exhibit 2 at 15-6333_0060).

⁴⁰ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0010).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.* at 15-6333_0010-0011.

⁴⁴ *Id.* at 15-6333_0012.

⁴⁵ Riot Games Associate Brand Manager Transcript (Exhibit 5 at 15-6333_0103).

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want to feature were everyday people. . . . Congressman Polis was the one name on the list that people might have heard of prior, and that was a little appealing to us.”⁴⁶

43. When asked whether the Representative Polis video could be viewed as an advertisement for League of Legends, the Riot Games Brand Manager told the OCE that this concern had been raised for the entire video series:

We briefly talked about could we use this video in tandem with some of our sets of skins coming out, or something releasing, but we decided no, it feels much better to focus on just the human story and the real goal of this is not to move product, or digital product in our case, but actually have a positive impact on perceptions within the community. . . .

Would we use these [Queuing Up videos] in conjunction with release and stuff like that. And the same thing for Lulu as it was for Polis: no, let’s not link this to any promotion or anything that is going on. These are just interesting stories about people in the community. And we wanted to make sure viewers left feeling good about the people that were in the video.”⁴⁷

44. The Riot Games Brand Manager told the OCE that the Queuing Up videos were “never really thought about” as advertising: “[F]or typical advertisements we do for Riot Games, there are calls to action. After observing this piece of content, check out these new skins now. Download the game now. . . . We’re not asking to do anything specifically after viewing the video.”⁴⁸ When asked if “feel good about this game that you’re playing and keep playing it” was a call to action itself, the Riot Games Brand Manager said, “Not typically because that’s a hoped takeaway from the audience. We’re not asking to do anything specifically after viewing the video.”⁴⁹
45. The Riot Games Associate Brand Manager also told the OCE that the Queuing Up videos were not used as a tie-in for specific products, nor was he aware of the videos being used for advertising purposes.⁵⁰
46. When asked if there were any concerns with using Representative Polis as the focus of one of the Queuing Up videos, the Riot Games Brand Manager said that the general concerns focused on avoiding any appearance of the company endorsing Representative Polis or becoming involved in political issues.⁵¹
47. When asked if there were any concerns with the potential perception that a Member of Congress was promoting a product, the Riot Games Brand Manager said, “We didn’t have concerns about that necessarily as much because in the video he’s playing the

⁴⁶ *Id.*

⁴⁷ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0029-0030).

⁴⁸ *Id.* at 15-6333_0003).

⁴⁹ *Id.*

⁵⁰ Riot Games Associate Brand Manager Transcript (Exhibit 5 at 15-6333_0110).

⁵¹ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0014).

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game. Fair assumption that he's playing it because he likes it, or at least I hope he likes it. I don't believe there were concerns, that I can recall, from that perspective."⁵²

48. With regard to the concern with a Member of Congress appearing to endorse a particular product, the Riot Games Associate Brand Manager told the OCE: "There was an assumption that if that sort of issue were to be a thing, we would have heard about it from his office and they would have voiced concerns."⁵³
49. The Riot Games Associate Brand Manager said that "the primary concern we thought about was, what if people who are represented by him learn he's a gamer and he's spending more time playing video games or something than being a congressman."⁵⁴

Queuing Up Video with Representative Polis

50. On October 28, 2013, the Riot Games Brand Manager reached out to Representative Polis' congressional office by email, expressing the company's interest "in producing and featuring a human interest piece on congressman Polis."⁵⁵
51. In his email, the Riot Games Brand Manager explained: "We're actively reaching out to exceptional individuals who play our lead title 'League of Legends'. We want to capture and share more positive, human stories of fun, talented, competitive and responsible individuals who also just happen to be part of our player base."⁵⁶
52. The next day, on October 29, 2013, Representative Polis' Chief of Staff, who was handling communications matters at a time when Representative Polis did not have a communications director, replied: "I am sure he would be thrilled to do this."⁵⁷ The Chief of Staff included Representative Polis' Scheduler on the reply to set up a time for Representative Polis to speak with the Riot Games Brand Manager.⁵⁸
53. The Chief of Staff explained his understanding of the Riot Games Brand Manager's request:

[H]e wanted to make a documentary on Jared being a gamer. I shouldn't say it was exactly on Jared, he wanted to do a documentary of which Jared was going to be a part being a gamer. . . . I saw it purely as a documentary – so Jared had been asked to do a number of documentaries since we'd

⁵² *Id.*

⁵³ Riot Games Associate Brand Manager Transcript (Exhibit 5 at 15-6333_0109).

⁵⁴ *Id.*

⁵⁵ Email from Riot Games Brand Manager to Rep. Polis' Former Chief of Staff, Oct. 28, 2013 (Exhibit 6 at 15-6333_0113-114).

⁵⁶ *Id.*

⁵⁷ Email from Rep. Polis' Former Chief of Staff to Riot Games Brand Manager, copied to Rep. Polis' Scheduler, Oct. 29, 2013 (Exhibit 6 at 15-6333_00113).

⁵⁸ *Id.*; Transcript of Interview of Rep. Polis' Former Chief of Staff, Sept. 2, 2015 (Exhibit 7 at 15-6333_0125) ("Chief of Staff Transcript").

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been in office . . . so I saw this as another extension of a documentary. I guess the way it would be used, I guess, as an educative way.⁵⁹

54. The Chief of Staff told the OCE that he did not know why Riot Games was making the video, nor did he know how the video was to be used.⁶⁰ He did not discuss with anyone at Riot Games what topics would be covered in the video.⁶¹ Other than the single email exchange, the Chief of Staff had no further contact with anyone at Riot Games.⁶²
55. The Chief of Staff told the OCE that he did not discuss the Riot Games proposal with Representative Polis.⁶³ Rather, he thought that Representative Polis would want to do the video because he “loved talking about him being a gamer.”⁶⁴
56. After initially responding to the Riot Games email, the Chief of Staff “passed it on to our scheduler to handle the logistics of it. Then, in my opinion, it was out of my hands.”⁶⁵ He did not have any discussions with the Scheduler after handing it off.⁶⁶
57. Representative Polis’ Scheduler told the OCE that she did not recall discussing the request from Riot Games with the Chief of Staff after he sent her the initial email.⁶⁷ She did not recall discussing the request with Representative Polis.⁶⁸
58. The Scheduler said that her understanding of the request was that Riot Games wanted to produce:
- a human interest piece documentary about the congressman and his life and why he played League of Legends and to talk a little bit about the advocacy around how he worked during the SOPA-PIPA debates and why that was so important to League of Legends players. . . . Just that they wanted to talk to Jared about his past and how he got to where he was and how he became a successful entrepreneur and a congressman, and then why he liked playing League of Legends, and then, again, the advocacy around SOPA, and why it was so important that we stopped that in Congress.⁶⁹
59. Representative Polis told the OCE that the only information he had about the Riot Games proposal was information provided to him in a memo prepared by his staff.⁷⁰

⁵⁹ Chief of Staff Transcript (Exhibit 7 at 15-6333_0123).

⁶⁰ *Id.*

⁶¹ *Id.* at 15-6333_0124.

⁶² *Id.* at 15-6333_0123.

⁶³ *Id.* at 15-6333_0124.

⁶⁴ *Id.*

⁶⁵ *Id.* at 15-6333_0125.

⁶⁶ *Id.*

⁶⁷ Transcript of Interview of Representative Polis’ Former Scheduler, Sept. 3, 2015 (Exhibit 8 at 15-6333_0137) (“Scheduler Transcript”).

⁶⁸ *Id.* at 15-6333_0138.

⁶⁹ *Id.* at 15-6333_0139.

⁷⁰ Rep. Polis Transcript (Exhibit 3 at 15-6333_0073, 0077).

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60. A memo from the Scheduler to Representative Polis, dated November 7, 2013, provided background information about the Riot Games request prior to a telephone call between Representative Polis and the Riot Games Brand Manager:⁷¹

MEMO- RIOT GAMES	
PRESS CALL- Charlie Hauser, Riot Games	
TO:	Jared Polis
FROM:	Danielle Oliveto
DATE/TIME:	11/7/2013 2:00-2:30PM (IN CAR)
JARED TO CALL:	Charlie, [REDACTED]
CONTACT: Charlie Hauser, [REDACTED]	
TOPIC: As you know, Riot Games is the creator of League of Legends. This phone call is the beginning stage of a special human interest piece on you. It will eventually be a video documentary, about 10 minutes in length, focused on a yet-to-be-determined inspiring element about your career. This topic will be determined on your call with Charlie.	
The idea is to capture "exceptional" individuals who play League of Legends. They'd like to focus on your history as an entrepreneur, SOPA/CISPA & philanthropic work. Here is a link to what their thinking: http://vimeo.com/64723147	

61. Representative Polis told the OCE that he understood that the video would be "[e]ssentially a documentary that would talk about my life, gaming as part of my life. Whether that was relevant or not to Congress, and political life, and those sorts of things."⁷²
62. Representative Polis added: "As far as I could tell the purpose was to provide journalistic content in their community. They have a very vibrant community of millions of people. The majority, of course, of the content is third party generated media. It's user generated, but Riot participates on a co-equal basis with members of the community in providing relative content to the millions of members of the community, including tens of thousands of my constituents that would be members of my community."⁷³
63. Representative Polis did not recall a discussion of how the video would be used or distributed.⁷⁴ He said that he expected that the video would be posted somewhere on the League of Legends forums and universe, adding "it was presented to us as a documentary, and that was what we understood it to be. There were no legal

⁷¹ Memorandum to Rep. Polis from Scheduler, Nov. 7, 2013 (Exhibit 9 at 15-6333_0150).

⁷² Rep. Polis Transcript (Exhibit 3 at 15-6333_0073).

⁷³ *Id.*

⁷⁴ *Id.*

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restrictions on how footage could be used. . . . There were no discussions about [using the video for advertising]. As far as I know, Riot doesn't advertise."⁷⁵

64. Representative Polis' Former Communications Director began working in the congressional office after the Riot Games team had filmed Representative Polis in Colorado.⁷⁶ He believes that he learned about the Riot Games video after the Scheduler added him to an email with the Riot Games team, introducing him as the new communications director.⁷⁷
65. The Former Communications Director told the OCE that the Scheduler "gave me some background that they had done half of their interview in Colorado before I started, and they were going to be coming to DC and doing the other half of the interview."⁷⁸ He added, "[T]his didn't appear to be a major thing to me, so it was probably a really informal thing, was already approved, so I just went along to make sure it went smoothly."⁷⁹
66. When the Former Communications Director was asked whether there were any discussions about any potential commercial aspect to the Riot Games video proposal after he began working in the office, he told the OCE: "Not really. Really the whole interview was a very minor thing, in terms of the other issues that I was dealing with, so I really rarely discussed other than when it was right around the time it was happening, to make sure we would have the logistics set up."⁸⁰
67. The Former Communications Director said that the video proposal did not raise any "red flags" for him, noting that "it was heavily focused on his legislative work."⁸¹ He said that Representative Polis was doing the video "[b]ecause he was a member of the gaming community, I think he was very proud that he was able to rally the community to help defeat SOPA and PIPA. I think it was a story that he was happy to tell, to get out there about how the community could be active."⁸²
68. The Chief of Staff, Scheduler, and Representative Polis each told the OCE that the office did not contact the Committee on Ethics regarding the Riot Games video proposal.⁸³
69. Representative Polis told the OCE that the video proposal "did not trigger any alarm bells because it was not for any type of personal gain. We also didn't feel that it had anything to do with promoting a product."⁸⁴ He explained:

⁷⁵ *Id.* at 15-6333_0073, 0077.

⁷⁶ Transcript of Interview of Rep. Polis' Former Communications Director, Sept. 3, 2015 (Exhibit 10 at 15-6333_00152, 0155-0156) ("Former Communications Director Transcript").

⁷⁷ *Id.* at 15-6333_0155-0156.

⁷⁸ *Id.*

⁷⁹ *Id.* at 15-6333_0156.

⁸⁰ *Id.* at 15-6333_0157.

⁸¹ *Id.* at 15-6333_0158.

⁸² *Id.* at 15-6333_0157-0158.

⁸³ Chief of Staff Transcript (Exhibit 7 at 15-6333_0127); Scheduler Transcript (Exhibit 8 at 15-6333_0140); Rep. Polis Transcript (Exhibit 3 at 15-6333_0076).

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[I]f I were to go and be part of a commercial, or to tell people to play a particular game, or buy a particular game, that would be an inappropriate use. If I was asked about what sports I like, am I a Rockies fan, yes, I'm a Rockies fan. The Rockies are a for-profit corporation, but it doesn't mean I'm telling people to go buy Rockies tickets. It's the same with this. I've done interviews where I've confirmed I'm a baseball fan. To me this was . . . with being a large sport, this was exactly the same as if I was a football or baseball fan.⁸⁵

70. The Riot Games Brand Manager recalled that his initial conversations with Representative Polis' Chief of Staff and Scheduler focused on scheduling: "I remember them expressing interest and then we started scheduling . . ." ⁸⁶ He said that he "vaguely remember[ed] describing the kind of storytelling we were going for, if only to describe the type of video or what this project was for, but in terms of specifics to whom and when, that's kind of a haze."⁸⁷
71. On November 7, 2013, the Riot Games Brand Manager had a "pre-interview" telephone call with Representative Polis, during which he asked Representative Polis questions to solicit "interesting things about his life, the way he plays, challenges he deals with, human things that could potentially make really interesting bullet points in the story."⁸⁸ They discussed: "[Y]ou play League of Legends, what do you play, how do you like to play? You have to travel a lot, how does playing the game help you feel connected to home or something like that."⁸⁹
72. The Riot Games Brand Manager did not recall Representative Polis asking any questions about the video, nor did he offer any suggestions for the video's content.⁹⁰
73. Based on this pre-interview, the Riot Games Brand Manager and members of his team prepared talking points to use for interviewing Representative Polis for the video.⁹¹ A version of the talking points provided to the OCE included questions about Representative Polis' background, the reputation of League of Legends community, and how that community could be active on legislative issues.⁹²

⁸⁴ Rep. Polis Transcript (Exhibit 3 at 15-6333_0076).

⁸⁵ *Id.*

⁸⁶ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0019).

⁸⁷ *Id.*

⁸⁸ *Id.* at 15-6333_0021.

⁸⁹ *Id.*

⁹⁰ *Id.* at 15-6333_0021-0022.

⁹¹ *Id.* at 15-6333_0022.

⁹² "Jared Polis v2" Talking Points, undated (Exhibit 11 at 15-6333_0167-0168).

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74. The following themes are identified at the beginning of the prepared questions:⁹³

Jared Polis v2:

- I think the LoL community is capable of a lot more than they realize.
- The LoL community played a big role in stopping SOPA/PIPA, they banded together to accomplish something important.
- I think the LoL community is going to be integral to stopping future encroachments on Net Neutrality and game legislation (what happened in Korea)
- The LoL community may have a bad rap in-game, but they're capable of amazing things out of game

75. The Riot Games team traveled to Boulder, Colorado to film Representative Polis at his home on December 15, 2013.⁹⁴

76. According to Representative Polis, the Riot Games team filmed his partner and him "gaming" for about 45 minutes, and then asked him questions in an interview format.⁹⁵

77. The Riot Games Brand Manager told the OCE that the interview with Representative Polis focused on several topics:

One was around gaming in his early life, what was it like growing up gaming? What games did he play? Wanted to establish that he was, in fact, a gamer. I think another topic was around how he plays League of Legends, what map modes he likes to play, what champions he likes to play. What's it like when he plays with people who find out who he is. Like, "Oh you're Congressman Polis, that's crazy that I'm going to game with you." And then I believe another topic was he reported he often plays League of Legends on the road with his partner, so how does that connection and how does League provide that connection that impacts his life. . . . [W]hat was it like getting into politics? I think we tried to ask him questions around what are the similarities between being a gamer and a politician are.⁹⁶

78. The Riot Games Brand Manager said that Representative Polis was asked about SOPA and PIPA "just as a frame of reference because viewers of the video might say oh, I remember that guy, he was from SOPA/PIPA back in the day."⁹⁷

79. The Riot Games Brand Manager told the OCE that he initially expected that the Boulder filming would provide "everything we needed" for the video.⁹⁸ However,

⁹³ *Id.* at 15-6333_0167.

⁹⁴ Email from Scheduler to Riot Games Brand Manager and Riot Games Associate Brand Manager, "Re: Jared Polis human interest piece," Dec. 4, 2013 (Exhibit 12 at 15-6333_0177).

⁹⁵ Rep. Polis Transcript (Exhibit 3 at 15-6333_0078).

⁹⁶ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0023).

⁹⁷ *Id.*

⁹⁸ *Id.* at 15-6333_0020.

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when the team began editing the footage, they found that “a strong story just wasn’t really coming together yet.”⁹⁹ The Riot Games Brand Manager explained:

The video focused a lot more on that juxtaposition of a congressman who plays a free-to-play video game online. In his home in Boulder, Colorado, lots of great footage for depicting Jared as just an average guy who plays the game same way anyone else does. It didn’t have much of that “Oh my gosh. He’s a congressman” feel to it. By the time we realized that was missing from the video, he was back in Washington, so we reached out again to see if we could potentially capture any footage of him in D.C.¹⁰⁰

80. In January 2014, the Riot Games Brand Manager contacted Representative Polis’ Scheduler to ask for additional time to film in Washington, DC.¹⁰¹ The Scheduler responded the same day: “If you let me know what kind of block you need, I can find that time in the office.”¹⁰²
81. The Riot Games Brand Manager expressed interest in filming Representative Polis in his official office and around the Capitol complex: “[W]e’d love to be able to film Jared in his office, behind the big desk, (possibly playing a game long-distance with Marlon) and then if we could film him around capitol hill/follow him around for the day would be ideal.”¹⁰³
82. When asked about filming locations, the Riot Games Brand Manager told the OCE: “A couple different options. Our top one was it would be great to get a shot of you at your seat at your congressional office. That was sort of the ideal place we wanted to go.”¹⁰⁴
83. The Riot Games Brand Manager told the OCE that no one raised concerns about using footage from the Capitol or House office buildings for commercial purposes: “No. Those concerns didn’t really come up because we were focused very much on the human story telling or a human interest piece.”¹⁰⁵
84. Similar to the filming in Boulder, the Riot Games team prepared a set of “bullet point groups of questions and topics” to discuss with Representative Polis:

One I can remember was focused on his opinions of the League of Legends community as a community, as part of it. Specifically what I mentioned earlier, like they assume “Oh you play League of Legends, you must be a terrible person.” So, I was just interested in what he

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Email from Riot Games Brand Manager to Scheduler, copied to Riot Games Associate Brand Manager, Jan. 6, 2014 (Exhibit 12 at 15-6333_0175).

¹⁰² Email from Scheduler to Riot Games Brand Manager, copied to Riot Games Associate Brand Manager, Jan. 6, 2014 (Exhibit 12 at 15-6333_0174-0175).

¹⁰³ Email from Riot Games Brand Manager to Scheduler, copied to Riot Games Associate Brand Manager, Jan. 7, 2014 (Exhibit 12 at 15-6333_0174).

¹⁰⁴ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0026).

¹⁰⁵ *Id.* at 15-6333_0027.

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thought about that. Does he think that's accurate and what would he say to the League community, like what you have the power to do. How can you impact politics?¹⁰⁶

85. The Riot Games team traveled to Washington, DC and filmed Representative Polis in his congressional office and around the Capitol complex on February 24, 2014.¹⁰⁷
86. Representative Polis recalled that the filming in Washington, DC, was "less memorable because it was shorter and I think it was just an interview and some B-roll footage of me walking. I don't think it was as intense as the four to six hours or more that they spent in Boulder."¹⁰⁸ He estimated that the filming in Washington took approximately an hour to an hour and a half.¹⁰⁹
87. On July 9, 2014, the Riot Games Brand Manager emailed Representative Polis' Scheduler and the Former Communications Director to let them know that "we're close to finalizing the feature we came out to DC & Boulder to shoot. Wanted to get it in front of you, Jared and the relevant team to get your take before going live. The sooner we can all hop on the phone, the sooner we can review and address any feedback."¹¹⁰
88. Representative Polis' Former Communications Director told the OCE that he reviewed the video sent by Riot Games, telling the OCE: "It was what I expected it to be and talked largely about his legislative work and how he rallied the gamer community. . . . There were some shots of him playing video games."¹¹¹
89. The Former Communications Director did not recall whether he reviewed the video with Representative Polis or whether he just told Riot Games that he had.¹¹² He did not recall any feedback from Representative Polis.¹¹³
90. Representative Polis told the OCE that he did not remember seeing the video until it was publicly released.¹¹⁴ He did not remember offering any feedback or comments about the video.¹¹⁵
91. The Riot Games Brand Manager told the OCE that he received "[v]ery, very little" feedback from Representative Polis' office: "[I]f I remember correctly, it was short and entirely positive."¹¹⁶

¹⁰⁶ *Id.* at 15-6333_0026.

¹⁰⁷ Email from Scheduler to Riot Games Brand Manager, *et al.*, Feb. 4, 2014 (Exhibit 12 at 15-6333_0170).

¹⁰⁸ Rep. Polis Transcript (Exhibit 3 at 15-6333_0081).

¹⁰⁹ *Id.*

¹¹⁰ Email from Riot Games Brand Manager to Scheduler and Former Communications Director, July 9, 2014 (Exhibit 13 at 15-6333_0182).

¹¹¹ Former Communications Director Transcript (Exhibit 10 at 15-6333_0161).

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ Rep. Polis Transcript (Exhibit 3 at 15-6333_0080).

¹¹⁵ *Id.*

¹¹⁶ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0033).

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92. The video featuring Representative Polis, titled “Jared Polis: Community Congressman,” was released by Riot Games, on its YouTube site and on the League of Legends forums, on April 27, 2015.¹¹⁷



93. The video, which is approximately 4 minutes and 21 seconds long, is narrated almost entirely by using quotes from Representative Polis’ interviews with Riot Games staff.¹¹⁸ It begins with Representative Polis discussing a computer game that got him interested in politics.¹¹⁹ The video then shows images of the Capitol building and Representative Polis walking up the House steps of the Capitol, while Representative Polis introduces himself as a Member of the United States House of Representatives

¹¹⁷ Email from Riot Games Brand Manager to Communications Director, Apr. 27, 2015 (Exhibit 14 at 15-6333_0185). According to the Riot Games Brand Manager, the delay in publicly releasing the video was due to internal discussions about the future of the Queuing Up project as well as a desire to avoid release during the run-up to the November 2014 election. See Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0034).

¹¹⁸ Transcript of “Jared Polis: Community Congressman” (Exhibit 15 at 15-6333_0190-0191).

¹¹⁹ *Id.*

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from the second district of Colorado – and someone who “mains Moakai,” a League of Legends character.¹²⁰

94. The video continues with footage of Representative Polis and his partner playing League of Legends in his home, discussing playing the game.¹²¹ Representative Polis then discusses his childhood, business experience, and his election to Congress.¹²² He compares the legislative process to the League of Legends game.¹²³ Nearly two minutes of the video then focuses on the League of Legends community’s involvement in blocking SOPA and PIPA, showing footage of Representative Polis on the House floor and in Committee hearings discussing the legislation.¹²⁴
95. Representative Polis said that the video was “pretty good,”¹²⁵ noting, “I think it was, for the community, good content, good journalistic content which is what I would expect of them. . . . It hopefully inspired civic interest in [League of Legends community members]. Hopefully helped educate people about why some of the battles we fight in Washington are relevant to them being members of the community.”¹²⁶
96. The Riot Games Brand Manager said that the response to the video “was positive. People were really excited. They saw the juxtaposition, and it’s like, holy crap, the congressman plays the same game I do. It seems really positive.”¹²⁷
97. Shortly before the public release of the video, the Riot Games Brand Manager emailed Representative Polis’ Communications Director, asking if Representative Polis or someone from the congressional office would be interested in conducting an online question-and-answer session in conjunction with the video’s release.¹²⁸
98. The Riot Games Brand Manager explained that there had been a similar interaction between Chef Lubu and the League of Legends community at the time of the release of his video: “That helps the release tremendously because we saw a much more positive interaction which spoke to the goals of the overall project.”¹²⁹
99. In response to the request, the Communications Director told the Riot Games Brand Manager that “Jared is happy to help.”¹³⁰ She explained that she viewed this as a way of “engaging with constituents that don’t read the newspaper every day.”¹³¹

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ Rep. Polis Transcript (Exhibit 3 at 15-6333_0082).

¹²⁶ *Id.* at 15-6333_0081.

¹²⁷ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0036).

¹²⁸ Email from Riot Games Brand Manager to Communications Director, Apr. 22, 2015 (Exhibit 14 at 15-6333_0187-0188).

¹²⁹ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0034-0035).

¹³⁰ Email from Communications Director to Riot Games Brand Manager, Apr. 27, 2015 (Exhibit 14 at 15-6333_0186).

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100. A Riot Games strategy document noted that “[t]he Congressman’s office has agreed to provide staffers to support the launch” of the video.¹³²
101. The Riot Games Brand Manager later texted the Communications Director with an update about Representative Polis’ participation in the question-and-answer session: “We’re all floored how quickly this piece is getting popular. Content rarely moves this fast! Jared is doing an amazing job. . . . It’s gone SUPER well.”¹³³
102. Representative Polis told the OCE that he did not remember participating in a question-and-answer session around the release of the video, noting, “If timing had been available I probably would have been amenable to agree to something like that.”¹³⁴
103. The Riot Games Brand Manager told the OCE that there were no discussions about how Representative Polis or his staff would use or promote the video: “No. Our promotion channels are actually incredibly robust, so we were hitting all of our relevant audience with the video that we were interested in.”¹³⁵
104. Representative Polis told the OCE that he understood that Riot Games made the video “freely available for anybody to use.”¹³⁶ He believes his staff sent a tweet related to the video from his official Twitter account.¹³⁷ Representative Polis did not recall whether he sent out a tweet related to the video from his personal Twitter account.¹³⁸
105. Representative Polis’ Communications Director told the OCE that the fact that the video had been produced and released by a for-profit company was not an issue: “I never thought, again, like Riot Games, it didn’t scream at me, for-profit company. We get tons of requests from outsiders and we try to make Jared available to answer those questions. That happens all the time. And so this was no different. . . . What I saw in the video was a video about Jared, a passion for gaming and how it impacts what he does on the Hill. So, to me, that was related to his work. . . .”¹³⁹

* * *

106. The Board finds that the video in which Rep. Polis appeared was produced and distributed by a for-profit company; that the video was part of a marketing effort

¹³¹ Transcript of Interview of Rep. Polis’ Communications Director, Sept. 9, 2015 (Exhibit 16 at 15-6333_0202) (“Communications Director Transcript”).

¹³² Riot Games Associate Video Producer, “Queuing Up Strategy – 2015” (Exhibit 4 at 15-6333_0098).

¹³³ Text messages from Riot Games Brand Manager to Communications Director, Apr. 27, 2015 (Exhibit 17 at 15-6333_0233).

¹³⁴ Rep. Polis Transcript (Exhibit 3 at 15-6333_0082).

¹³⁵ Riot Games Brand Manager Transcript (Exhibit 1 at 15-6333_0035).

¹³⁶ Rep. Polis Transcript (Exhibit 3 at 15-6333_0082).

¹³⁷ *Id.* at 15-6333_0082-0083. Rep. Polis explained that he does not approve tweets sent from his official Twitter account and was not aware of an official tweet of the Riot Games video when it was initially sent out. He noted, however, that while reviewing materials during the course of the OCE’s review, he and his staff determined that, because the video contained a small amount of footage from his congressional campaign, the tweet should be deleted. *See id.* at 15-6333_0083.

¹³⁸ *Id.* at 15-6333_0083.

¹³⁹ Communications Director Transcript (Exhibit 16 at 15-6333_0204).

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undertaken by the for-profit company, with a goal of increasing retention of players who would then spend money within the game; that the video was produced and distributed at substantial cost to the for-profit company; and that a significant part of the video was filmed in Representative Polis' congressional office and around the Capitol complex.

107. Based on the foregoing information, the Board finds that the Riot Games' video featuring Representative Polis could be perceived as an endorsement of Riot Games' product, the League of Legends game, and the promotion of a commercial endeavor.
108. The Board therefore finds that there is substantial reason to believe that Representative Polis, by participating in the Riot Games video, engaged in activity that could be perceived as an endorsement of a company's product and, by permitting Riot Games to film him in his congressional office and around the Capitol complex, used official resources in a manner that promoted a business endeavor, in violation of federal law and House rules.

III. REPRESENTATIVE POLIS, BY PARTICIPATING IN A MAKEOVER OF HIS WARDROBE BY THE NINOX CLOTHING COMPANY, MAY HAVE ENGAGED IN ACTIVITY THAT COULD BE PERCEIVED AS AN ENDORSEMENT OF A COMPANY'S PRODUCT AND MAY HAVE USED OFFICIAL RESOURCES IN A MANNER THAT PROMOTED A BUSINESS ENDEAVOR

A. Applicable Laws, Rules, and Standards of Conduct

109. 31 U.S.C. § 1301

Federal law provides that official funds may be used only for the purposes for which they were appropriated.

110. House Rules

Pursuant to House Rule 23, clause 1, Members "shall behave at all times in a manner that shall reflect creditably on the House."

Under House Rule 23, clause 2, Members "shall adhere to the spirit and the letter of the Rules of the House"

111. House Ethics Manual

The House Ethics Manual instructs that "Members and employees of the House are prohibited from using official resources for any private purpose."¹⁴⁰

"Anything supported with official funds is an official resource, including congressional offices. The House Office Building Commission . . . has issued regulations governing

¹⁴⁰ House Ethics Manual at 335 (citing 31 U.S.C. § 1301(a)).

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*the use of House facilities. These regulations generally ban solicitation and commercial activity*¹⁴¹

*“Other entities may have jurisdiction over the use of particular official resources. The Joint Committee on Printing, for example, publishes “Government Printing and Binding Regulations” pertaining to government documents. These regulations caution: ‘No Government publication . . . shall contain . . . material which implies in any manner that the Government endorses or favors any specific commercial product, commodity, or service.’”*¹⁴²

*“The Joint Committee on Printing has advised that commercial advertising is not a proper or authorized function of government. . . . Members should also bear these regulations in mind in the context of the common practice of inserting an Extension of Remarks in the Congressional Record, noting the accomplishments of a district business. While it is usually appropriate publicly to congratulate a local business for achieving an award or celebrating a significant anniversary, Members should refrain from overtly commercial promotions.”*¹⁴³

*The House Ethics Manual specifically extends the prohibition of using official resources for private purposes to commercial use: “The prohibition against use of House resources to support unofficial undertakings clearly applies to support of business endeavors. Thus, an outside entity should never be permitted to use congressional stationery to promote a commercial or other unofficial endeavor When responding to requests for support, Members and staff should draft communications so that they do not lend themselves to misinterpretation as an official endorsement from the Congress”*¹⁴⁴

*The manual further provides that “a Member may be asked to participate personally in an event that is sponsored by an outside organization. . . . In participating in such an event, Members and staff must avoid becoming too closely affiliated with any commercial entity, in order to avoid any appearance that they are accruing benefits by virtue of improper influence exerted from their position in Congress, or are dispensing special favors. Thus, in participating in a privately-sponsored event a Member must take care to avoid any action that may be perceived as an endorsement of the private sponsor.”*¹⁴⁵

112. House Office Building Commission Rules and Regulations

Paragraph 4 of the Rule and Regulations Governing the House Office Buildings, House Garages, and the Capitol Power Plant provides: “[C]ommercial soliciting for products or services . . . in any of the areas covered by these regulations is prohibited.”

¹⁴¹ *Id.* at 325

¹⁴² *Id.* at 325-36.

¹⁴³ *Id.*

¹⁴⁴ *Id.* at 350.

¹⁴⁵ *Id.* (citing Code of Ethics for Government Service, Paragraph 5, *supra* note 8).

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B. Representative Polis' Participation in a Makeover by the Ninox Clothing Company Could Be Perceived as an Endorsement of that Company's Clothing Line and as Promoting a Business Endeavor

113. On March 31, 2015, Linda Casals, the Director of Operations for Ninox, a clothing company based in Boulder, Colorado, emailed Representative Polis' Communications Director with a proposal for a "makeover" of Representative Polis' wardrobe.¹⁴⁶

From: Linda Casals [mailto:lcasals@ninox.com]
Sent: Tuesday, March 31, 2015 4:07 PM
To: Lynch, Kristin
Subject: Polis and NINOX

Hi Kristin,

I am a co-founder of a new menswear line based here in Boulder. Last year Congressman Polis made the news with his now famous bow tie and purple shirt. I did not see any follow up articles by GQ. Did I miss this? We think it would be great to get him into some of our clothing and it may be a fun way to get some press. Do you think this is something he might be interested in?

114. Neither Ninox nor Ms. Casals cooperated with the OCE's review. Despite repeated efforts to contact the company, it did not respond to the OCE's Request for Information. The OCE was therefore unable to gather information from Ninox.
115. Approximately one year prior to Ms. Casals' email message to Representative Polis' office, GQ Magazine had identified Representative Polis as the Member of Congress with the "[w]orst congressional style ever," and had suggested that it could help improve his image.¹⁴⁷ A GQ makeover, however, never happened.¹⁴⁸
116. The Communications Director told the OCE that she thought that Ninox's makeover proposal was a "great idea," explaining, "GQ sort of labeled him the worst dressed Member of Congress and so, if you had a local menswear company that was helping him not be a worst dressed Member of Congress, I thought that would be a good idea. I thought local press would be interested in that."¹⁴⁹
117. Representative Polis explained that Ninox is "a local company. I think they became aware of me because I was in GQ Magazine. . . . Out of that came a local company that approached us about trying to do a makeover. Offering to see whether I might be interested in purchasing some of their clothing to wear here in Washington."¹⁵⁰

¹⁴⁶ Email from Linda Casals to Rep. Polis' Communications Director, Mar. 31, 2015 (Exhibit 18 at 15-6333_0236).

¹⁴⁷ Dennis Tang, *Worst Congressional Style Ever? Yeah, Probably*, GQ, Feb. 25, 2014.

¹⁴⁸ Communications Director Transcript (Exhibit 16 at 15-6333_0207).

¹⁴⁹ *Id.*

¹⁵⁰ Rep. Polis Transcript (Exhibit 15-6333_0086).

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118. The emailed offer of a makeover was the first time that either Representative Polis or his Communications Director had any interaction with Ninox.¹⁵¹
119. When asked whether there were any discussions within his congressional office about potential ethics concerns with the proposed makeover, Representative Polis said, “There weren’t because again we certainly didn’t see this as anything . . . Again, the criteria you look at is certainly not for any gain myself. The second one we were not telling people to buy this product, or purchase this product.”¹⁵²
120. When asked whether there were any discussions about potential issues with highlighting a particular brand of clothing, Representative Polis said, “Well, no matter what clothes I wear they’re going to be from some brand or other. We’re always wearing a brand. . . . I think it was understood it was going to be their line of clothing I was going to try on, and not a competitor’s. Again, if it had been a competitor’s, it would have been that brand, so I mean there’s no way to get around no matter what clothes you wear, they’re going to have some brand on them.”¹⁵³
121. The Communications Director told the OCE, “The only ethical issue that we talked about was how it was, if Jared did want to buy something, he should have to buy it with his personal funds, obviously, that was it.”¹⁵⁴ She said that she did not contact the Committee on Ethics regarding the makeover proposal.¹⁵⁵
122. Representative Polis’ congressional staff ultimately agreed to participate in the makeover, and the event was held on the afternoon of Tuesday, June 30, 2015, at Chautauqua Park in Boulder, Colorado.¹⁵⁶
123. The Communications Director told the OCE that she made the arrangements for the venue for the makeover event.¹⁵⁷ The Ninox representatives were responsible for choosing the clothing that Representative Polis would try on, with direction from Representative Polis that whatever was chosen be “appropriate for the House floor because that’s what GQ was complaining or criticizing about.”¹⁵⁸
124. Prior to the event, the Communications Director and Ms. Casals discussed publicizing the event.¹⁵⁹ The Communications Director was primarily responsible for inviting members of the media: “I said I would reach out to the local, like the *Boulder Daily Camera*, there’s also a TV reporter that I thought would be interested that I would reach to and I would try to find whoever wrote the GQ article and reach out to someone at

¹⁵¹ *Id.*; Communications Director Transcript (Exhibit 16 at 15-6333_0206-0207).

¹⁵² Rep. Polis Transcript (Exhibit 3 at 15-6333_0088).

¹⁵³ *Id.*

¹⁵⁴ Communications Director Transcript (Exhibit 16 at 15-6333_0216).

¹⁵⁵ *Id.*

¹⁵⁶ *Id.* at 15-6333_0211; email from Katerina Davies-Lazerte to Rep. Polis, “Daily Schedule: Tuesday, June 30, 2015,” June 29, 2015 (Exhibit 19 at 15-6333_0240).

¹⁵⁷ Communications Director Transcript (Exhibit 16 at 15-6333_0211).

¹⁵⁸ *Id.* at 15-6333_0212.

¹⁵⁹ *Id.* at 15-6333_0210.

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GQ.”¹⁶⁰ She said she also reached out to the *Denver Post* and a reporter with the *Independent Journal Review*.¹⁶¹

125. On the day of the event, the Communications Director sent out a tweet from her personal Twitter account:

Hey @GQMagazine @RepJaredPolis finally make good on ur advice to get a makeover. Later today with @Ninoxdesign #moveoverbradpitt #copolitics.¹⁶²

Her tweet was re-tweeted by Representative Polis’ official Twitter account.¹⁶³

126. Representative Polis described the event: “They offered to bring their clothes for me to try on basically. It was at a location called Chautauqua which is a park in Boulder, and then I could decide if I wanted to buy any of it. There was no obligation, but if I liked some of the clothes I could buy them.”¹⁶⁴
127. The Communications Director explained that “we got there and they had three different pants and three different shirts and they just took photos of him with what he arrives wearing and then he went and changed in, sort of, three different outfits and then we took photos of them.”¹⁶⁵ Representative Polis did not make any remarks.¹⁶⁶
128. Representative Polis recalled that “there were a number of people taking pictures” as he tried on the Ninox clothing, including the local Boulder newspaper and his staff.¹⁶⁷ The Communications Director said that she took photographs herself and that Ninox arranged to have a professional photographer at the makeover event.¹⁶⁸
129. The Communications Director said that there had been no discussion about limits on how Ninox could use photographs from the event.¹⁶⁹ Representative Polis said he was not engaged in any discussion about how photographs would be used.¹⁷⁰ He added, “Because it was an open event, anybody could take photographs and use them however they wanted. . . . There was no legal restriction on how photos could be used.”¹⁷¹

¹⁶⁰ *Id.*

¹⁶¹ *Id.* at 15-6333_0216-0217.

¹⁶² Tweet from Communications Director, June 30, 2015 (Exhibit 20 at 15-6333_0243).

¹⁶³ *Id.* As noted above, Rep. Polis does not review or approve tweets sent from his official Twitter account. See *supra* n.137.

¹⁶⁴ Rep. Polis Transcript (Exhibit 3 at 15-6333_0088).

¹⁶⁵ Communications Director Transcript (Exhibit 16 at 15-6333_00217).

¹⁶⁶ *Id.*

¹⁶⁷ Rep. Polis Transcript (Exhibit 3 at 15-6333_0089).

¹⁶⁸ Communications Director Transcript (Exhibit 16 at 15-6333_0214); <http://www.ninox.cc/pages/jared-polis>.

¹⁶⁹ Communications Director Transcript (Exhibit 16 at 15-6333_0210).

¹⁷⁰ Rep. Polis Transcript (Exhibit 3 at 15-6333_0089).

¹⁷¹ *Id.* at 15-6333_0090.

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130. The makeover event garnered significant press coverage, including articles in the *Boulder Daily Camera*,¹⁷² the *Denver Post*,¹⁷³ the *Washington Post*,¹⁷⁴ and GQ Magazine.¹⁷⁵
131. After the makeover event, Representative Polis' official Twitter account sent the following tweet, specifically referencing Ninox:
- BREAKING: @GQMagazine rescinds worst dressed title.
I owe it all to @NINOXdesign.¹⁷⁶
- The tweet included a link to a GQ Magazine story, which noted: "Thanks to Ninox, a brand based in his home state of Colorado, he's been catapulted out of the worst-dressed category."¹⁷⁷
132. Representative Polis' official Twitter account also re-tweeted a message from the @NINOXdesign Twitter account:
- Behind the scenes of the @RepJaredPolis makeover! We think he looks pretty good @GQFashion @GQMagazine #makeover¹⁷⁸
133. Photographs of Representative Polis at the makeover event, in Ninox clothing, were also posted to his official Instagram account, with the caption: "How do you like me now @gq? . . . @ninoxdesign #iwokeuplikethis #makeover."¹⁷⁹
134. Representative Polis' Communications Director told the OCE that she was not concerned about Representative Polis appearing to endorse or promote a commercial product: "Because it wasn't [an endorsement]. GQ had made this label, that he's the worst dressed Member of Congress and so this was a way to not be the worst dressed Member. So I didn't see it as like an endorsement of Ninox's clothes, it just worked out. You know, they're a Boulder company and they helped us convince GQ that he's, you know, got a style upgrade."¹⁸⁰
135. The Communications Director noted that after the OCE began its review, she was asked by Representative Polis' Chief of Staff to go back and delete any tweets from the official Twitter account that "tagged" a specific company.¹⁸¹ She said that "it became

¹⁷² Mitchell Byars, *Jared Polis 2.0: GQ Rescinds Made-over Boulder Congressman's 'Worst Style' Ranking*, BOULDER DAILY CAMERA, July 2, 2015.

¹⁷³ Joey Bunch, *From Horrible to Haute: Jared Polis' Maligned Style Gets an Upgrade*, DENVER POST, July 1, 2015.

¹⁷⁴ Emily Heil, *Rep. Jared Polis, a.k.a Congress's Worst-Dressed, Gets a Makeover*, WASHINGTON POST, July 1, 2015.

¹⁷⁵ John Jannuzzi, *Worst-Dressed Congressman Jared Polis Finally Got a Style Upgrade*, GQ, July 2, 2015.

¹⁷⁶ Tweet from Rep. Jared Polis, July 2, 2015 (Exhibit 21 at 15-6333_0245).

¹⁷⁷ *Id.*; John Jannuzzi, *Worst-Dressed Congressman Jared Polis Finally Got a Style Upgrade*, GQ, July 2, 2015.

¹⁷⁸ Tweet from Rep. Jared Polis, July 1, 2015 (Exhibit 22 at 15-6333_0247).

¹⁷⁹ Rep. Jared Polis Instagram Posting (Exhibit 23 at 15-6333_0249)

¹⁸⁰ Communications Director Transcript (Exhibit 16 at 15-6333_0219).

¹⁸¹ *Id.* at 15-6333_0219-0220.

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clear, you know, because since, we've obviously gone back and forth with Ethics, just to clarify that some of the rules regarding social media that became clear that you are not allowed to tag companies, then we had to go back and, you know, we had already tagged them."¹⁸² After learning this, "we went back and . . . just deleted the tweets. And, then obviously, now going forward, I make sure that we don't tag companies."¹⁸³

136. After the makeover event, Ninox made extensive use of the photographs from the makeover, including on its Facebook, Twitter, and Instagram social media platforms:



¹⁸² *Id.* at 15-6333_0220.

¹⁸³ *Id.*

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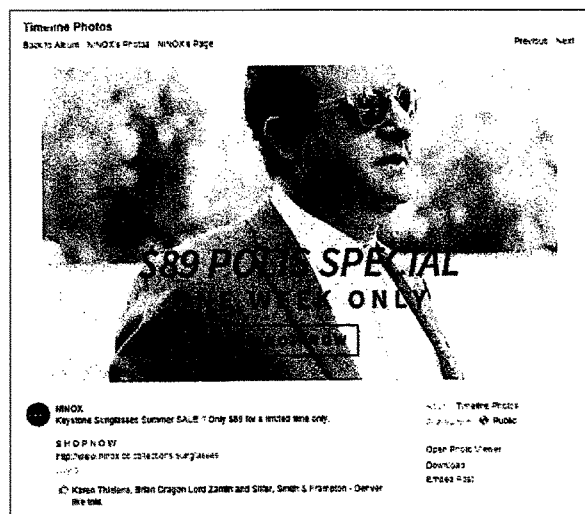
137. Some of the Ninox posts include references to specific products, paired with photographs of Representative Polis wearing the items:



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138. One of Ninox's Facebook posts shortly after the makeover event used a photograph of Representative Polis to advertise its sunglasses:



139. Representative Polis' Communication Director told the OCE that she did not discuss with Ninox the use of the images from the makeover on its social media sites.¹⁸⁴ She said that she "wasn't surprised by these tweets. . . . But we never discussed what they would do."¹⁸⁵
140. Representative Polis said that he was not aware of Ninox's use of his name or image for the "Polis Special" post: "None of us have seen this before. . . . My first reaction on seeing this is, I'm not happy that they're using my name. Having heard about this I think we'll tell them to rename the product line. . . . [W]e will immediately contact them and tell them they shouldn't be calling this the Polis Special."¹⁸⁶
141. Representative Polis added: "My image could certainly be commandeered for many purposes. Largely non-commercial, but it can also be pilfered for commercial reasons. That's just the unfortunate reality of being a public person. There's not a lot of

¹⁸⁴ *Id.* at 15-6333_0221.

¹⁸⁵ *Id.*

¹⁸⁶ Rep. Polis Transcript (Exhibit 3 at 15-6333_0092).

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recourse that legally we have, but we can certainly strongly recommend that they take it down, and encourage them to do that.”¹⁸⁷

142. The Board notes that neither Representative Polis nor members of his congressional staff made any effort to address the potential use of photographs from the makeover event by Ninox for commercial purposes.
143. The Communications Director also told the OCE that she was not aware of Ninox’s use of Representative Polis’ name and image for the “Polis Special” post until Representative Polis told her to contact Ninox to “tell them to like take it down immediately. . . . Something to the effect that, ‘I’m extremely displeased or disappointed or upset that they would use my image for these purposes.’”¹⁸⁸
144. The Communications Director told the OCE that no one at Ninox had contacted her or anyone in Representative Polis’ congressional office before posting these items on social media.¹⁸⁹ She said that if she had seen the Ninox Facebook posts identifying the specific Ninox products that he was wearing, she “would’ve said don’t mention these specific products.”¹⁹⁰
145. Representative Polis was also featured on the Ninox website, including being identified as a “Boulder Icon,” where the company notes that Representative Polis can be seen sporting the company’s pants “on the house floor.”¹⁹¹

BOULDER ICONS

Last year, GQ decreed that Colorado Congressman Jared Polis has the worst congressional style in the history of the United States. He regularly showed up on the house floor in a purple golf polo with a bow tie underneath a suit jacket. As a new menswear brand in his hometown, we thought it would only be in Boulder’s best interest for a congressional style makeover.

Thankfully, GQ took notice and rescinded the [worst dressed list](#).

NINOX styled Congressman Polis in the The PoloBlack Hudson shirt, Bennett Jacket and Carson pants for a sophisticated and functional look to wear around DC. Jared became a fan of the Carson pants instantly and can be seen sporting them on the house floor.



¹⁸⁷ *Id.* at 15-6333_0092-0093.

¹⁸⁸ Communications Director Transcript (Exhibit 16 at 15-6333_0223).

¹⁸⁹ *Id.* at 15-6333_0224.

¹⁹⁰ *Id.*

¹⁹¹ See <http://www.ninox.cc/pages/jared-polis>.

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146. Representative Polis told the OCE that he was not aware that he had been identified on the Ninox website as a Boulder Icon.¹⁹² His Communications Director said that she was not aware that Ninox was going to feature Representative Polis on its website after the makeover or identify him as a Boulder Icon.¹⁹³
147. The Communications Director told the OCE that had she known that Ninox was going to use some of the photos in ways described above, she “would have preempted that up front by saying absolutely no use of these photos can be used for promotional purposes in that manner for strict advertisement.”¹⁹⁴ She added, “I might be a little naïve just assuming that they wouldn’t have done that without at least getting our permission.”¹⁹⁵
148. Representative Polis purchased several items of clothing from Ninox and paid full price for the items using his personal funds.¹⁹⁶
149. Based on the foregoing information, the Board finds that there is substantial reason to believe that Representative Polis, by engaging in and publicizing the makeover event with Ninox, engaged in activity that could be perceived as an endorsement of a company’s product and used official resources, including staff time and official social media resources, in a manner that promoted a business endeavor, in violation of federal law and House rules.

IV. CONCLUSION

150. The Board recommends that the Committee on Ethics further review the allegation that Representative Polis engaged in activity that could be perceived as an endorsement of a Riot Games’ product and used official resources in a manner that promoted Riot Games’ business, as there is substantial reason to believe that Representative Polis engaged in such activity or used official resources in such a manner, in violation of federal law and House rules.
151. The Board recommends that the Committee on Ethics further review the allegation that Representative Polis engaged in activity that could be perceived as an endorsement of Ninox’s products and used official resources in a manner that promoted Ninox’s business, as there is substantial reason to believe that Representative Polis engaged in such activity or used official resources in such a manner, in violation of federal law and House rules.

¹⁹² Rep. Polis Transcript (Exhibit 3 at 15-6333_0091).

¹⁹³ Communications Director Transcript (Exhibit 16 at 15-6333_0225-0226).

¹⁹⁴ *Id.* 15-6333_0226.

¹⁹⁵ *Id.*

¹⁹⁶ Rep. Polis Transcript (Exhibit 3 at 15-6333_0093).

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**V. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND
RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS**

152. Ninox Design, LLC, in failing to respond to the OCE's Request for Information, did not cooperate with the OCE review.

153. The Board recommends the issuance of a subpoena to Ninox Design LLC.

Exhibit 1

**Riot Games Brand Manager
Transcript of Interview
September 18, 2015**

Scott Gast: This is Scott Gast with the Office of Congressional Ethics, joined by my colleague, Helen Eisner. We are here with Riot Games Brand Manager ("Brand Manager") of Riot Games, who is joined by his attorneys Angelle Smith Baugh, Bill Chang, and, I'm sorry -

Dan Nobel: Dan Nobel (laughs).

Scott Gast: Dan Nobel (laughs). We appreciate you being here with us today. We usually like to start with a little bit of background, if you could tell us your current position and role/responsibilities here at Riot Games.

Brand Manager: Sure. I am a Brand Manager. I work in the North American publishing office, within Riot Games. My responsibilities include figuring out marketing materials, campaigns. Different assets that could be interesting to the players of our game League of Legends, in US and Canada.

Scott Gast: When you say brand manager, is there a particular brand that you manage?

Brand Manager: We only have the one, well we have League of Legends and Riot Games, but Riot Games is handled by our central team. I handle only League of Legends.

Scott Gast: Are you the sole brand manager? Are there other brand managers?

Brand Manager: One of an army.

Scott Gast: Do you have a particular role within that army?

Brand Manager: No, it's sort of all hands on deck. We identify different opportunities, in the space of different opportunities or challenges that we could leverage toward making our players have a better experience, with the game and the brand. It's just sort of, if you come up with an idea, you are given free agency to chase that down.

Scott Gast: How long have you been in that position?

Brand Manager: I have been ... I've been with marketing, brand marketing is a section of marketing, for two and a half years.

Scott Gast: Within marketing, have you had different roles?

Brand Manager: Sorry, clarification a little bit, different roles?

Scott Gast: Brand Manager versus another title?

Brand Manager: No, just different levels within the track of brand management. Associate Brand Manager is how I started. I've since been promoted to Brand Manager.

Scott Gast: Okay, when were you promoted?

Brand Manager: You have to forgive me, I don't recall. It was awhile ago.

Scott Gast: Who do you report to?

Brand Manager: I report to Arturo Castro.

Scott Gast: What is Mr. Castro's title?

Brand Manager: He is Marketing Lead for North American publishing.

Helen Eisner: Prior to two and a half years ago, were you at Riot Games? Were you working somewhere else?

Brand Manager: Prior to two and a half years ago, I was at Goodby Silverstein and Partners, which is an advertising agency in San Francisco.

Helen Eisner: What was your position there?

Brand Manager: Same idea, different title. Brand Strategist was my title at Goodby Silverstein.

Scott Gast: Did you work with particular clients?

Brand Manager: You kind of pitch in, similar sort of idea. You pitch in on whatever is available. I focused, primarily through my career, on different Frito Lays brands. Worked on Sonic Drive-In for a little while, and then a mishmash of different things we were pitching, but never came to fruition.

Scott Gast: Does anyone report to you?

Brand Manager: Trey Keeler reports to me currently.

Scott Gast: What's his position?

Brand Manager: His position, I believe, is Marketing Associate.

Scott Gast: I want to talk to you a little bit about Riot Games as a company. As we understand it, having talked to one of your colleagues, Riot Games has basically one product, and that's the League of Legends game, is that right?

Brand Manager: Yes.

Scott Gast: How does Riot Games make money off of that product?

- Brand Manager:** The game is a little bit different, in that it's free to play, you can download it just off the internet. You can play the entire game, there's no barriers through which can enter, or you have to pay to do anything. Primarily the income from League of Legends, the product, is through what we call micro-transactions. These are transactions within the game, you play different characters. If you want to dress those characters up in different, we call them skins, they change the cosmetic look of your character. You can purchase those, those change the look and they vary in scale of value. That's primarily how we make money.
- Scott Gast:** What are some of the other ways that the company makes money? Other than that primary way.
- Brand Manager:** There are other micro-transactions within the in-game store. Such as ... But again, mostly cosmetic. You can use our in game currency, called Riot Points, to unlock characters faster, but you can also unlock them through our earned currency called IP. You get that just by playing the game. Depending on how you did in the game, you'll get a certain amount. You can use that, save it up, to buy a certain character you want. Then you'll have that character attached to your account. We also have things such as summoner icons. You can use the RP to, if you want immediately unlock a character, and you don't want to play a bunch of games to do it, you can do that right away.
- Scott Gast:** How does your position, as a Brand Manager, fit into that income generation? How does that contribute to the company being a profitable -
- Brand Manager:** Why do I have a job? (laughs) I ask myself that, often. (laughs). League of Legends, since it's a free-to-play game, there is no upfront cost to play, like many other games. We focus... instead of doing a big promotional push, doing a big release, and then making all of our money then, like the movie industry, we focus instead on keeping players engaged, and happy with the game, as long as possible. The longer you're playing the game, the more likely you are to find either a skin or summoner icon that you might find valuable enough to spend money on. Again, these are completely optional purchases. You can play the entire game from start to finish, for years, indefinitely, without spending a dime, but, the longer that we keep you feeling good about the game you're playing, the more likely you are to spend money with us. A lot of the efforts that we do, and a lot of the work that I do, is focused on what are the different ways that we can engage the community, make them feel good about the game that they play, the people they play with. That it's worth their time, by extension, potentially worth their money to buy something that they might like.
- Helen Eisner:** How much do skins cost? What's the range?
- Brand Manager:** It varies. Some go for under a dollar, others go for up to 20 dollars plus. It's a pretty wide range. Based on all the functionality or all the art that happens in the skin.

- Helen Eisner: How does the longevity, the time that they've played the game or their commitment to the game, affect their decision to purchase? Maybe that 20 dollar skin versus the one dollar skin. Do you see that long time users have a focus on certain skins versus people who just joined the game?
- Brand Manager: It, of course, varies. I don't have the numbers in my head. I only have anecdotal evidence that the way that we operate, is off of that theory. That the longer you stay with the game, the more likely you are to spend money.
- Scott Gast: Taking a step back to getting players to play the game. How does Riot Games market the game?
- Brand Manager: I'll only speak to US and Canada, since that's my area. The game launched in beta, and was primarily built up through word of mouth. We had, what we called a refer a friend program. Which we've since deactivated. The idea was, if you're playing the game and you like it, tell your friend about it, and we'll give you some sort of reward. That was typically in a tiered system, all the way up to free skins and unlocks. The game primarily has been built up through word of mouth, referrals, that sort of thing. We do spend, I don't have the number in my head right now, but we do spend a certain amount of money advertising digitally. Online, through banner ads, through relevant media channels, and then that's sort of like, "Hey, play the game now." Typical stuff that you would see. That then drives them to a website that tells them a little bit about the game, gives them the option to download, and then they go from there.
- Scott Gast: What about through social media? Is that a -
- Brand Manager: We have pretty active social media channels, Facebook, Twitter. We primarily use those to, again since we're a very community focused game, share different things that the community is doing. If someone creates a cool piece of art, or a cool piece of craft. We have a very talented community. We typically put it up there as a form of, "Hey this is really cool. Look what others in the community are doing." Then, again since our business model is focused around these skins, when a new skin comes out, we'll typically use those channels just to put up an image of it. Just to say, "Hey, so and so is available now".
- Scott Gast: What about competition events? Is that used as a way to market the game?
- Brand Manager: It is. It grows awareness. We have ... The game can be played at such a high level, it's considered competitive. We have what we call an E-Sports group that basically cultivates this competitive, high level skill among pro players. We give them a stipend. Then they compete, in a regular season, against one another, for an opportunity to go to bigger and bigger events. There are regional championships and then there is a world championship. There's a prize pool attached to those. We typically promote those big marquee events. They also pick up a fair amount of organic press, because it's weird to see video games being played in Madison Square Garden and stuff like that.

Scott Gast: What about that free media, traditional media. Getting coverage for the game, the events. Is that a part of the marketing strategy?

Brand Manager: We're constantly just trying to grow the game. To make it bigger to make it more prevalent in culture. It isn't the way that we think about why to choose these places to have these events. We just want to make it bigger, cooler and more interesting for the fans who do come. They get to see like, wow, my favorite game is being played in Madison Square Garden. The press is a nice additional thing, but that's about it.

Scott Gast: Is there somebody sending out press releases every time there is a -

Brand Manager: Our press group usually does.

Scott Gast: Press releases.

I want to talk to you about the 'Queuing Up' project. Can you tell us what that project is?

Brand Manager: Sure. 'Queuing Up' went through a number of different names, originally called 'We Are the League.' The basic idea was, harking back to that idea that the longer that we keep players happy and interested in the game, the more likely they are to stick around, and the more likely they are to spend money. My job is both identifying opportunities to make players happier, and then challenges that are keeping players from being happy... By nature of being an online game, with all the anonymity that comes with having an online persona, players aren't always super nice to each other when they play a competitive game, and they don't know each other's real names, there are no real consequences.

We have internal teams constantly trying to counteract what we call the toxic behavior -- name calling, berating each other, generally ruining or diminishing the enjoyableness of the experience for the other players on the teams. We identified that players don't have a high opinion of other League of Legends players; it's an on-going joke that League of Legends players are toxic. The idea was basically, how could we highlight different individuals within the community that have positive, human, empathetic stories, behind how they play. The idea being, if we're able to appropriately draw a connection between, "Hey this is an interesting, cool person, that plays the same game I do. Okay, everyone else in this game might be terrible, but I at least now know that that one person I saw in this video, I like, and I maybe feel a little better about the community in the process."

Scott Gast: Is this something that you came up with? 'We Are the League'/'Queuing Up'?

Brand Manager: Yeah, I was part of the team that originally conceived the strategy, sold it in, and got a budget approved to chase it down.

Scott Gast: Who else was part of that team?

Brand Manager: There was my direct report at the time, Tyler Eltringham, also on the marketing team. Then Brian Hammers, who no longer works at Riot Games, but did at the time as part of our video production team. I'm not a video editor, or a cinematographer by any means, so I leaned on him and his expertise to potentially bring something like this to life.

Scott Gast: When did this all first start? When did you come up with the idea?

Brand Manager: Long ago. You'll have to forgive me, it's been so long ago. I can't quite remember the exact genesis of it, but typically for any sort of concept like this ... Anyone at Riot has a lot of free agency to, "I've got an idea," and you start chasing it down. I can't quite recall the exact genesis of the idea. Once we had it, sort of kicked it around, shared it with other people, got good feedback. I decided then to put it to paper and get that approved, and share that with my manager at the time, Kevin Chung.

Scott Gast: What was the last name?

Brand Manager: Chung, Kevin Chung.

Scott Gast: Would he have been the one to approve the project?

Brand Manager: Yes. In part anyway.

Scott Gast: Who else would have been involved?

Brand Manager: At the time, the approval chain, to get a yes to use that money on this idea -- Kevin Chung, Doug McCracken, who is no longer with the company, then Mark Merrill.

Scott Gast: Who is Doug McCracken?

Brand Manager: Doug McCracken was, I'm not 100% on his title, but it was something adjacent to VP of Marketing.

Scott Gast: Mr. Merrill's position?

Brand Manager: Is President of the company. It's either President or CEO. Just trying to double check.

Scott Gast: At some point in the past, that ran up that chain and got approved. You said you got a budget?

Brand Manager: Yes.

Scott Gast: We may want to ask you about some of those questions, we can do that off the record. We'll just continue on at this point.

That initial team that you said came up with the idea, you and Riot Games Associate Brand Manager and Brian Hammers, was that the team that went forward with the project?

Brand Manager: Yes.

Scott Gast: Anyone else become involved?

Brand Manager: To get anything done at Riot it requires a lot of different people, so a number of others did help in everything from production to creative evaluation, just sort of giving us feedback for certain cuts of the video, contractors that we'd reach out to help crew shoots, that sort of thing, so lots of people helped out.

Scott Gast: Can you give us the names and the titles of the key people for the project?

Brand Manager: For key people I believe I already have. Myself, Brian, and Tyler were very much the core for driving at least the first two videos. Both about Chef LuBu was the first one and then Congressman Polis was the second.

Scott Gast: We've kind of touched on this but let me ask you, what were the goals of the project?

Brand Manager: Sure. Goals of the project were essentially to, by using video as a storytelling medium, tell positive stories from different perspectives within the community. Overarching goal hopefully being when players see this media, they feel good about the community they are a part of, the people who also play the same game that they do, and maybe think twice before disparaging each other's mothers next time they play a game.

Scott Gast: Would it be correct to say that one of the goals would have been player retention?

Brand Manager: Long-term, yes.

Scott Gast: I guess I'm going back to what we talked about earlier, about this idea that the longer people play the game, the more likely they are to make the purchases, generate income. Does it tie into that?

Brand Manager: It's pretty far removed at that point. I call it a theory because we've never actually been able to prove, as far as I know, that making players feel good about the game they play immediately translates to it. It's something in our best interest as a company and it speaks to our ethos. We want players to have a good time playing our game; the theory is if they are, somewhere down the line they may spend more money.

Scott Gast: Okay. Was there any aspect of it to expand the player base?

Brand Manager: Not necessarily, no. It was much more focused on we've got a challenge within the current community, they're sort of down on themselves, how do we make them feel better about the people who play this game with them.

Scott Gast: Okay. Are these videos the only part of that project or are there other aspects to Queuing Up program or project?

Brand Manager: There are other aspects; Alexa Darrin, who is the current owner of the project, could speak to this better. There were... Basically the videos are sort of the one end of the tale. The other is that Queuing Up project sort of reaches out. The first two stories were sort of based off stories we had on hand. Individuals that we thought were really interesting or had cool stories, we knew they played the game. We realized if this is going to be a series, you kind of need more stories after that, so where do they come from, how do you source them?

We started going to the message boards that we own where players of the game can come discuss various things and we interact with them. We started putting questions to them such as like "Hey do you know of any couples that play together? We want to hear your stories." If any of them showed up in terms of responses that seemed really interesting, we reach out, we chase these stories down, and they might become future videos. That's sort of the idea from the process from where do we find these stories to then how do we turn the interesting ones into videos within the series.

Scott Gast: There was some reference in some of the emails that we looked at that were provided by the company about using a variety of mediums. Were there other mediums other than this video medium?

Brand Manager: No, I don't believe so. You could consider the message threads of people sharing like, "Yes, I know these people who play the game together," for example within that question I posed. You could consider that a medium just because players are talking about other good people who play the game and sharing those stories. Those don't have as nearly wide as reach as the videos.

Scott Gast: Sure.

Helen Eisner: We've talked a little bit about the goals for the Queuing Up initiative. Are there any type of metrics for judging the success? I know you talked about the challenge in the community and what you were trying to do. Did you have any type of method of judging outcomes?

Brand Manager: Very difficult between all the things that Riot does. If there's an uptick, we do track like general sentiment, like how good do you feel about playing the game. Riot does a lot of different things at any given moment. It's very difficult to say like "This video had this much lift." Instead we focus much more on what does

the reaction look like. Comments within YouTube, comments within the community, how much is it shared, what are people saying when they're talking about it? That's primarily how we detect it, whether or not people, was the story landing in terms of making you feel good about other people who play the game.

- Scott Gast: What was that result?
- Brand Manager: Highly positive so far across all the videos. The first one, like I mentioned earlier, was Chef Lubu, and second being Polis, so far all the videos have been really well received.
- Helen Eisner: Based on that analysis, looking at comments, message boards, were any reports generated gathering information after each video was released?
- Brand Manager: Reports as in results of the-?
- Helen Eisner: Results, summaries of what was found and reactions to that.
- Brand Manager: Sure. After immediate release if I remember correctly there were emails just as a quick round up for interested key stakeholders within the company just to let them know "Hey we released this, we're seeing this many views, here are some samples of comments that are being said." I believed that was sent out for the first one LuBu, I can't recall if that was sent out for Polis.
- Scott Gast: How were the subjects of the videos chosen?
- Brand Manager: The latest subjects have been chosen the way I mentioned to you, right, the reaching out to the community, "Hey tell us some interesting stories, the different ways that people play." We determined which ones would be interesting in terms of a video story or can it make a cool video and we contact those. For LuBu and Polis both, those were the first two like pilot episodes before we had this method of reaching out to the community and getting their stories. We knew about both of them because they were both pretty well known people within the community, and I say the League of Legends community.
- Chef Lubu, he had up to that point and still does runs a YouTube channel with, he comes up with different video game themed recipes, sometimes of League of Legends characters, and he will do a video, it's like here's how you make this dish. They're usually very funny, the community typically loves it so we thought that's a neat story, right? A chef that makes video game themed food. That was the first one, we reached out to him and he loved the idea. The second was Polis. Again, he was already a known entity within the community. He had reached out and been a part, we had coordinated during the SOPA/PIPA legislation, he had come out against the legislation, as had Riot Games, so he

actually came to the forums, answered questions about SOPA and PIPA to the interested community.

Scott Gast: Does the company have similar projects to this Queuing Up project?

Brand Manager: Not to my knowledge.

Scott Gast: This is kind of a unique project in the ...

Brand Manager: There is a team within social play that's working on, we love videos, videos is a great way to tell stories to the community, especially on the internet. I believe there is one team within social play who's working on something similar, and I know before Queuing Up another team created a video called "Tim's Team," similar kind of idea. They have a unique way that they play together. It's sort of showcasing the relationships that happen, how a league, it's sort of an excuse even after all your friends move away to stay in contact, it's something you can do on a Friday night together. And so that was one done before Queuing Up. I know, as I mentioned, social play is another team that's working on video storytelling about the community in something.

Scott Gast: Were you the project or program owner, product owner for this?

Brand Manager: For the production and the editing of the first two videos, yes.

Scott Gast: After that second video, the Polis video, who succeeded you?

Brand Manager: Alexa Darrin. She succeeded me even before the, I'm not remembering perfectly well, but before I think the first two videos actually came out.

Scott Gast: Okay.

Brand Manager: There was a long period between like we had finished the videos where we felt like they were in a good place to edit, we weren't exactly sure the best way to release, so we held onto them for a little while. In that time Alexa came to the team as a video producer; she's way better at this than some marketer so it made a lot of sense for her to own the project and I was happy to hand that over.

Scott Gast: Do you have a rough time frame when that transition happened?

Brand Manager: Not in my head, no I'm sorry.

Scott Gast: She's still the product owner today?

Brand Manager: Oh, yes.

Scott Gast: Can you tell us a little bit about what that meant, to be the product owner?

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Brand Manager: Sure, so the way we talk about being a product owner at Riot, you're essentially the "one wringable neck." You are responsible for the quality, you may be the one, you may not have the editing skills or the video production skills but you have the vision and you are supposed to help work with other teams and other people at Riot to help that vision come to life. Help make sure that the end product meets what originally we wanted it to be.

Scott Gast: Would you then reach out to find the talent that you needed to-

Brand Manager: Yes. Sort of had to create a little strike team within Riot of people who were interested, had the time to help, and had the skills needed that I did not have.

Scott Gast: We touched on this again, for the first two videos, that team, the core of the team was you, Riot Games Associate Brand Manager, and Brian.

Brand Manager: Mm-hmm (affirmative).

Scott Gast: Anyone else that was part of that core team at any point?

Brand Manager: I'm defining core team as people who touched these projects very regularly. Like I said previously, a lot of folks at Riot came in to help at various stages and made things possible.

Scott Gast: I want to talk to you specifically now about the Polis video.

Brand Manager: Okay.

Scott Gast: You kind of told us how that idea, he was a known quantity, he had been involved in SOPA/PIPA, was there some point where somebody said, "Well we should do a video around him." How did that kind of crystallize?

Brand Manager: We were, I don't have an exact date again because this was a process, but we were thinking through who would be interesting stories. Lulu was a no brainer, a chef that makes League of Legends themed dishes, that sounds awesome. What are similar stories to that? What about a congressman who mains Anivia, one of the characters in our game. That juxtaposition is so interesting and compelling, like that could make a really cool story. That's pretty much how we came to -

Scott Gast: Who came up with that?

Brand Manager: That I can't remember. It's a very collaborative environment at Riot.

Helen Eisner: Before that, before you came up with the idea of him participating, had you heard conversations about Congressman Polis? You described him as a known entity.

Brand Manager: No, I had known that he was a known entity because of the forum post that he jumped into at some point far before the video. It's just sort of a neat little piece of trivia, "Hey did you know a congressman play the same game we do?"

Helen Eisner: Okay.

Scott Gast: Prior to focusing on him specifically, was there any discussion about trying to find somebody in government, in the political world; was that kind of a "slot" that you came up with?

Brand Manager: No, we didn't really approach it from a different careers, it was mostly who has an interesting juxtaposition in what they do and how they enjoy the game, who they are, and how they play.

Scott Gast: Why was he an attractive choice?

Brand Manager: Just because of the size of the juxtaposition like I mentioned. Chef plays video games and somehow combines those. Same sort of thing but it was even wider juxtaposition, like congressman plays this stupid free to play video game over the internet.

Scott Gast: Did you have an idea for a focus of the video?

Brand Manager: A focus? I'm sorry, a little clarification there?

Scott Gast: The story that you were going to tell.

Brand Manager: For Lubu and Polis both, the juxtaposition was what originally drew us to them. We would then sort of hop on the phone with those individuals if they were available and do a quick pre-interview. We would just ask them a lot of questions, just like who they are, how they play, what that means to them, just to get an idea of what that story could be. Yes, that's how we typically approach these things.

Scott Gast: Did anybody think it was a bad idea?

Brand Manager: I'm positive there had to be some. Again, Riot's a very open culture where everyone can provide feedback and not everyone agrees when it comes to creative products like videos.

Scott Gast: Why did those folks think it was a bad idea?

Brand Manager: I can't speculate on their behalf. Some individuals disagreed with Jared's personal politics and told me as such, but in terms of a good story, they agreed that it was a feel good story, I just don't agree with his politics was what one Rioter told me.

Scott Gast: Okay. Any other expressions of concern or ...

Brand Manager: There was general concern around, sensitivities around, this is a political figure, we're just a video game, we don't want to interfere with anything he does, we as a company don't want to come out in terms of sounding like we're endorsing this individual, so there was, we wanted to make sure the story focused on him as a person and how he plays the game that everyone else who is watching this video will play.

Scott Gast: You said some sensitivities about interfering with what he did.

Brand Manager: Mm-hmm (affirmative).

Scott Gast: What do you mean by that?

Brand Manager: Politics is such a ... You guys know. It's a rat's nest, right? Say the wrong thing and you can be dragged in. We were very cognizant of the fact that we don't want to get involved with his stances on any political positions. It's not our place as a company to get involved with anything that's happening on Capitol Hill, necessarily. We were just very sensitive to the fact that ... I think an election was coming up as well, so we didn't want to come out endorsing anyone. Again, just making sure that, we're just a game company. We make a game. We like it when other people play our game. Let's just focus on that.

Scott Gast: Did anyone discuss a concern about the appropriateness of him highlighting or promoting?

Brand Manager: There was concern in terms of we didn't want to seem like we were endorsing him, but as a person, we're huge fans of him.

Scott Gast: What about from his perspective, of him appearing to endorse or promote the game?

Brand Manager: We didn't have concerns about that necessarily as much because in the video he's playing the game. Fair assumption that he's playing it because he likes it, or at least I hope he likes it. I don't believe there were concerns, that I can recall, from that perspective.

Helen Eisner: You mentioned concerns, perhaps, for some people on the team that they might have had different political views than him. Were there concerns that any members of the community would have had different political beliefs and that that might impact the community in any way?

Brand Manager: Sure, yeah. The same concerns you don't go to a party and start talking politics right off the bat, right? That and religion are the topics you typically steer clear from. We did have those concerns, but that continued ... We were very cognizant of those, but we felt like as we went through the editing process we

could tell a very human story about a person who has an interesting job and likes playing this game.

Helen Eisner: Okay.

Scott Gast: Before you actually reached out to see if Representative Polis was interested, what were your internal discussions about that?

Brand Manager: Whether or not he would actually be interested. It was kind of a long shot and we didn't really expect much. I believe at that point we were still figuring out who were these first couple videos going to be about. Congressman, that could be cool. There's no way that's going to pan out, so let's keep thinking of other things as well.

Scott Gast: What was your awareness of his, the congressman's, relationship with the company?

Brand Manager: My only awareness of his relationship with the company was seeing the post that he made on our forums, and I heard through second hand knowledge that coordinated somehow with the founders of company to be present on the message boards.

Scott Gast: What do you mean by coordinated with the founders of the company?

Brand Manager: There was some coordination in terms of giving him a special log-in so he could actually ... You have to log-in in order to post on the forum, so we had to give him access and that's ...

Scott Gast: Okay. Was there coordination about what he was going to say, drafting the message?

Brand Manager: That was before my time at Riot, so I unfortunately do not know.

Helen Eisner: Who would he have coordinated with? You said the founders of the company. Anyone else?

Brand Manager: Again, before my time at the company. I unfortunately don't know.

Helen Eisner: Okay.

Scott Gast: How did you learn of that previous interaction?

Brand Manager: It's still archived on the internet. Read through that, it seemed like a really interesting interaction. I was most focused on, does he feel like an authentic player within the community? Because these videos need to feel authentically these are actual people who play the game. He mentioned how he mains

Maokai and Anivia. Again, those are two characters in our game. Thought that was awesome, and decided to reach out.

- Scott Gast: Were you aware of any lobbying contacts that the company had had with Representative Polis' office?
- Brand Manager: No. It probably would have been smart to reach out to leadership or press or corporate communications, but actually just sent an email direct to his media relations office.
- Scott Gast: Were you aware of any assistance that the congressman or the office had provided with case work issues, people having problems with visas, or coming to tournaments, foreign players...?
- Brand Manager: No, nothing like that.
- Scott Gast: Okay. Beyond this posting on the forums, were you aware of any other interaction that the congressman had had with Riot Games prior to reaching out for the video?
- Brand Manager: No.
- Helen Eisner: You had some awareness of this prior coordination, even if you weren't there-
- Brand Manager: Right.
- Helen Eisner: ... at the time. You wanted to reach out to the congressman. Did you try to talk to the people who had coordinated with him previously as a means of getting that contact information?
- Brand Manager: No. I started researching the congressman, saw on his website he had a media inquiry email contact, and that just seemed like the easiest way. Again, we had no idea whether or not he'd actually be interested in working with us, so rather than bother a bunch of people in the company, I just thought I'd reach out directly.
- Scott Gast: At some point, then, you made the decision to reach out.
- Brand Manager: Mm-hmm (affirmative).
- Scott Gast: How did that logistically work? How did you know who to reach out to, how to do it?
- Brand Manager: There were, as I remember correctly, there were a couple different contact emails on his website. Media relations or media office sounded like the most straightforward, so I just picked that one.

Scott Gast: Kind of a cold email?

Brand Manager: Very much so.

Scott Gast: Then what happened after that?

Brand Manager: If I remember correctly, his office got back to me. In terms of the actual contents of that email, it was so long ago I can't quite remember.

Scott Gast: Let me show you this. This appears to be the initial email that you sent. It's, for the record, it's number RG-384 to -385. If you want to take a look at that, this appears to be an email from you to Chief of Staff, dated October 28, 2013.

Brand Manager: Sorry, just refreshing my memory if that's okay.

Scott Gast: Absolutely.

Brand Manager: Okay.

Scott Gast: Do you recall this email?

Brand Manager: I do.

Scott Gast: Who is Chief of Staff?

Brand Manager: Brian Branton, right here in his email lists as chief of staff.

Scott Gast: Did you know him prior to sending the email or getting the email back from him?

Brand Manager: No.

Scott Gast: Any prior contact with him?

Brand Manager: I don't believe so, no.

Scott Gast: Can you tell us what you were trying to do with this initial email?

Brand Manager: For this initial email, it was a balance of expressing interest, explaining what we were trying to do, and then giving any sort of context, like, "By the way, we've worked together in the past. He posted on the boards and Reddit." It was just a mix of providing all the context and trying to reach out to see if there was any interest on their end.

Scott Gast: Then it looks like the next day he responded.

Brand Manager: He did.

Scott Gast: He says, "I'm sure he," meaning the congressman, "would be thrilled to do this." Did you have any further conversation with Chief of Staff?

Brand Manager: I can't recall the actual conversation, but I'm sure that we continued to coordinate because they did, surprisingly, express interest.

Scott Gast: Prior to him saying that he'd be thrilled to do this, or immediately after, were there any questions asked? Did Chief of Staff want to know more about what the video was going to be about or used for, anything like that?

Brand Manager: I don't believe so, no.

Scott Gast: At any point did anybody on the staff say, "Can you give us more information about how this is going to be used?"

Brand Manager: I can't recall specifics.

Helen Eisner: Maybe we could step back and talk about ... Chief of Staff was one of the contacts. Was there anyone else who you remember communicating with in the office?

Brand Manager: Just at the beginning here, or at any point throughout the process?

Helen Eisner: Well, maybe in this initial coordination stage.

Brand Manager: Well, my answer for both is we talked to a lot of different people at the office. I can't quite remember exactly who and who was not involved at this first contact stage, aside from Brian.

Scott Gast: What about Scheduler?

Brand Manager: Yes. She helped out quite a bit in terms of scheduling things.

Scott Gast: Okay. Was she one of these initial contact persons? I think, if we actually look at the email, Chief of Staff-

Brand Manager: Yes. Brian mentions that he'll put us in contact with Danielle.

Scott Gast: Then did you ultimately have conversations with her?

Brand Manager: I do remember we had conversations back and forth, yes.

Scott Gast: In those conversations, was there talk about what was this going to be used for, why are you doing this?

Brand Manager: I can't recall. Most of the conversations I do recall was mostly focused around scheduling because Congressman Polis is naturally super, super busy, so it was an arduous task to figure out a time that could work for everybody.

Scott Gast: Looking back, and I realize it's several years ago, do you recall how you described what you wanted to do?

Brand Manager: I'm reasonably certain I did. Yeah. I can't recall what is on the other end of this link that I referenced, but I did attempt to reference a type of, what I assume to be, storytelling format where it's more focused on human stories, personal interest piece, that sort of thing.

Scott Gast: This is the link that you referred to in the initial email you sent-

Brand Manager: Yes.

Scott Gast: ... just for the record. Do you recall, other than what you have in this email, describing the video to anyone, Representative Polis or anyone else?

Brand Manager: I vaguely remember describing the kind of storytelling we were going for, if only to describe the type of video or what this project was for, but in terms of specifics to whom and when, that's kind of a haze. I apologize.

Helen Eisner: Do you know if it would have been to the congressman or to staff, just generally speaking?

Brand Manager: I mostly conversed with staff.

Helen Eisner: At any point, did you have conversations about, we've talked about the goal of the project, the community, generating these good feelings between players. Was that expressed?

Brand Manager: Yes.

Helen Eisner: To staff, or to the congressman?

Brand Manager: There is one instance I recall, especially when we were doing the shoot in D.C., when we were explaining that to Jared directly because we had more time with him.

Scott Gast: Okay. Let's walk through this step by step. First of all, in these initial conversations, was there any discussion of approval of the video or sign-off?

Brand Manager: Sign-off from Jared's camp?

Scott Gast: Yes.

Brand Manager: Not that I recall. I remember them expressing interest and then we started scheduling, is how I recall it.

Scott Gast: Okay. Let me just ask you about your reactions.

Brand Manager: (laughs) Sure, sure. Very colorful. Yes.

Scott Gast: Why that reaction?

Brand Manager: As I mentioned earlier, it was very much like a cold call, long shot, so as you can see here, I was very excited to actually get a response in so quickly back from Jared's office.

Scott Gast: Okay. You get this response back. Well, let's just walk through this first. Who at Riot Games actually worked on this project, the Polis video specifically?

Brand Manager: Okay. The Polis video specifically. The Polis video was broken into two separate shoots. On the production side, that's how we think about it, myself, Tyler Eltringham, Brian Hammers, were sort of the core team, especially on shoot one in Boulder. Shoot two, Tyler wasn't able to accompany, so the main folks were myself and Brian Hammers. Again, lots of additional from other people at Riot in terms of production assistance, figuring out permits, and who to contact and what contractors at those sites would be best to work with. Post production, it was primarily myself, Tyler again, and Brian Hammers.

Helen Eisner: Why were there two shoots?

Brand Manager: The first shoot, in Boulder, we did our pre-interview and then we came out with our list of questions that we thought would make a good story. We went through the process of that shoot with Jared in Boulder. We got all the footage, took it back, started editing it together, and a strong story just wasn't really coming together yet. The challenge was the options we had in front of us are release something that feels a little not too authentic towards players, scrap it entirely, or reach out to see if we could gather more footage because we had an idea of like, it would be really cool if we had these kinds of things in the video. We reached out again to see if they'd be willing to spare some more time for us.

Helen Eisner: What were the types of things that you thought might add to the video?

Brand Manager: The video focused a lot more on that juxtaposition of a congressman who plays a free to play video game online. In his home in Boulder, Colorado, lots of great footage for depicting Jared as just an average guy who plays the game same way anyone else does. It didn't have much of that, "Oh my gosh. He's a congressman" feel to it. By the time we realized that was missing from the video, he was back in Washington, so we reached out again to see if we could potentially capture any footage of him in D.C.

Scott Gast: At the outset, was there an intention to go in both Colorado and D.C., or was ...

Brand Manager: On the offset, we believed we could get everything we needed with the time that the congressman originally gave us.

Scott Gast: Walking through, then, the whole process of this, this initial email reaching out to the office. They agree that he'd be thrilled to do this. What was the next step in that process?

Brand Manager: After the camp agreed to this was something they'd be interested in, as I mentioned earlier, I coordinated with Danielle in terms of figuring out what potential schedules could work for the congressman.

Scott Gast: It looks as if there was a telephone call with Representative Polis himself in November, November 7, 2013, shortly after this email. Do you recall that?

Brand Manager: I do not recall the exact date, but I do recall we had a short phone call with Congressman Polis, which is the pre-interview which I mentioned earlier. "Hey, we don't know much about you," let's ask a bunch of questions and we would jot down interesting things about his life, the way he plays, challenges he deals with, human things that could potentially make really interesting bullet points in the story.

Scott Gast: Okay. Who was on that call?

Brand Manager: On that call was, I know, myself and Brian Hammers. I'm not certain, but Tyler Eltringham could have been in the room as well.

Scott Gast: And who from the Polis side was on the call?

Brand Manager: The only person that I can remember specifically was Jared Polis.

Scott Gast: Do you recall if he had staff on the call?

Brand Manager: I cannot recall, no unfortunately.

Scott Gast: Can you walk us through what was discussed?

Brand Manager: Oh, so long ago. I'm sure it focused on the themes I mentioned earlier, okay, you play League of Legends, what do you play, how do you like to play? You have to travel a lot, how does playing the game help you feel connected to home or something like that. But specific questions, unfortunately I can't remember. It was a while ago.

Scott Gast: Did Representative Polis ask any questions about the video itself? What is was going to be used for? How it was going to go?

Brand Manager: I can't recall, sorry.

Scott Gast: In asking these questions and exploring interesting topics, did representative Polis suggest any topics he thought would be an appropriate focus or a good focus?

Brand Manager: In terms of content for the video? I don't think Jared Polis offered up any specific topics, no.

Scott Gast: So, it was mostly a Q&A: you would ask the questions and he would give the answers?

Brand Manager: Yes.

Scott Gast: Okay. Did he have any questions of you?

Brand Manager: Not that I can recall, no.

Scott Gast: Did any concerns about ethics issues come up during that call?

Brand Manager: Nothing like that, no.

Scott Gast: Anything about what he could and could not do in his position as a Member of Congress?

Brand Manager: Not that I recall. It was a pretty casual conversation.

Scott Gast: Do you recall about how long that was?

Brand Manager: It was likely about half an hour.

Scott Gast: When you went out to do the filming, first in Colorado in December, did you sit down and actually interview Representative Polis on camera?

Brand Manager: Mm-hmm (affirmative). So when we got to Boulder, we went to his condo, scouted, kind of looked around the area what's the best places to film, set up the set, lights, equipment, all that stuff, and then based on the interview we had previously, we had these talking points that could be interesting as far as interview questions. And then we just started going through the list and having a conversation on camera.

Scott Gast: Do you still have a copy of those talking points?

Brand Manager: I might, but a couple computers have died on me since then, so I'd have to look pretty thoroughly for it to see if I could find it.

Scott Gast: If you could, I don't think that's something we've seen, if you could just take a look.

Brand Manager: Sure, let me take a note down of that.

Scott Gast: Sure.

While you're making that note, was the video scripted in any way?

Brand Manager: No. The only script, I'm using air quotes here, that we had was that very loose list of bullet points that could be interesting. They were themed by topics.

Scott Gast: Can you recall the topics?

Brand Manager: I recall a couple. One was around gaming in his early life, what was it like growing up gaming? What games did he play? Wanted to establish that he was, in fact, a gamer. I think another topic was around how he plays League of Legends, what map modes he likes to play, what champions he likes to play. What's it like when he plays with people who find out who he is. Like, "Oh you're Congressman Polis, that's crazy that I'm going to game with you." And then I believe another topic was he reported he often plays League of Legends on the road with his partner, so how does that connection and how does League provide that connection that impacts his life.

Helen Eisner: Were any topics political in nature in any way?

Brand Manager: There were some in just his early life, what was it like getting into politics? I think we tried to ask him questions around what are the similarities between being a gamer and being a politician are.

Scott Gast: What about SOPA and PIPA? Any discussion of those?

Brand Manager: We did ask about that just as a frame of reference because viewers of the video we saw might say oh, I remember that guy, he was from SOPA/PIPA back in the day.

Scott Gast: Were there any questions that Representative Polis wouldn't answer, or expressed concern about, or asked you to rephrase, or anything along those lines?

Brand Manager: Not to my memory, no.

Helen Eisner: Did you provide Representative Polis or his staff a copy of these talking points before the Boulder interview?

Brand Manager: I believe we did, yes.

Helen Eisner: And was there any back and forth as far as editing or changing the content of the questions?

Brand Manager: No, I don't believe so.

Scott Gast: Did he suggest anything that he wanted you to ask about?

Brand Manager: Not to my memory, no.

Scott Gast: Were you the one that actually did the interview?

Brand Manager: I chimed in from time to time, Brian who was behind the camera and sort of the director of the set, he also had a copy and we both made the list together, so he actually led the interview.

Scott Gast: Okay. And at any point did ethical concerns get brought up during that filming or the interview?

Brand Manager: Not to my memory, no.

Helen Eisner: So, approximately, and I know going back, dates are hard, nothing specific, but do you know what month the Boulder video would have been filmed during?

Brand Manager: It was very cold in Boulder, so I have to assume in the winter months.

Helen Eisner: And this would have been late 2013? Early 2014?

Brand Manager: I can't recall, I'm sorry.

Scott Gast: Who from Representative Polis' side was around for that Boulder shooting?

Brand Manager: Danielle helped us, through email, getting the Congressman's address. As I remember there were no staff members actually at his home.

Scott Gast: And were there any issues at all with the shooting? Did anybody ...

Brand Manager: None of us brought chap-stick and none of us realized how dry Boulder was, that was the biggest issue.

Scott Gast: But no concerns brought up? Or problems you had to work through?

Brand Manager: No, it was a very smooth shoot.

Scott Gast: And then at some point after the Boulder shoot, as we discussed, you thought that you needed to flesh out a little more, is that fair to say?

Brand Manager: Yes.

Scott Gast: And what happened after that? What was the next step?

Brand Manager: As we were going through different options to figure out what to do with the video, one of the options was we could ask if we could have more time. Similar situation with the cold call, like oh, there's no way that's going to work. So we reached out again just to check. And things went from there.

Scott Gast: And when you reached out, who did you reach out to?

Brand Manager: I can't recall. I believe I tried to use the contacts that I'd made previously through the previous schedulings, but if I recall, there had been some turnover or some members of the staff had changed, so I may have had to send that email a couple of different times.

Scott Gast: And what was the response that you got?

Brand Manager: That I can't recall, unfortunately. I mean, it was positive because we did get to film with him, but I can't recall the actual substance of the email.

Scott Gast: And after they expressed a positive response to go forward, kind of walk us through that process.

Brand Manager: Okay. Similar where we worked with ... I can't remember if Danielle was still in charge of scheduling at that point, I believe she was. Coordinated with whoever was in charge of scheduling to figure out a time that worked. There was much more condensed time table within DC because he has a lot of appointments, so we were trying to figure out which slot could we potentially take up. It takes a while to cart in all the equipment, set up, film, so there was a lot of back and forth in terms of how much time we could actually get with the Congressman and when he would be available.

Helen Eisner: How did you explain your reason for wanting to get the extra footage?

Brand Manager: I believe it was similar to what I mentioned earlier in terms of the video would look a lot better if we could draw this juxtaposition between playing video games at home and then going up the steps to Capitol Hill and working there.

Helen Eisner: And what was the reaction to that?

Brand Manager: I believe it was positive.

Helen Eisner: Okay.

Scott Gast: So you get to DC and you do the filming. Who staffed Representative Polis during that filming? Were there any of his staff members present?

Brand Manager: It was a bustling office, so yes, there were staff members present.

Scott Gast: Was there anyone who was with him during the shooting?

Brand Manager: During the filming? No.

Scott Gast: Okay. And prior to sitting down with him again, similar question, did you come up with a set of questions or topics or ...

Brand Manager: We did. For this set of questions, since we had already done the pre-interview and then the interview, we didn't have to do another pre-interview to this shoot to ask questions. So we had similar set of bullet point groups of questions and topics that we thought if we can get some answers around these, we could add to the video that we have currently and make it a stronger overall piece.

Scott Gast: And do you recall the topics on this set of questions?

Brand Manager: One I can remember was focused around his opinions on the League of Legends community as a community, as part of it. Specifically what I mentioned earlier, like they assume "Oh you play League of Legends, you must be a terrible person." So, I was just interested in what he thought about that. Does he think that's accurate and what would he say to the League community, like what you have the power to do. How can you impact politics?

Scott Gast: Can you recall any other topics you went over?

Brand Manager: I'm positive there were other topics, but I can't remember them at this time, sorry.

Scott Gast: And, again, did you prepare a written ...

Brand Manager: Yes.

Scott Gast: Do you have a copy of that?

Brand Manager: Same sort of thing. I can search back through to see if I can find it, but I don't remember. When I looked through things originally when counsel asked me to produce as much as I could, I couldn't find it, but I can look again.

Scott Gast: Okay, we'd appreciate that.

Brand Manager: Sure.

Helen Eisner: Did you have a sense of ... I know you prepared talking points for this second shoot, did you know where you wanted to film? Kind of storyboard the locations for where you would be asking these questions?

Brand Manager: A couple different options. Our top one was it would be great to get a shot of you at your seat at your congressional office. That was sort of the ideal place we wanted to go.

Scott Gast: At any point was there any concern about filming in official buildings, official space, official office?

Brand Manager: So, Brian Hammers voiced that it is a nightmare to film in DC, so we need to be ready. So, he was very aware of the concerns in terms of it takes a lot of permits to film the monuments, B-roll and all of these things, so he tasked himself with tracking down all the permits he might need.

Scott Gast: What about, besides the permitting issue, any ethical issue with using official Congressional space?

Brand Manager: No, I don't believe any came up. We were very focused on how many permits were we going to need and how much is this going to cost.

Scott Gast: And I think in some of the emails we saw, there was some question of whether you would need permits from the House Radio TV Gallery to film on the campus.

Brand Manager: Right, yes.

Scott Gast: What happened with that?

Brand Manager: That, I'm not sure about. Again, Brian Hammers is a very skilled producer, so he and his team handled which permits to track down.

Scott Gast: Do you know if you needed a permit to do the filming you did on the campus?

Brand Manager: I know we needed a lot of permits for all the things we filmed in DC. I can't recall if that permit was needed, specifically.

Helen Eisner: And did Representative Polis' office play any role in the process of getting these permits or pointing you in the right direction for who to reach out to?

Brand Manager: I believe we asked for any additional permits we might need, and I think they provided some guidance, but that was about it.

Helen Eisner: And would that have been an email request or a phone call?

Brand Manager: That was probably through email, yes.

Helen Eisner: Okay. And do you know who that would have been with?

Brand Manager: Our main point of contact was Danielle, I would have to assume that.

Scott Gast: Did anybody at any point raise concerns about using the footage from the Capitol and the House office buildings for commercial purposes?

Brand Manager: No. Those concerns didn't really come up because we were focused very much on the human story telling or a human interest piece.

Scott Gast: Okay. Let me show you this email.

Brand Manager: Sure.

Scott Gast: I'd like to just ask you about his first page. For the record it's RG-57 and specifically the two emails there, an email from you to Brian Hammers and Andrew Beegle, copied to David Padron and Riot Games Associate Brand Manager, in which you ask, "Wondering if we bring a gaming laptop with us to spring on Jared in the office." Take a minute to look at that.

Brand Manager: Sure, thank you.

Okay.

Scott Gast: First of all, who's Andrew Beegle?

Brand Manager: Andrew Beegle, another Rioter who's no longer with the company, but worked with Brian Hammers in video production.

Scott Gast: And who is David Padron?

Brand Manager: David Padron also works in North American Publishing; he leads a team that does a biweekly community show called All Chat. So he's very skilled also in video production and video story telling.

Scott Gast: And your question about bringing a gaming laptop, what did you mean by that?

Brand Manager: Like I mentioned earlier, one of the topics we were interested in is the idea that Jared has to travel a lot, he and his partner both like to play League of Legends, so they sometimes play when he has to travel and it's a way for them to share an experience together. Largely in jest, was the idea of if we wanted to hit that topic in a visual way, that would be one way to do it.

Scott Gast: Why in a jesting kind of way?

Brand Manager: The idea of bringing a gaming laptop to play League of Legends in a congressional office is, to us, somewhat absurd. Again, the juxtaposition of serious congressman plays our cruddy video game it's just speaking to the whole theme of the video.

Scott Gast: Was there any concern about the fact that playing the game in the office would somehow impact these ideas of official/commercial problems?

Brand Manager: Of course. Andrew, right here speaks to that and rightfully so. I come across pretty dry in my emails, but he rightfully so corrected me and we left it at that.

Scott Gast: What was his specific concern that he was raising here?

Brand Manager: I can't speak to his state of mind, but he does raise here in the body of his email a number of perceptual reasons why we might not want to do that.

Scott Gast: Based on your understanding of that, what were the perceptions he was concerned about?

Brand Manager: Perceptions would probably be similar to what you mentioned, using an official government space, we're already somewhere we don't belong is right on Capitol Hill to diminish the importance of that office with video gaming might be a little bit too far. Typically in the creative process you try and push and see which ideas fall flat and which ones could be kind of cool.

Scott Gast: Were there any concerns that it would tilt more toward to an advertising perception?

Brand Manager: Sure, yeah. We had briefly talked about could we use this video in tandem with some of our sets of skins coming out, or something releasing, but we decided no, it feels much better to focus on just the human story and the real goal of this is not to move product, or digital product in our case, but actually have a positive impact on perceptions within the community.

Scott Gast: Aside from that perception arising out of using the gaming laptop in the office, were there other occasions on which that crossing over into advertising concern came up?

Brand Manager: No, not necessarily. We were very focused on how do we capture the story of Jared in the most authentic way possible.

Scott Gast: Was that concern discussed generally at any point?

Brand Manager: The concern being advertising?

Scott Gast: Yes.

Brand Manager: No. We produce a lot of videos at Riot Games. A lot of them are focused very much on just creating a cool piece of content that players will find authentic and enjoy. We cater to a lot of kids on the internet. They are sold things day in and day out. They're very good at detecting advertisements or product offerings or

veiled attempts to sway them one way or another. So we focus always on remaining very authentic whenever possible.

- Helen Eisner: If you could contrast this with the Chef Lubu piece, some of the concerns you've just raised about not wanting it to seem like it was an advertisement, wanting it to seem like it was about the Congressman, were those same concerns raised -- as far as restrictions, linking it to new skins, other product type issues that might come up -- same concerns were they raised in the Chef Lubu video? Is there any difference?
- Brand Manager: Sure. And when I say those concerns were raised, it was kind of for the entire series as a whole. Would we use these in conjunction with releases and stuff like that. And same thing for Lubu as it was for Polis: no, let's not link this to any promotion or anything that is going on. These are just interesting stories about people in the community. And we wanted to make sure viewers left feeling good about the people that were in the video.
- Scott Gast: Any additional concerns in the Polis video given his position?
- Brand Manager: Well, we touched on general things like bringing up politics is always a hot button issue, they were generally around the content. So, the politics was one, the general creative of the video, like does it feel authentic, does it feel like he's a real gamer? Do I feel empathetic towards this person? But those are the general concerns we have with any one of these videos, aside from the politics. Does this feel authentic? Does this feel like a good piece of content that sways me in an empathetic way.
- Bill Chang: We have our next interviewee waiting. Can I get an estimate of how long this is going to take? Should I send him back to his desk? He thought he was supposed to go in at 11.
- Scott Gast: Yeah, maybe at 10:30.
- Helen Eisner: 11:30.
- Scott Gast: I'm sorry, 11:30.
- Bill Chang: Okay.
- Scott Gast: Do you want to take a break?
- Brand Manager: Yeah, can we take a break?
- Scott Gast: Sure, we'll go ahead and stop.

[Break]

Helen Eisner: Okay. We're back on the record here.

Scott Gast: Again, Scott Gast and Helen Eisner from the OCE, here with Riot Games Brand Manager from Riot Games, who's accompanied by Angelle Smith Baugh and Bill Chang. We want to ask you a little bit more about this line between a human interest piece and when that becomes more advertising in nature.

Brand Manager: Okay.

Helen Eisner: You had mentioned that earlier the approval process of filming in the Capitol and you saw this human interest piece and I think you said that you didn't see it as a commercial. What would you have done differently if it had been a commercial?

Brand Manager: That depends largely on what you're actually trying to promote. If you're trying to promote like a certain element within the game versus the game itself, versus a broader brand versus Riot Games, there's a lot of different approaches you can potentially take for something like that.

Helen Eisner: If you had, let's say that you were filming the commercial in Congress and in that House office, did you look into that? Did you look into the approval process what you would have had to do with it if it was a commercial?

Brand Manager: No. Never really crossed our minds. We were thinking about this first and foremost as sort of a documentary.

Helen Eisner: Okay.

Scott Gast: Can you give us examples of how the Polis video would have changed that would have made it more of an advertisement?

Brand Manager: No, because we never really thought about it that way nor did we come up with any contingencies of how we could do it if we wanted it to be one. It would be me pretty much wildly speculating on stuff, making it up on the spot.

Scott Gast: Yeah. It's kind of a tough question to ask. What was missing from the video that kind of took out that advertising aspect?

Brand Manager: Well, for typical advertisements we do for Riot Games, there are calls to action. After observing this piece of content, check out these new skins now. Download the game now. You need someone who views it, your potential audience, to create an action that immediately pays off, a business goal.

Scott Gast: Is "feel good about this game that you're playing and keep playing it" a call to action in that sense?

Brand Manager: Not typically because that's a hoped take away from the audience. We're not asking to do anything specifically after viewing the video.

Scott Gast: Okay. Like I said, tough kind of question to ask, but I thought I'd ask you to share your thoughts on that. A couple questions just about expenses for the video. Did Representative Polis' office pay for any of the expenses?

Brand Manager: No.

Scott Gast: Did you bill him for anything or send invoices?

Brand Manager: No.

Scott Gast: Did you pay his office or him for anything?

Brand Manager: No.

Scott Gast: I want to jump to the editing, putting the final thing together, reviewing and approving that.

Brand Manager: Sure.

Scott Gast: You had said that this was more of a lengthy editing approval process and I think that's reflected in an email that we may have. Why was that?

Brand Manager: Primarily because we thought we would get everything we needed with that first shoot. After editing we realized this could be stronger. I thought through the things we would need to make it stronger and then form another shoot. It was twice the project that we thought it would be just by nature of needing to do another filming shoot.

Scott Gast: Were there any concerns about the video that caused the process to go longer than usual?

Brand Manager: Not about the video. There were concerns about the project overall and those were ones I mentioned earlier in terms of, all right, we have these two stories. How do we get more? We spent a lot of time thinking through ways to reach out to the community, get good stories that we could then potentially turn into videos.

Scott Gast: Okay. You did the filming in DC in February of 2014. The next... It appears to us that the next time you reached out to the Polis folks was in July. There was a July 9th, 2014 email when you say you wanted to get the feature in front of you, Jared, and the relevant team to get your take before going live. Do you recall that?

Brand Manager: I do, yes.

Scott Gast: Was that the first time you had contact with them since the shooting? Was there any contact in between that time?

Brand Manager: I don't believe there was, no.

Scott Gast: They didn't want to know how the footage was, what you're going to use, what you're going to say?

Brand Manager: No.

Scott Gast: You didn't ask them what do you think about this story line or this?

Brand Manager: No. We were wrestling with trying to figure out how to make it authentic for League of Legends players.

Scott Gast: Were you able to get the draft video in front of Polis' team?

Brand Manager: I believe so, yes.

Scott Gast: What feedback did you get?

Brand Manager: Very, very little. It was, if I remember correctly, it was short and entirely positive.

Scott Gast: Do you recall who that came from?

Brand Manager: I do not unfortunately, no.

Scott Gast: Could that have been Former Communications Director?

Brand Manager: That is a familiar name. I'm not sure if it came from him.

Scott Gast: Could it have come from Representative Polis himself?

Brand Manager: We had very, very few direct emails with Congressman Polis himself. I don't believe that was one directly from him.

Scott Gast: That short positive feedback came via email?

Brand Manager: Yes.

Scott Gast: Any phone calls?

Brand Manager: No, I don't believe so.

Scott Gast: Did you make any changes based on anything? Any feedback that you got from Representative Polis and his team?

Brand Manager: No.

Scott Gast: Did they raise any concerns with the draft video?

Brand Manager: No. Nothing like that.

Scott Gast: Did they ask any questions?

Brand Manager: No. Like I said, it was actually really short, concise feedback. The way I positioned it was, "Hey, just wanted to get this front of you so you get to view it before," as a courtesy. There was no feedback that we actually took from him.

Scott Gast: Okay. Now, that was in July of 2014. The video wasn't released until April 2015. Why that delay of, I guess, nearly a year?

Brand Manager: Like I said, there was quite a bit of work figuring out how exactly to source more material from the community. We had a video series and we always sort of imagined it as a video series but we didn't know if ... We went to a lot of exploration with other agencies to figure out, do we build a website for this? Is there a place where it lives? Is there a means for community members to submit stories that way and review all the other episodes? We explored a lot of different angles and ways to release this in an effective way. Ended up, we also explored maybe like maybe it's a show with an intro and outro and all these stuff. Ultimately, we ended up deciding, no, the story is what's important. We scrapped a lot of the additional creative work that we had done building like that intro and stuff and instead opted to release the videos pretty simply and then use our message boards to ask players if they have any stories of their own.

Scott Gast: Was there any question or discussion about timing the release with respect to an election or campaign?

Brand Manager: There was.

Scott Gast: What was that discussion?

Brand Manager: Primarily that we have a video about, here we have a story about a congressman who plays our video game. The election cycle was coming up, probably not a good idea to release where it seems like we're commenting on any part of the election process. We can probably hold off until after the election cycle passes.

Scott Gast: Shortly before the April release date, you sent an email to Communications Director, who at the time was Representative Polis' press person, again, kind of letting them know this was coming out and arranging, talking about how to roll it out. What do you recall of those conversations?

Brand Manager: What I recall was before the Polis video released, we released the Chef Lubu piece. For that release, we coordinated with the subject of the video, Brian Smawley, who was the chef. We let him know it was coming out. We let him know that players are probably going to be talking about it. We released it within our game client and typically social media sites, like Reddit.com, picked it up and discussed it amongst themselves. We let Brian Smawley know that we're releasing a video and it's probably going to pop up at a couple different places. He took the initiative to actually jump in to YouTube comments, comments within message boards and answer questions. We saw that players actually had a great time. It's like, "Hey, that's you from the video. What was it like doing X, Y, or Z?"

That helps the release tremendously because we saw a much more positive interaction which spoke to the goals of the overall project. When we were getting ready for the Polis release, we reached out again, shot in the dark where we're about to release this video. It's probably going to pop up on different social media sites. It would be a lot of content and conversation around the subject matter of the video. It's an opportunity if you want to jump in, answer questions, do informal like "Ask Me Anything," a format of a conversation that Reddit usually engages in and just letting them be aware that it's happening.

Scott Gast: What was the response to that?

Brand Manager: They were actually interested in jumping in. Jared's pretty internet savvy so he was very accustomed to jumping in and talking with people on common threads.

Scott Gast: Did you provide any talking points or any materials to the office to use?

Brand Manager: No. Nothing like that.

Scott Gast: Was there any talk about how Representative Polis' side was going to use the video or promote the video?

Brand Manager: No. Our promotion channels are actually incredibly robust, so we were hitting all of our relevant audience with the video that we were interested in.

Scott Gast: Did they say that they were going to use the video on their social media or their websites?

Brand Manager: Not that I can recall, no.

Scott Gast: Do you recall a discussion about amplifying the release of the video, ways in which Representative Polis' staff might be able to amplify that?

Brand Manager: Ways that they could amplify it? Not that I can recall. No.

Scott Gast: Have you had any conversations with Representative Polis or his team since the release of the video?

Brand Manager: Since the release, I don't believe so. No.

Scott Gast: Have you gotten any feedback in any way from them?

Brand Manager: From them, no. I remember emails exchanged and texts exchange with Kristin or the last pieces of feedback that he was enjoying the conversation.

Scott Gast: Okay.

Brand Manager: That was during the release.

Helen Eisner: A little bit earlier, we talked about looking at responses on social media, whether YouTube comments, Reddit comments, et cetera and sort of cataloging those. Can you just give us an overall sense of how those were cataloged, what the reaction was?

Brand Manager: So sorry, you're asking how they were cataloged or what the responses were?

Helen Eisner: The response for this particular video.

Brand Manager: Sure.

Helen Eisner: You documented that, what was the overall reaction?

Brand Manager: The response was positive. People were really excited. They saw the juxtaposition, and it's like, holy crap, the congressman plays the same game I do. It seems really positive.

Scott Gast: I believe those are the questions we have for you.

Brand Manager: Okay.

Scott Gast: Unless you think there is anything that would be useful for us to know.

Brand Manager: The only thing I could potentially clarify is, again like I mentioned, the first interaction with Jared when he jumped on our forums to talk about SOPA/PIPA, again which was before my time. You can go back and look on the internet. I believe there is an introduction from Brandon Beck. I took that and I assumed that there was some kind of coordination between the founders of the company and Jared himself but that is my assumption based on just again all I could see was the actual post on the internet.

Scott Gast: No conversations with Mr. Beck or ...

Brand Manager: No.

Scott Gast: ... anything about that? Okay.

Exhibit 2

**Riot Games Associate Video Producer
Transcript of Interview
September 17, 2015**

Scott Gast: For the record, this is Scott Gast with the Office of Congressional Ethics, joined by my colleague Helen Eisner. We're here with Riot Games Associate Video Producer ("Video Producer") of Riot Games. She's accompanied by her attorneys Bill Chang of Riot Games and Angelle Smith Baugh. We appreciate you being here, and we usually like to start with a little bit of background information, if you could tell us your current position with the company, how long you've been in that position, what your duties are in that position.

Video Producer: I am an Associate Video Producer on North America Publishing, on the North America team. I have been with Riot since February of 2014.

Helen Eisner: And have you been an Associate Video Producer during that entire period of time?

Video Producer: No, I started out as a Production Coordinator.

Scott Gast: How long were you a Production Coordinator? Roughly.

Video Producer: That's a fuzzy question. It wasn't an official promotion until a few weeks ago, but I have been fulfilling the role since January.

Scott Gast: Let's start with your Associate Video Producer position. What are your duties in that role?

Video Producer: Right now I am the Product Owner, we refer to it as P.O. at Riot, for Queuing Up. So I am in charge of articulating the strategy for the year, which I did back in December, and identifying what projects I wanted to pursue for the year, related to that project, then producing the documentary content and doing forum posts, and various things related to the project. I write the creative briefs, and pitch products, and get them sold all the way up, and then publish them.

Scott Gast: When you say Product Owner, are you kind of responsible for that product?

Video Producer: Yeah, so I am the one that is supposed to make the final decision. I guess we call it the "wringable neck." Yeah, so basically I own that program.

Scott Gast: When did you start that role?

Video Producer: I believe that it was November. It was in the fall of last year, of 2014.

Scott Gast: And prior to that, what were you doing? What were your responsibilities?

Video Producer: Prior to that I was on the Central Video Production team until, I think, September. I was a Production Coordinator and I worked with a producer who was in charge of a talk show every couple weeks. We were also working on getting a couple other projects off the ground that didn't go anywhere. So I was assisting him.

Scott Gast: When you say a talk show, is that a Riot Games produced talk show?

Video Producer: Yeah, it's called Patch Rundown. And it's just about the updates to our game.

Scott Gast: When you said a couple times a month, I think maybe you said? Is that how often it airs?

Video Producer: Yeah, it goes every two weeks.

Scott Gast: In your current position as the Product Owner for Queuing Up, is that your sole responsibility, or are there other products that you're involved with?

Video Producer: That's the only thing that I'm officially a part of. I also help out part-time on the narrative team. I just pitch lines for champions and do stuff like that. But that's not official.

Scott Gast: It might be helpful for us to understand, if we take a step back, to kind of understand how this all fits together. Is there, starting at the top, kind of an umbrella function that you fall within? Like marketing or public relations?

Video Producer: Oh, video. Yes, I'm within the Video Production discipline. I'm the only one on N.A., with the regional part of Riot, that has that title. And there's other producers in other parts of the company that do different documentary type content or other video stuff, but I'm the only one in North America, so I fall in the discipline but I work within an initiative that's called Player Content programs. So there's a bunch of different content that we create for our players.

Scott Gast: Is that a marketing function? Is that a public relations function?

Video Producer: It's cross-discipline. Yeah, there's marketing. There are social media. There are, I don't even know what disciplines, because we have a program where we foster relationships with community content creators, so it's kind of a lot of cross-discipline stuff. The whole initiative is to create content for our players, and to cultivate the content they're already creating in the community, because we have a vibrant community of creators and content consumers. Kids that want to watch stuff.

Scott Gast: So this kind of video production discipline, that's the one that kind of spans these different ...

Video Producer: Yeah, that's separate. That's on central. It's as confusing for us right now as it is for you, I think. It's been evolving in the last few months, where it's more of discipline and we meet every couple weeks and we share best practices and get feedback on our projects. There's producers that are working on the creative development section of the company, or working on things like Champion Spotlights. Videos about the new characters that we release, and so we're all in the same room together, but I don't report to any of them. None of them have any say in improving my projects. It's merely just like a community of practice.

Scott Gast: So maybe this would be helpful to understanding. Who do you report to?

Video Producer: Right now I report to Geoffrey Chandler.

Scott Gast: And what's his position?

Video Producer: I don't ...

Scott Gast: Maybe this won't be easier. (laughter)

Video Producer: As of two weeks ago he's my manager. Before, my manager was Arturo Castro, who is the Marketing Lead, I think is his official title now, Marketing Lead of North America. But because he has too much responsibility now, Geoff Chandler is my manager, and I don't know his title, I don't know that he knows it either. He does social media and he is someone that knows a lot about putting content out on the web, and about our players, and kind of advises. It's kind of like marketing in the social media space.

Scott Gast: Who does Geoff report to?

Video Producer: I don't know.

Scott Gast: Does he report to Arturo?

Video Producer: Perhaps.

Scott Gast: Perhaps, okay.

Helen Eisner: Would Arturo Castro have been your direct manager for the entire period of time you were at Riot, before the last two weeks?

Video Producer: No. He was my manager starting in January or February, I think. It was in the winter. There was some overlap. I kind of had two managers while I was transitioning from the Central Video Production team to North America. So I still was meeting with both managers. So I think it was around January that was the official transfer, but I don't remember.

Helen Eisner: So who would have been before then? Two managers ...

Video Producer: Jack Oh.

Helen Eisner: Jack?

Video Producer: Jack Oh. And what was his title? The Creative Director, I think, was his title for Creative Services.

Scott Gast: You say Mr. Castro was the Marketing Lead? Was he responsible for all the marketing in North America?

Video Producer: Yeah, he oversees everything.

Scott Gast: Everything, okay. And about how many people would that be?

Video Producer: Maybe 8 to 10 people. It's been growing over the last year. I'm trying to think of who attended our last team outing.

Scott Gast: Would it be fair to say then, for the last 6 months to a year, the marketing department for North America has been about 8 to 10 people?

Video Producer: I believe so.

Scott Gast: Do you have anyone that reports to you?

Video Producer: No.

Scott Gast: What did you do prior to joining Riot Games?

Video Producer: First I was a high school English teacher for 6 years, and then I got laid off and I was doing freelance tutoring and producing scripted content that I was writing and directing.

Scott Gast: And then it was during that time that you came to Riot Games?

Video Producer: Yeah.

Scott Gast: Now you're the first person that we've spoken to from Riot Games, so I want to ask you some pretty basic questions. What does Riot Games produce? What are your products?

Video Producer: League of Legends, a video game.

Scott Gast: Is that the only product that the company produces?

Video Producer: It's the only game that we produce, but we also produce video content and comics, different story-telling executions related to the characters in our game.

Scott Gast: And that all comes out of this game?

Video Producer: League of Legends, yeah.

Scott Gast: Any other games? Or is that the only one?

Video Producer: No, that's the only one.

Scott Gast: How do you play the game? Do you have to purchase the game? Do you have to pay a subscriber fee? These are pretty basic questions.

Video Producer: The game is free to play.

Scott Gast: So then how does Riot Games make money?

Video Producer: You can purchase skins. It's kind of like a new outfit, a new look for your character. It's totally cosmetic. You can also purchase the characters in the game, to own and be able to play always, instead of just on their free week.

Scott Gast: Okay. Are there other weapons, or power, or things like that, that you can purchase?

Video Producer: Nope. Just different icons for your account, I think you can purchase those. It's all cosmetic.

Scott Gast: So to play the game, you go to a web site, sign up, and you can start playing right away?

Video Producer: You have to download it first.

Scott Gast: Download it. And then there's no subscription fee or purchase price or anything like that?

Video Producer: Correct.

Scott Gast: Is there advertising involved with the game?

Video Producer: No. Well, I think we run ads for the game on the Internet, to come sign up. But within the game there's no ads, if that's what you're asking.

Scott Gast: So there's no advertising of other products or services while you're playing the game. And that's just-

Video Producer: No. Sorry.

Scott Gast: It's okay. Is it fair to say that the more people who use, who play the game, the more profitable the company will be?

Video Producer: I think the more people that buy skins, the more profitable. Yeah, I guess the more people that play the game.

Scott Gast: Okay. And how does Riot Games market the game?

Video Producer: We actually don't really market it aside from running ads, a few here and there, on the Internet to sign up. Our philosophy is that we want you to learn about the game through your friends, and have your friends teach you.

Scott Gast: What about competition events, championship events? Are those seen as a way to kind of market, publicize the game?

Video Producer: I don't really know with eSports, what their philosophy is on that. But I don't think it's a marketing thing.

Scott Gast: So there's a function within in the company, eSports, that's responsible?

Video Producer: Yeah, sorry. There's a team that runs the competitive scene.

Scott Gast: Within the marketing department, these 8 to 10 people, that are in that department, what are the other things that they do to market the game?

Video Producer: I know that there's a team that works on onboarding players, and just making that transition easier. Because our games are hard to learn, so they're like, "How can we support new players?" And there's another team within marketing that works on the collegiate scene. How can we support the college clubs that are popping up, and how can we grow the college club scene? Yeah, honestly, it's more about giving back to our players, and supporting the community that already there, rather than trying to run ads, or think about a marketing campaign.

Helen Eisner: So it seems very user driven, I think is your focus.

Video Producer: Yeah, we're very player focused.

Helen Eisner: Can you sort of explain that to us, if you want to promote the college scene, current users, sharing with their friends, training them on how to play. How does that work? How do you try to encourage people to do that?

Video Producer: I'm not a part of that team so I don't know their specific strategy, but I did produce a documentary about college clubs, and I think that the idea is that we just want to show people how awesome it is. That's the goal of a lot of these videos. To show that you can play with your friends, and it's really fun.

Scott Gast: For this supporting the college clubs, the collegiate scene, do you have examples of specific things that they've done to support those clubs?

Video Producer: Again I'm not on the team, so I don't know the specific things.

Scott Gast: Do they host events, do they have documentaries that they share?

Video Producer: I know one thing that they do is they'll send out, what do you call it, swag? Like lanyards, and things to give out for prizes at events. I think also sometimes we'll support them with pizza, I feel like I've heard them talk about that.

Helen Eisner: When you produce a video, how do people know about it? How do they learn about it?

Video Producer: For the ones we've done we've put them on our YouTube channel, we feature it in the client, in the game. We do an article on the League of Legends website. Those three.

Helen Eisner: The League of Legends website, does that have active followers?

Video Producer: I would assume so.

Helen Eisner: Do you know how many people that would reach, if you put a new article up on the website, how many people would see that?

Video Producer: I don't know.

Scott Gast: Who runs the forums for the game? Is that the marketing department, is that a different department?

Video Producer: No one really runs the forums. Our players can post whatever content they want on the forums, writers can post to the forums as well. I don't know that there's someone that runs it.

Scott Gast: Anybody moderate it for inappropriate content?

Video Producer: I don't know. I have no idea, I would assume that there's someone doing that. I honestly don't know.

Scott Gast: I want to ask you specifically about the Queuing Up project. You said you're the Product Owner for that project. Can you tell us what Queuing Up is?

Video Producer: Queuing Up is a program to share positive player stories to show how awesome our community is, specifically to highlight that by playing our game you can connect with other awesome people.

Scott Gast: How do you do that?

Video Producer: How do I achieve that goal?

Scott Gast: Yeah.

Video Producer: We've mostly been focused on the documentaries and also, consistently, forum posts. I posted once myself, or find another writer to share about playing with their brother, or their mom, or meeting somebody cool online, or attending an event and having a cool experience. Then ask for similar stories to generate a conversation about the positive friendships you've made through the game. From a lot of those we've gotten the subjects for our documentaries.

Scott Gast: When was the project started?

Video Producer: Which project?

Scott Gast: The Queuing Up project.

Video Producer: That I don't know. It was prior to when I came on. A previous iteration of Queuing Up started before I came to N.A.

Scott Gast: Do you know, was it called the same thing, was it a different name?

Video Producer: I believe it was called Queuing Up but I don't know.

Scott Gast: And you oversee that now, that program?

Video Producer: Yes, sorry. I oversee it now.

Scott Gast: Who preceded you in that position?

Video Producer: Charlie Hauser.

Scott Gast: Do you know how long Riot Games Brand Manager was overseeing the program?

Video Producer: I don't know when it started but I know it was his idea. I think he was in charge of it from the beginning.

Scott Gast: When you took over the project, why was there that transition?

Video Producer: I took over the project because Charlie was moving on to the collegiate project, and that was going to take up all of his time.

Scott Gast: Is it fair to say that the program is run out of the marketing department?

Video Producer: No.

Scott Gast: What department is it run out of?

Video Producer: It's not run out of a department, it's run out of an initiative. The initiative is Player Content Programs.

Scott Gast: Can you explain a little bit more about what an initiative is?

Video Producer: I will try. An initiative is a part of a department, it's kind of like a bigger program that's cross-disciplined, with certain goals comprised of other P.O.'s for other projects. For our initiative, we are curating player content and creating our own for our players.

Scott Gast: Who are some of the other project owners involved?

Video Producer: Jess Frucht is the P.O. of the creator support program, so that's the program where we have YouTube content creators. She works with them, collaborates content with them, supports their growth, and manages those relationships. Then we have another show, another talk show, I think the P.O. is David Padron.

Scott Gast: What's the name of the...

Video Producer: The name of the show is called All Chat.

Scott Gast: All Chat?

Video Producer: It's a show that highlights cool stuff happening in the community, like cool cosplay, or if people make cool weapons, about weapons our characters use.

Scott Gast: Let me ask you, cosplay? What is that?

Video Producer: It's dressing up like a character.

Scott Gast: Is it costume play?

Video Producer: Yeah.

Scott Gast: Some of this is just to get it on the record so that we know.

Helen Eisner: Some of it he already knows. (laughter)

Scott Gast: When you talked about the creator support program, do I have that right?

Video Producer: Mm-hmm (affirmative).

Scott Gast: The creators, are those people in the community that are not Riot Games employees?

Video Producer: Correct.

Scott Gast: So there's a P.O. who works with those outside the company on their content, versus you who generate content within the company?

Video Producer: Correct.

Scott Gast: Is there someone who is in charge of that initiative?

Video Producer: There was. It's being reorganized, but it was David Padron and Patrick Miller, for the bulk of the year they've been co-P.O.s of that initiative. I think Geoff Chandler, my manager, I think he might now be the P.O. of it. It's being restructured.

Scott Gast: Starting with this initiative, what are the goals of the initiative itself?

Video Producer: The goal is to cultivate and create awesome content for our players.

Scott Gast: Why do you do that?

Video Producer: We do it because we want to give back to our players. We're here because of them. There's a lot of really great stuff happening in the community. We want to support them creating more content and also we want them to be happy and continue to play our game and see how fun it is and get them to know each other and form connections within the community.

Scott Gast: Is there any goal or effort as part of this to expand the player base?

Video Producer: We've talked about that but it's not an explicit goal. All the content that we create, our audience is our player base. It's not aimed for players outside of people that already play the game.

Scott Gast: I want to ask you about one of the emails that you all provided to us. Actually, let me ask you about this. First, a PowerPoint presentation that I believe you put together.

Helen Eisner: This is RG-559.

Scott Gast: If you want to take a minute to look through that.

Helen Eisner: That's through -570.

Scott Gast: Are you familiar with that presentation?

Video Producer: Yes.

Scott Gast: What is this presentation?

Video Producer: I presented Queuing Up to the North America Team at one of our monthly stand-ups.

Scott Gast: When you say North America Team, who is that?

Video Producer: At the ... well, at the time I think it was just North America Publishing. We've since included also North America Player Support, but I don't know if they were in this stand-up.

Scott Gast: What's a stand-up?

Video Producer: Where everyone comes together for a meeting, basically, and they sit down.

Scott Gast: What goes on at these meetings?

Video Producer: Every month we have between four and six people present what they're working on, different product owners or different people within the team that are doing cool things.

Scott Gast: This was your presentation about what you were working on?

Video Producer: Correct.

Scott Gast: Can you walk us quickly through what your presentation was about?

Video Producer: Since there's no words?

Scott Gast: Yes.

Video Producer: The goal of this presentation was just to let everyone know what Queuing Up was about and what we had been doing, and what was coming. This was ... I think I introduced the overall gist of Queuing Up, that the game connects you with a community of kind, passionate, and interesting people. We wanted to focus on those connections.

I talked about the team. These are all very part-time people on the Queuing Up team, who are fulfilling different roles.

Scott Gast: When you say part-time, do you mean part-time with the company or part-time with this project?

Video Producer: With this project.

Scott Gast: Patrick Miller, is that the Patrick Miller you referenced before?

Video Producer: Yeah. He was P.O. of the initiative but he was also editorial support if I wanted advice about what to put on the forums or what should go on the website for our project.

Scott Gast: What was this slide?

Video Producer: So this slide highlighted a community collaboration, where I worked with a community content creator to create Valentine's Day cards that we posted on the forum. That was our forum post for the week. You could send that to your friends.

So we talked about that. The next one, I was talking about the video projects that we had. I talked about Chef LuBu, about the release. I probably talked about the fact that when we released it, he was very active in the conversation and it was a really cool part of the release.

Scott Gast: Was that the first Queuing Up video?

Video Producer: Yeah, he was the first one to be released.

Scott Gast: And then...

Video Producer: We talked about Polis. We released it at this ... I explained about that, what that piece was about.

All these other slides are about Love in League. Each slide I just talked about the couple and the gist of their story, so these are bounty hunters that play together. These people are all part of one documentary. This couple, these were all couples that I just explained their story.

This last one was for a cosplay piece that I filmed in March that has yet to be released.

Scott Gast: Will that be the fourth Queuing Up video?

Video Producer: No. The fourth one will be a different documentary.

Scott Gast: So what has been released?

Video Producer: Congressman Polis, Chef Lu Bu, Love in League have been released.

Scott Gast: Then there's a fourth that will be released sometime soon?

Video Producer: Yes.

Scott Gast: What's that one?

Video Producer: About college clubs.

Scott Gast: College clubs, and then the cosplay would be the next one?

Video Producer: I don't know, it's on the back burner for now. Because of this other video project.

Scott Gast: As we talked about before, videos are not the only piece of this project, there's also community posts.

Video Producer: Forum posts, yeah.

Scott Gast: Is there any other piece of this Queuing Up project that we're missing, that we haven't talked about?

Video Producer: Currently, no, it's just the documentaries, the forum posts, we've done a couple of the community collaborations. That's been it so far.

Scott Gast: How do you choose the topics of these videos?

Video Producer: It depends. The couples one I just found some stories. When I was in Australia at a gaming convention, I met a bunch of couples who played the game and their stories were really cool. I was thinking about Queuing Up and highlighting the awesome relationships that you can foster with our game. I thought that was a great one to start with.

Scott Gast: Are you ultimately responsible for choosing the subjects, the topics of the videos?

Video Producer: Correct.

Scott Gast: Do people come to you with suggestions?

Video Producer: Sometimes, yeah.

Scott Gast: How did the Polis video idea, how was that generated?

Video Producer: I have no idea.

Scott Gast: How did you first learn about that video?

Video Producer: When I met with Charlie in the fall, he explained Queuing Up, the goals of Queuing Up and the two videos he had produced, and asked if I wanted to help out as a producer on the project and figuring out how to move forward. The video was done at that point.

Scott Gast: The video was done at that point?

Video Producer: Completely done.

Scott Gast: What did he tell you about the video?

Video Producer: I don't remember everything. I just remember he explained the basic story, that he was a congressman who played the game and the other details in the documentary.

Scott Gast: Did he say how the idea for the story had come up?

Video Producer: He did not.

Scott Gast: Did he express, was he happy with the video, was he disappointed with how it turned out? What was his general view?

Video Producer: I think overall he was excited about it because he wanted, this one and the Chef LuBu one, he thought they were really cool and he was excited to get them in front of players. That's all I remember.

Scott Gast: Who makes the decision about when the videos are released?

Video Producer: It's kind of a joint decision, just because we try to pick a date that makes sense with the publishing calendar, what other things is other parts of the company releasing and when are we going to be available to be active on the forums, and when are the subject of the documentaries going to be available to also be a part of those conversations. We pick a date that works for everyone. I am the ultimate decision maker but we involve a lot of people in that.

Scott Gast: Is there an overall theme for the series, the Queuing Up series?

Video Producer: The theme is the relationships, that playing the game can make awesome friends. And that our community ... that League of Legends connects you with a community of kind, passionate, and interesting people.

Scott Gast: There was some reference in an email that was provided to us between you and Arturo Castro about an overall story arc of the campaign, was that something that was specifically identified?

Video Producer: No, we talked about that, that he wanted me to think about the story arc. I don't have a story arc, per se, it was more about just finding all the different themes about this idea of relationships, whether it's a club that brings you together with other college students, or couples, or families, or athletes on a team, or the cosplay community. Or Chef LuBu, how he connects with the community that comes to his café, how Polis connects with his constituents that either play the game or are passionate about gaming in general. I always wanted that to be the focus, but it's not a specific arc.

Scott Gast: Okay. Is there a budget for your project, for the Queuing Up project?

Video Producer: Yes.

Scott Gast: What is that budget?

Angelle Baugh: We'd rather not talk about business plans and future as this could be released to the public. If you want to talk about it off the record we could do that.

Scott Gast: Okay. Let's go ahead and do that, talk about it off the record.

Video Producer: Is the recorder still there?

Helen Eisner: It is. We can pause it if you'd like.

Angelle Baugh: We'd prefer that.

Scott Gast: Okay. Let's go ahead and take a break.

[Break]

Scott Gast: Okay, back on the record with Video Producer. I want to ask you about a couple more people whose names have come up in some of the documents, who you can just give us their role with respect to the Queuing Up project. First of all, Chris Enoch? Do you know Chris?

Video Producer: Yeah. He's on Central. I think he's just a stakeholder. He's the head of Central Publishing. The VP of Publishing, maybe, for Central?

Scott Gast: Can you tell us the difference between Central Publishing and North America Publishing?

Video Producer: Central, the company as a whole, the global, that publishing team, they publish, it's to the world, all of our players, whereas North America, we are a regional team and we only publish to North America and it's on a separate channel most of the time, I think, from Central.

Scott Gast: When you say publishing, is that anytime something's put on a message board?

Video Producer: I think it's more about content like videos and yeah, I'll say videos.

Scott Gast: Okay. In this initiative that we talked about, publishing would be one of the stakeholders in this initiative?

Video Producer: Chris Enoch, I think he was a stakeholder, but I don't know what his role is for doing that piece -- someone that we just keep informed.

Scott Gast: Okay. What about Paul Della Bitta?

Video Producer: He's the country manager of North America.

Scott Gast: Responsible for all the different functions?

Video Producer: Yeah.

Scott Gast: Okay. What was his role?

Video Producer: He's the person that I have to get things, the top level of approval that I have to go through is through him to get a project green lit in the beginning, to create a brief in the budget, and then when the project is finished, edit it together, and then I present to him and he's the final person to approve.

Scott Gast: Okay. What about Chris Wyatt? Who is he, first of all?

Video Producer: He works on North America. I don't actually work directly with him. I think he's involved in the collegiate program.

Scott Gast: What was his role with respect to Queuing Up?

Video Producer: I don't think he has a role. I think he's just someone that also to keep informed.

Scott Gast: Okay. What about Doug McCracken?

Video Producer: I don't think he has any relation to the project. He was on the Central marketing team, so he was someone to maybe also keep informed.

Scott Gast: But those folks that you kept informed didn't have a role in approving-

Video Producer: Correct.

Scott Gast: What about some of the senior leadership of the company? Brandon Beck, Mark Merrill, were on some of the emails.

Video Producer: Mm-hmm (affirmative).

Scott Gast: What was their involvement?

Video Producer: This is with respect to Chef LuBu or Congressman Polis or Queuing Up in general?

Scott Gast: Queuing Up in general.

Video Producer: All I know is from what I've been on, but North America is supposed to be autonomous from Central, so Mark and Brandon are not supposed to be

someone we need to get approval from. However, I do send them, I sent them Love in League to keep them informed along with lots of other Central stakeholders, say, "Hey, this is what we made. If you see any red flags, let me know. Otherwise we're publishing on this date." Yeah, just to keep them informed.

Scott Gast: Were there any outside consultants involved?

Video Producer: Outside consultants involved in what?

Scott Gast: Either the creative, the production, the company's videos-

Video Producer: For Chef LuBu and Congressman Polis I don't know, because I was not on them. For Love in League, it was my idea and I worked with an outside production company to produce it.

Scott Gast: What about in the promotion or distribution of the videos?

Video Producer: We didn't really promote it much. We just put in client and on the website and we did some other posts on the website in the weeks after, just showcasing stories that had been submitted. Oh, I take that back. We did run an ad, a 30 second promo on YouTube to see if that would actually get people to come watch the video. A very small ad.

Scott Gast: Which video was that from?

Video Producer: From Love in League.

Scott Gast: From Love in League.

Video Producer: We did not do that for Chef LuBu or Congressman Polis.

Scott Gast: Okay.

Video Producer: We will not be doing that moving forward.

Scott Gast: Okay. I think you said you put it in client?

Video Producer: Yeah.

Scott Gast: What does that mean?

Video Producer: The documentary. In our game client, where you log on to play the game, we'll post different videos or articles that you can click on and takes you to YouTube or take you to our website to be able to read the story or watch the video.

Scott Gast: Okay.

Riot Games Associate Video Producer

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Helen Eisner: So it's like a central landing page when you sign in?

Video Producer: Exactly.

Scott Gast: All right. Specifically about the Polis video, I think we've discussed that you were not involved in the initial idea, the origination of the proposal for this video, is that right?

Video Producer: Correct.

Scott Gast: Were you involved in any of the filming at all?

Video Producer: No.

Scott Gast: Were you involved in any of the editing?

Video Producer: Yes.

Scott Gast: Tell me about that role that you had.

Video Producer: For editing I worked with our internal editors who stripped the video of the titles, the title sequence that I think Charlie had created or, I don't know who actually created them, that was on it before. We removed those and I think we re-did some of the lower thirds, the graphics, because it wanted to strip away any branding from the video, just because I was going to be releasing or I guess he wanted it to be really plain. Before we published it, yeah, I worked with the editors to do that.

Scott Gast: Okay. Walk me through that a little in more detail. When you started working on the video, was it already a finished product?

Video Producer: Correct.

Scott Gast: Then you stepped in at that point and took out some of the graphics.

Video Producer: Yeah. There was an intro sequence that said "Queuing Up" and it made it look like this was a series, like a TV show, and that was at the beginning and at the end. I cut that out.

Scott Gast: When you say you stripped down some of the branding-

Video Producer: That branding. There was a font style that was included in the intro and outro, so that was reflected in the lower thirds where it was very stylized and very obviously, so I changed that to just be plain so that I could have the videos just be plain and not have this very specific graphic style, the Queuing Up brand.

Scott Gast: Sure. What was the brand that you were stripping out?

Video Producer: I don't know if brand is the right word, but it was a style, I think it was blue with gold and it wasn't just a Chef Lubu with his summoner name. It looked like it was from a TV show (laughter).

Scott Gast: Right. Were you stripping out references to the game itself, or the company?

Video Producer: No. It was swapping it out, so instead of it saying "Congressman Polis" with the fancy graphics, we took out all the fancy graphics, that design, so it would just say "Congressman Polis" in a more plain font.

Scott Gast: Basically the substance stayed the same, it just got a different look.

Video Producer: Correct.

Scott Gast: Did you change any of the content at all other than the branding?

Video Producer: No. I think that was it, just taking out the intro and outro.

Scott Gast: Okay. Did you have any interactions with anybody, with Representative Polis or anyone associated with him? Were you aware of interactions with Polis or his staff about the video?

Video Producer: Yeah. Charlie was the one that was in communication with them, since he had always been the one to communicate with them, he just stayed, even though he was no longer on Queuing Up continued.

Scott Gast: At that point he had moved on to collegiate side of things?

Video Producer: Mm-hmm (affirmative).

Scott Gast: Did he keep you generally aware of what the interactions were?

Video Producer: Yes.

Scott Gast: What did he tell you about the interactions?

Video Producer: It was more of a status update on if they had gotten back to him about when Polis would be available to help on the forums and talk, like what day he could engage in discussions and we release the video.

Scott Gast: Did Representative Polis have approval authority over the video?

Video Producer: No.

Scott Gast: Did anybody on his staff have approval authority?

Video Producer: No. I think he sent it to them as a courtesy, like do you have objections to this? But I don't know if approval's the right word.

Scott Gast: When you say "he" sent it, is that Charlie?

Video Producer: Yeah. Again, this is all speculation. I know that we send videos out to the subjects that we create them for. From what I remember, he talked about sending it to them and that they felt good about it, but I don't remember specifics.

Scott Gast: Were there any changes to the video after it was sent to Representative Polis?

Video Producer: I have no idea.

Scott Gast: Okay. Aside from this video project, did you have any contact with Representative Polis or his office or staff?

Video Producer: No. The only communication would have been on forums. No, I never did.

Scott Gast: Were you aware of any other relationship he had with the company?

Video Producer: No.

Scott Gast: Any lobbying relationship, discussion about issues, legislative issues important to the company?

Video Producer: None.

Scott Gast: Okay. What about, did Representative Polis attend any events sponsored by the company?

Video Producer: No, not that I know of.

Scott Gast: How about assistance from Representative Polis' office with any kind of casework issues -- visas, immigration issues relating to tournaments?

Video Producer: No.

Scott Gast: What about with Representative Polis' campaign?

Video Producer: No.

Scott Gast: Anybody on his staff that you had a relationship with or that you were aware of others in the company having a relationship with?

Video Producer: No.

Scott Gast: Do you know how the topic was decided for his particular video, Representative Polis' video?

Video Producer: I don't.

Scott Gast: You were not involved in any of the filming?

Video Producer: No.

Scott Gast: There was some reference in some of the emails that we've reviewed that the editing/approval process was lengthy for this piece. Was it unusually lengthy?

Video Producer: I actually don't know how long it took. I know that Charlie had mentioned that it was long and there was a couple other projects on – the All Chat show I referenced – just because we were trying to figure out what that approval process was, North America versus Central and if they were approvers or stakeholders. That's all I know, is that it just took a while to get everyone in the company on board. But I don't know the details.

Scott Gast: At any point, did anybody raise any concerns or problems with the video?

Video Producer: I wasn't a part of those conversations, so I actually don't know.

Scott Gast: Were you aware of any conversations like that?

Video Producer: No. I came onto the project after it was already approved, I guess. When I came on, Charlie had said that everyone within Riot was excited about Chef LuBu and Congressman Polis, even though it had taken a while.

Scott Gast: Sure. I'm going to show you this email. It looks like this was an email from Riot Games Brand Manager to Paul Della Bitta and Arturo Castro, CC'd to Mark Merrill, Brandon Beck, Chris Enoch, David Banks, Eric Duehring, Doug McCracken. The subject being "Queuing Up Chef LuBu," but then in the beginning of the email, Riot Games Brand Manager makes it clear that that was a mistake, it was actually about Polis. Were you copied on this email at all, do you recall this email?

Video Producer: I saw a draft of this email.

Scott Gast: Feel free to take a minute to go through it.

Helen Eisner: I just want to clarify, this is RG-601.

Video Producer: I am not CC'd on this email, but I remember Charlie showing me this draft and talking to me about it.

Scott Gast: Okay. I want to ask you specifically about the third paragraph of this "Hi everyone" email, the one that says "Major Caveat, we're still tooling with the title, currently 'Legendary Legislator', feels like an endorsement, which we'd like to avoid."

Video Producer: Mm-hmm (affirmative).

Scott Gast: What were the discussions around that in particular?

Video Producer: That was actually, I came up with that. I was just pitching new titles. I love alliteration. In our game, in League of Legends, you're legendary if you are on a killing streak, and so I just thought it made him seem like a cool guy, but we were, the concern is reflected here.

Scott Gast: What was that concern?

Video Producer: That it felt like an endorsement.

Scott Gast: Why was that problematic?

Video Producer: Because he's a politician.

Scott Gast: Can you expand on the discussions around that particular issue?

Video Producer: We wanted to show him as an awesome league- from what I gathered, as an awesome league of legends player who has done great things for the community and as opposed to focusing on the legislator part in the title, I think. I'm trying to remember the conversations, and again, I came in at the tail end.

Scott Gast: Sure. Were there conversations, discussions, about problems with Representative Polis appearing to endorse this particular product?

Video Producer: I think that any time that you're dealing with politics then there's always going to be concerns about how things are perceived, and then it's different than covering a chef. It's going to be more controversial for lots of different reasons, and so when we were talking about releasing the video, there were concerns about that. I was not around for the conversations when the project was being conceived and when they were thinking about what to film and how to put it together. I just know that when it came time to release it, we were concerned with, "Oh, what if our players disagree with his political beliefs?" -- then there's an outcry of "Why are you siding this way?" Politics can divide people so I think that we were just trying to think of what other problem that could arise when you're doing a product that relates to politics.

Scott Gast: Did anyone raise concerns for Representative Polis, that appearing to endorse a product might be problematic for him and his position?

Video Producer: I don't think we were looking at it from that angle of him endorsing League of Legends. I think it was more from -- I don't know if it was one of their concerns. I don't think I was a part of that conversation.

Scott Gast: Were there references that made it appear or sound like there had been previous conversations about a potential endorsement issue?

Video Producer: No. I don't remember anything about him endorsing. He was a fan of the game, but it wasn't, yeah. I was never part of the conversation or never heard anything about us being concerned that Congressman Polis was endorsing League of Legends.

Scott Gast: Did anyone at any time raise potential ethics rules or rules of the House of Representatives that might be impacted by the video?

Video Producer: I wasn't a part of any of those conversations, if there were.

Scott Gast: Okay. Want to talk about the roll-out of the video, then. I think you said you put it in-client as part of the game itself, you put it on the Riot Games YouTube channel, is that correct?

Video Producer: We put it on the League community YouTube channel, which just reaches North American players.

Scott Gast: Any other avenues of distribution?

Video Producer: We put it in-client, the article on the website, and the YouTube channel, which all link to each other, and then there's probably a forum post. I can't remember, we usually do forum posts, but that would have been the only things.

Scott Gast: Was there any press-release done to the media?

Video Producer: No.

Scott Gast: Okay.

Helen Eisner: What about any other form of social media beyond YouTube?

Video Producer: We probably Tweeted, Chris Fowler, she probably had a Tweet with the link to the video on our League of Legends Twitter.

Helen Eisner: Who would have tweeted that?

Video Producer: Chris Fowler. We Tweet about all of our videos and all the content we've put up. She's the one to figure out the right message for Twitter.

Scott Gast: Facebook at all?

Video Producer: I don't think we put this on Facebook. We haven't put any of my stuff on Facebook, any Queuing Up stuff on Facebook. The link to the video.

Scott Gast: Was there any discussion about timing the release of the video with respect to election day, campaigns?

Video Producer: No.

Scott Gast: I understand that Representative Polis did a Reddit Q&A on the same day of the release, is that correct?

Video Producer: Yeah.

Scott Gast: Can you tell us a little bit about that, first of all, how did it come up, the idea to do that?

Video Producer: We'd done that with Chef LuBu, was the first one, and he was really active on Reddit and on the forums the day the video was released, and our players really liked it and there were some great conversations, so we wanted to do that for all of the documentaries, so we want our players to be able to watch the video and then talk to the person that was in there and ask questions and form the relationship because Queuing Up is about relationships and community and really highlighting the fact that the people in these videos are a part of their community, they're just like them. We've done that for Love in League as well.

Scott Gast: Did you follow the Q&A?

Video Producer: I did not. I didn't.

Scott Gast: Did you get a report as to how it went?

Video Producer: Vaguely. I think I was filming when it happened, because it was Charlie's project for this and Chef LuBu. I let him take the lead on that.

Scott Gast: Okay.

Video Producer: I was filming for the release of both of these, Chef LuBu and Polis, so I wasn't available.

Scott Gast: What discussions were there with Representative Polis' office about what they were going to do around the roll-out of the video?

Video Producer: I don't know the specifics, I just knew they were going to be available to answer questions.

Scott Gast: Do you know if they were going to promote the video using their Twitter, their social media?

Video Producer: I don't know.

Scott Gast: Who had those discussions?

Video Producer: Charlie Hauser.

Scott Gast: Riot Games Brand Manager would have done that. Okay. Do you know if Representative Polis' office used the video in any way?

Video Producer: I have no idea.

Scott Gast: Were there any discussions about restrictions on how Riot Games would use the video?

Video Producer: They put restrictions on us? No, none that I know of.

Scott Gast: No parameters, of what you could or couldn't do with the footage?

Video Producer: No.

Scott Gast: Have you had any conversations with Representative Polis or anyone on his staff since the video has been released?

Video Producer: No.

Scott Gast: Are you aware of others who've had conversations after the release?

Video Producer: No.

Scott Gast: Any feedback from him or his office?

Video Producer: No.

Scott Gast: I believe those are all the questions that we have.

Helen Eisner: Yeah, I don't have anything further.

Scott Gast: Unless you feel there's something that you think would be helpful for us to know?

Video Producer: Trying to think. That's it.

Helen Eisner: Okay.

Scott Gast: We appreciate that. That's been very helpful.

Exhibit 3

Representative Jared Polis
Transcript of Interview
July 23, 2015

- Scott Gast: For the record this is Scott Gast with the Office of Congressional Ethics, with my colleagues Helen Eisner and Michelle Nance. We're here with Congressman Jared Polis, who is accompanied by his attorney Dan Schwager. As I said before, we appreciate you sitting down with us, and speaking with us.
- I guess, if you could start out by telling us just the general process, the general approach that your office takes in dealing with companies that come to the office with requests or proposals to engage in things like this video, or makeovers, or that kind of stuff.
- Rep. Polis: Well, if a company wanted me to visit or communicate with them, they would typically call us and we would try to schedule a time for when that could occur.
- Scott Gast: Are there factors you consider or think about when deciding which to accept, which to not accept?
- Rep. Polis: I would say a priority would go to anything in the district. I can't think of any invitation to a business in my district that I have not accepted. I think I would go to any ... It might take several months before that can be scheduled, but I think I would accept ... I can't think of any requests from a legal business in my district that I would not accept.
- As for out of district, the filter that I would go through would be: is it related to my legislative work? I would be unlikely to accept an invitation to do something with, or visit, a company that I don't have any legislative portfolio associated with, I won't learn anything. If it was something I thought would further my learning and my knowledge as a legislator then I would be inclined to at some point schedule at this end.
- Helen Eisner: How do you make that determination?
- Rep. Polis: Well, which? For the in district or out of district?
- Helen Eisner: In district, it sounds like...
- Rep. Polis: In district, again, we receive many invitations in district and I can't think of any that I've turned down if they are open ended with regard to date. If they don't say come check ... I would have done everything from releasing weather balloons at a company that produces weather balloons, to cutting ribbons at new factories, to those sorts of activities. We would accept them if it was a request from a local company and they were going to work with us on our schedule. I would try to visit that company.

For out of district, we would accept very few. It would really only be if it was related to something I was working on legislatively. For instance, in the internet freedom space, SOPA and PIPA would be examples. Another would be LGBT rights. Another might be an education technology company, and I have visited several in Silicon Valley and New York, because I'm working on student privacy legislation here. Those would be examples of ones that either we would proactively seek out, or they might in the number of incoming offers that we would accept because it would be something I'd want to learn as a legislator.

Scott Gast: I want to talk with you about the video put out by Riot Games. Can you tell us a little bit about your relationship with Riot Games, how that came about?

Rep. Polis: Sure, well my first relationship was not with the company, but was as a member of their community and a gamer. For many years ... I was trying to remember the exact number, I don't know but it's 7 or 8 years, maybe more, I have played League of Legends, been an active gamer. The League of Legends community, eSports is a huge category. Their global tournament has more viewers than the world series, twice as many. More than twice as many viewers than the world series. We call it eSports, it's major category. I've been a consumer and somebody who participates in that. As far as we can tell, my first contact with the company would have been as part ... They were part of the coalition to oppose SOPA and PIPA, as were many other internet companies like Reddit, Google, a number of others. Some of which participated in black outs, and some of which I interacted with in an online environment. That would have been the first corporate contact with Riot.

Scott Gast: Roughly the time period when that happened?

Rep. Polis: I would have to look at the documents to remember.

Scott Gast: Did that eventually blossom into a more direct relationship rather than as part of a coalition?

Rep. Polis: Not really. As a member of the gaming community of Riot, I think I was somebody that they would look to for concerns that affected their community, and representing the district it has many members of their community. I have the district that has the two largest universities. I've interacted with e-sports aficionados at both of those universities. It's one of the ways that I reach out to younger voters in our district. It's in and around gaming. I recall one instance in a difficult area in my district to reach out to, near Littleton, Colorado. Most of my district is northern Colorado, Boulder, Fort Collins, it goes out west of the mountains.

Some of it swings down south. There is the fairly large City of Littleton, which I don't have, but then I have a little ring of suburban strip malls and sub-developments around Littleton. It's a very hard community to reach out to. If I were to go to something in Littleton, 9 out of 10 people wouldn't live in my

district. There is really no other community, so I was very excited to find, as I was driving through that area, there was a gaming center there in a strip mall. That immediately became my favorite part in that area of the district. I went there and I played with some of my constituents.

Scott Gast: I was going to say, as part of that coalition opposing SOPA and PIPA, did you or your office have any direct interactions with Riot Games folks? Did they come visit the office?

Rep. Polis: No, they, as far as I know, don't have any presence in this town. I think it was just telephone interactions, as far as I know, or email interactions.

Scott Gast: On the SOPA, PIPA issue?

Rep. Polis: As far as I know yeah.

Scott Gast: Who in the company were those interactions with?

Rep. Polis: I don't remember.

Scott Gast: Did you have any other interactions with company executives, personnel, employees prior to them reaching out about this video?

Rep. Polis: No.

Helen Eisner: I was actually wondering a little bit about the coalition.

Rep. Polis: Not that I remember. I played games with some of their employees.

Scott Gast: On a spontaneous basis?

Rep. Polis: Yes.

Scott Gast: Not planned?

Rep. Polis: No.

Helen Eisner: How would you know that they were Riot employees?

Rep. Polis: They have a special designation in their ID because otherwise it wouldn't be fair to everybody.

Helen Eisner: Right, sure. Just going back to the coalition that was involved in SOPA and PIPA. I remember you mentioned the black out. How big was that coalition? How many other members in the coalition?

Rep. Polis: It was very large. I would say it was divided in several ways. I would say the net roots part of it, meaning not, the less corporate part, the spontaneous part of it, would have included notably among the largest, Wikipedia, Reddit, and Riot. Again, reaching tens of millions of people. Those three would have been very large in the grassroots side. The corporate side the biggest would have been Google of course, and then many other companies here. That would be more the kind of companies that have lobbyists that talk to members. Some of those might have also participated in the black out. Wikipedia, Reddit, which I've interacted with and done Q&As on as well, Riot, and a number of others would have been that spontaneous more net roots reaction.

Helen Eisner: Were there any members ... It's seems like it was a fairly large coalition.

Rep. Polis: Very large.

Helen Eisner: Some really big players, maybe some smaller players. Were any of them from your district?

Rep. Polis: There was certainly strong opposition to SOPA and PIPA from my district. Yes.

Helen Eisner: Were any members of the coalition businesses that would have been... [crosstalk]?

Rep. Polis: Well, when you mention coalition ... Again, I don't know if this is as much a formal coalition as an ad hoc coalition. I'm sure there was a formal coalition here that was more of a corporate type coalition, that likely Google would have been the center of. Consumer Electronic Association might have been involved, but I think what you're referring to would be the kind of ad hoc coalition. Absolutely that had many people in my district on all sides. First of all my district is one of the top 10 start up cities, two of the top 10 start up cities in America according to Entrepreneurship Magazine, are in my district, Fort Collins and Boulder. There was a strong opposition from that kind of net roots, and then companies like Google and Microsoft have major presences in my district. Then there is also venture capital presence in some of the investors in internet companies. They were very involved in this as well. There were quite a few companies and individuals in my district that would have been involved in that movement. It's a fairly hi-tech district.

Scott Gast: At some point, I believe, you wrote a post on the League of Legends forum on these issues.

Rep. Polis: Um hmm.

Scott Gast: Do you recall doing that?

Rep. Polis: I do.

- Scott Gast: What prompted that post?
- Rep. Polis: I don't remember the exact circumstances other than that they invited me to help educate their community members about why some of the policy decisions that were being made in Washington were relevant to the community. I agreed to do so, and interact with members of the League of Legends community in their online forum.
- Scott Gast: Do you recall who offered this invite?
- Rep. Polis: I don't. I don't know if that's in any of those or not. I don't remember how that came through.
- Scott Gast: What were the circumstances as to how that came to ...
- Rep. Polis: Well, there was a lot of concern around SOPA and PIPA at that time. This was a part of ... I did a lot of outreach online, again including Reddit. I'm sure we posted on Facebook about it, and Twitter. There was intense interest in this issue going on in Washington from a community that up until that point had largely been apathetic of politics. Many of us, of course, on the merits of the issue saw this as helpful, of course, to those of us who opposed it, but also civically of great importance. We saw this as a great way to connect with particularly younger people who often didn't feel that what Washington was doing was relevant. Even if it was relevant in a bad way, in the case of proposed legislation, they knew there were legislators like me and others that were trying to help educate our peers about why this was bad for online communities that are an important part of their lives.
- Scott Gast: When you say "we" thought this was a good way to engage that population, who was part of that with you?
- Rep. Polis: I mean it was me and my office. I think there were a number of other Members that at that same time were doing that. I recall that Darrell Issa was very excited that hundreds of thousands of people had viewed our otherwise obscure Judiciary Committee proceedings, which normally had maybe 50 people view them. Hundreds of thousands of people had viewed them. Other various members that were against SOPA and PIPA were doing online outreach through different mechanisms.
- Scott Gast: Were Riot Games folks part of these conversations?
- Rep. Polis: Part of which conversations?
- Scott Gast: Especially this offer to educate the League of Legends community about these issues.

Rep. Polis: Well, again, I appeared on their forum. I don't remember the specifics around it. They invited me to appear in their forum and interact with their community, and educate them about SOPA and PIPA, and about the process in Washington. I agreed to do that as I customarily would.

Scott Gast: I think in some of the documents that you provided us there was an email ... I don't have it in front of me, but it was a January 2012 email from a gentleman named Tom Caldwell from Riot Games, who says thanks again for helping us on SOPA. Does that name sound familiar?

Rep. Polis: It sounds vaguely familiar. It sounds slightly familiar.

Scott Gast: I guess I'm just trying to get a sense of how active Riot Games ...

Rep. Polis: I believe he's an executive there.

Scott Gast: Okay. How active... [crosstalk]?

Rep. Polis: They were simply a member of the coalition. Again, on the forum I would say Google would be the largest, but League of Legends with their community size, and the tens of millions, would be significant. There were thousands of other members of this ... Many, many sites, for instance, participated in the internet went dark for a day. In the aggregate Riot would just be ... Even though it was maybe in the top 10 or 20, overall it would be a very small percentage of that coalition. Even if you take Google out. Google has the effect of making everybody else look smaller because they are so large in their reach. Even if you take Google out, Riot would still be just a small percentage of that overall net roots effort.

Scott Gast: Specific to your efforts on the issue, was Riot Games a larger part of your...[crosstalk]?

Rep. Polis: No, as far as I know, I think I just did the online outreach in their forum. I don't believe ... Again, I think that they were on the net roots side. They did not have, for instance, lobbyists in this town as Google and others would. I would say that Reddit was higher profile, certainly in the League of Legends, Riot, and some others. In size I don't know, but in profile their activism ... Their founder came to town and talked about this. Reddit was very much in the forefront of efforts to defeat SOPA and PIPA.

Scott Gast: Are these continuing issues that ...

Rep. Polis: They are. Not that exact piece of legislation, but in general issues that are nominally about intellectual property, but have a profound effect on online communities continue to be discussed. As an example, language on intellectual property in trade agreements, now notably in TPP and TTIP. That's an area that we watch very closely and have issued several letters on, including one as

Rep. Jared Polis

recently as this week. Going back two years to make sure that particularly this internet economy and the creative [inaudible] around it relies on fair use, and limitations and exceptions to copyright. Those are the legislative issues in play. They are very important not only to companies like Google and Microsoft, but also to a substantial number of consumers who participate in online forums in varying degrees.

- Scott Gast: Do you continue to have a relationship and dialog with Riot Games?
- Rep. Polis: I haven't talked to them since they told us the video was put online. I think that would have been the last communication we had with them.
- Scott Gast: They haven't been part of the discussions with your office about these issues, strategy?
- Rep. Polis: They haven't. We haven't had, as far as I know, any discussion since the video was released. Because of my knowledge of the general area, it's one that I work on. We certainly work with the companies that have the presence here on these issues, but as I mentioned, I don't think that Riot would have a presence in this town. Nor would Reddit or some of the others that are more bottom up kind of organizations.
- Helen Eisner: It sounds like these are still pretty active issues from the way you're describing them.
- Rep. Polis: Yes.
- Helen Eisner: Can you tell us about any legislation that you've been involved in? I know you said you issued some letters.
- Rep. Polis: Yes, right now the hottest areas where these intellectual property discussions are coming to bear are in our trade agreements. We have worked on at least three letters that we have led or co-led and that other members have signed on to that relate to specific intellectual property provisions of our trade agreements, that we want to make sure are consistent with the digital economy, internet freedom, and some of these concepts that are consistent with the corporate goals in many of these entities, but the reason they are still salient is that they're what consumers on the internet want, including my constituents. I have a very tech savvy constituency. We frequently hear from them on internet freedom related issues. They want me to be in the forefront of the battle to ensure that the quality of their online environment is not compromised by large content companies writing globally prescriptive copyright laws.
- Scott Gast: I want to shift a little to interactions you may have had with Riot Games on case work issues, immigration issues.

- Rep. Polis: Yes.
- Scott Gast: Some of the documents we've looked at, it looks like as far back as 2012, the company had reached out to you for help with visas. What was that relationship that they came to you for that assistance?
- Rep. Polis: There seem to be two incidences that we found that we worked on. One was a team of their competitors that needed to compete in their world challenge -- which as I mentioned has more viewers than the World Series. They came to me as a Member of Congress with specific knowledge in that area, who would hopefully be able to articulate the case as to why this was important to the tens of millions of viewers. I think that that is a particular domain of knowledge that most congressional offices wouldn't have. I think that's why they chose to come to me on that. The other was to attest to the O visa, these are the really crème de la crème top people, Nobel Prize ... Obviously not, but like that. These are real good people, visas for unique talent. Again, they came to me because of the unique ability to understand why this was somebody that was needed to be part of building the next level of infrastructure for a service that benefits tens of thousands of my constituents.
- Scott Gast: Have you done this with other companies? Have they reached out because of the specialized knowledge here in the gaming industry?
- Rep. Polis: Gaming, I would have to look. As one example, we had some girls in I believe it was Kenya, it was certainly sub-Saharan Africa. It might have been Nigeria, this is a month or two ago, who were coming to a tech camp. They'd gotten into a tech boot camp in California. Again, because of our particular knowledge of what this program was and how this could benefit international development in these young ladies, I talked to our embassy in that country. Anyway, they were able to go.
- Again, we would use a filter on this. Obviously, if it was for a company in my district we would generally do it. We would have to find some reason not to, that's normal constituent service. If it was something untoward we might not, but generally we would.
- If it was not in my district the question we would ask is why aren't they going through their congress person or Senator as they should. If the answer, after looking at it as well, is because I uniquely offer content knowledge, or am part of the legislative process around that particular area and it's a benefit to my constituents, then we would help them. As we did with the case of international development with these girls, as we did with helping a Chinese team compete in global games that tens of thousands of my constituents watched, and tens of millions of viewers globally.
- Helen Eisner: For these types of requests, how do you receive the requests?

Rep. Polis: They can come in any way. They can come in by email or by phone. Those would be the two typical ways, I don't think anybody has requested via snail mail. Email or phone would be the two typical ways.

Helen Eisner: Do you remember how you got the request from Riot Games?

Rep. Polis: I think there was an email it looked like, where I then forwarded to our immigration staff person.

Helen Eisner: Would there be discussions? It sounds like you laid out some of the criteria you look at when dealing with these types of requests, so some discussion that staff would have?

Rep. Polis: Well it would be very clear cut in the case of the Chinese team that was going to compete in the world series, just as it would if it was a Cuban baseball team trying to compete, or something in the realm of professional sports. It would be very clear cut. The other case related as much to ... In my experience with this particular community as to my experience as a former entrepreneur, former technology executive, knowing this was something I could attest to with my expertise. It does qualify for one of the O visas.

Scott Gast: How about with your congressional campaigns, was there any relationship there with Riot Games or any of their executives?

Rep. Polis: There was not. There is one person who works for Riot who is a donor of mine. He was a friend of mine long before he worked for Riot, Mark Sottosanti is his name. His brother and my sister were friends in high school, and Mark worked for me. We brought him into ProFlowers many years ago. I have known him close to 20 years. He has been a campaign donor of mine under various employers over the last several years. The last time that I talked to him, he agreed to give to my campaign, but as I have his personal cell and that's how I reach him. I asked what are you doing, and it turned out he was at that point working for Riot, which has expanded and has several thousand employees in Southern California.

Scott Gast: You probably saw the email that you produced to us where you mention the video project coming up. How was that tied to the campaign contribution?

Rep. Polis: It wasn't tied at all to the campaign contribution. It was related to my personal relationship with Mark, and having found out he works at Riot. Basically saying, hey, it turns out I'm talking to Riot tomorrow.

Scott Gast: Aside from Mark, are you aware of other execs giving to your campaign?

Rep. Polis: I don't believe any have.

Scott Gast: I want to move on to the video itself. Can you tell us how that idea came about?

Rep. Jared Polis

Rep. Polis: They reached out to our staff about doing a documentary relating to notable members of their community, of which I was one as a Member of Congress. Also, I think, seeking to give a platform for showing why civic issues should be relevant to their community.

Scott Gast: Do you know who some of these other notable individuals were that they were interviewing?

Rep. Polis: No.

Scott Gast: When the Riot Games folks reached out to you, was there a discussion about this project of doing videos on notable people? What was the discussion about that?

Rep. Polis: I think all I really would know would be what was in my staff memo to me, which was the description of the project that had been given to our staff. That's one of the documents, that would have basically been the extent of my knowledge. There would not have been other knowledge that I would have about that. Essentially a documentary that would talk about my life, gaming as part of my life. Whether that was relevant or not to Congress, and political life, and those sorts of things.

Scott Gast: Was there a discussion about how the videos were going to be used?

Rep. Polis: I don't recall about that.

Scott Gast: Did they explain the purpose for having the videos?

Rep. Polis: As far as I could tell the purpose was to provide journalistic content in their community. They have a very vibrant community of millions of people. The majority, of course, of the content is third party generated media. It's user generated, but Riot participates on a co-equal basis with members of the community in providing relative content to the millions of members of the community, including tens of thousands of my constituents that would be members of my community.

Scott Gast: Did you discuss where they were going to distribute the video?

Rep. Polis: Well, once something is on the internet it can be distributed anywhere by anybody, so that was pretty much a given.

Scott Gast: Did they have a plan for who they wanted to distribute it to, where to post it, that kind of thing?

Rep. Polis: They wouldn't have shared that information with us, other than that we expected that this would be posted somewhere in their online forums and universe.

Scott Gast: It looks like Riot Games Brand Manager was the one who initially reached out to the staff. Do you know Riot Games Brand Manager?

Rep. Polis: I didn't know him before. If he was the person that came in person, then I've met him, but I can't recall exactly what he looks like right now.

Scott Gast: Who at the company did you interact with on this video?

Rep. Polis: Well, it was largely through my staff, the interaction, so I did not have too many direct interactions with ... Except for during the filming. I directly interacted with the team of 4 or 5 people that came to Boulder, and came here.

Scott Gast: It looks like there were a couple of calls in late 2013, it's a couple of years back, but one sounded like it was to chose the topic of the video. Do you recall that discussion?

Rep. Polis: Can I see the document? Do you have the document?

Scott Gast: I believe I do. I may not have brought it.

Dan Schwager: What kind of document are you looking for?

Scott Gast: Well, I know there were scheduling entries where there was a call scheduled. There were some emails I believe with the staff about the purpose of the call was to chose the topic of the video. Whether it was from your time as an entrepreneur, your interest in legislative issues important to the company, what to focus on. Do you recall any --

Rep. Polis: I don't recall them letting us chose the focus of this. They had hours of footage and we did not have editorial control. They could have really gone in different directions with it. A lot of the material we provided they didn't end up using. There were some screen shots, for instance, of a game called Battle of Britain. I think instead they used a different one called President Elect, which I'd also played but didn't talk about as much. This is going back to the 80's and my history in gaming. I think they were interested in the novel concept of a Member of Congress could still be a gamer as a role model for members of their community. Also to try to make civics more sensible to members of their community.

Helen Eisner: You said that you provided material?

Rep. Polis: Yeah.

Helen Eisner: What material did you provide?

Rep. Polis: It looks like there were photographs. I'd have to watch the video to see. A lot of the stuff they just snatched off the web, but I think there were some photographs we gave them.

Helen Eisner: Who on your staff would have been responsible for that?

Rep. Polis: Probably our communications person or scheduler.

Helen Eisner: Who was that?

Rep. Polis: Danielle Oliveto or Brian Branton, I'm not sure who else at the time. I wouldn't be involved if there was any materials given to them.

Helen Eisner: With the initial contacts, I think you said that you became aware of it, you had gotten a memo which I think we have seen in the production. Who on the staff at that point would have been responsible for communicating with Riot?

Rep. Polis: Either Danielle Oliveto, my scheduler, or Brian Branton who was my chief of staff, but was acting ... I think at that time we were between communications directors and he was acting in that capacity.

Helen Eisner: Do you have a sense of how much communication they had with Riot during that period of time?

Rep. Polis: Well, I've looked through the binder last night, I assume that's the communications. It seems like the customary amount of communication that would occur around an interview. Meaning it's scheduling related items, and a memo to me based on what they knew was going to occur.

Helen Eisner: We were talking about Riot Games Brand Manager and you said he was the one who came to the office. You also, I think, said that some people came to the office as part of the video. Were there any separate meetings, or was it just the meeting ... Just the people from Riot Games coming to film the video? Were there any other meeting with Riot?

Rep. Polis: I don't recall any in person meetings other than when they came to film the video, once here and once in Boulder. I don't recall having met them in person before that.

Scott Gast: The request comes in to your office to participate in this video. Why did you accept?

Rep. Polis: Well I accepted because I was always excited to interact with gamers, including my constituents. I knew I would certainly be reaching a number of my constituents this way. As well as, by showing gamers across the country that they should not be apathetic, and that what Congress does is relative to their lives, can be relative to their lives. Not just in a bad way, but in a good way. To

show that maybe in the future public service might be something they would consider.

Scott Gast: At the time you were determining whether or not to participate in the video, did you have any discussions about ethical issues that might come up?

Rep. Polis: No.

Scott Gast: Did you reach out to the Committee on Ethics when you were doing the video at all?

Rep. Polis: Not that I recall. We do reach out ... We use the Committee on Ethics regularly. We would typically use it around anything that could relate to any possible impropriety before it happens. We always ask about a lot of things, who funds what, those sorts of things. This did not trigger any alarm bells because clearly it was not for any type of personal gain. We also didn't feel that it had anything to do with promoting a product.

Scott Gast: Let me ask you about that, about promoting the product. What gave you that sense that this had nothing to do with promoting a product?

Rep. Polis: Well, to interpret that, if I were to go and be part of a commercial, or to tell people to play a particular game, or buy a particular game, that would be an inappropriate use. If I was asked about what sports I like, am I a Rockies fan, yes, I'm a Rockies fan. The Rockies are a for profit corporation, but it doesn't mean I'm telling people to go buy Rockies tickets. It's the same with this. I've done interviews where I've confirmed I'm a baseball fan. To me this was ... With being a large sport, this was exactly the same as if I was a football or baseball fan.

Scott Gast: Does it enter into the consideration of the request when it's a for profit company, product that's making the request to do...

Rep. Polis: Well, most requests ... Most corporations are for profit in our district as well as nationally. I believe that there are similar requirements around non-profit organizations. A Member of Congress would not be able to, for instance, solicit on their behalf as well. We've held ourselves to the same standards with regards to both, that we don't want to be in the position of promoting a particular non-profit or for-profit. The only exceptions being when we had a flood, we did run some emails by Ethics around appropriately linking to flood relief organizations, I believe including the International Red Cross. I'm not 100% sure which organization it was. There is a way to do that, and we did that. Ordinarily we would not ... Outside of that process we would not try to promote non-profits either.

Scott Gast: At the beginning of this process, when you got the request and accepted the request, were any parameters discussed about the use of the video, or how it would be...

Rep. Jared Polis

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Rep. Polis: Well, it was presented to us as a documentary, and that was what we understood it to be. There were no legal restrictions on how the footage could be used. I don't know if we had the ability to impose legal restrictions on how the footage could be used or not after we find out.

Scott Gast: Were there any discussions about potentially using this for advertising, commercial purposes?

Rep. Polis: There were no discussions about that. As far as I know, Riot doesn't advertise.

Scott Gast: Was the fact that it was the PR/Marketing folks at Riot something that was considered when the request came in? That it was the PR department, the Marketing department behind the request?

Dan Schwager: I'm sorry, you're saying that it was the PR/Marketing?

Scott Gast: I believe the titles of some of the folks involved had Marketing titles in their name.

Rep. Polis: I don't know what those titles were.

Scott Gast: Riot Games Brand Manager is Brand Manager.

Helen Eisner: Their titles might not appear in the emails, but on further research they do appear to be members of the Marketing department.

Dan Schwager: Okay, so are you saying that those were not on the emails?

Helen Eisner: I think if you look at the emails, emails often have tags of what people's titles are. I'm not sure that those particular emails included that.

Scott Gast: Let me ask this, were you aware when the request came in, what area, function, department of the company was reaching out to you?

Rep. Polis: I don't really remember that. In general I think my awareness was limited to what was in the memo that was presented to me by my staff, because I don't think I had any other information about what was being proposed.

Scott Gast: Had you been aware that this was a project undertaken by the Marketing department, would that have factored into your thinking?

Rep. Polis: Well, I think I had knowledge that Riot did not, to the best of my knowledge, advertise. I believe this was presented to us as something that would be presented to their community. The result was largely consistent with that expectation of what it was. It's not a product ... The video production wouldn't make a lot of sense to a lay person who didn't understand e-sports, and didn't follow e-sports. Just as if I were to talk about I play third base in baseball.

Somebody who never heard of baseball that would be ... You would lose them on that. When I say I'm a jungler, or I occupy a particular lane, that doesn't mean much to somebody who isn't one of the tens of millions of fans of e-sports.

Scott Gast: Going back to Helen's question earlier, you don't recall any in-person meetings in the planning stage?

Rep. Polis: I don't recall any, no.

Scott Gast: Do you recall telephone conferences?

Rep. Polis: It sounds like from the ... It looks like there might have been one telephone conference that I was on where there was some planning for this, but I'm not 100% sure.

Scott Gast: Do you recall those conversations?

Rep. Polis: I don't.

Scott Gast: Okay, what about the actual filming of the video? What do you recall of that?

Rep. Polis: The filming took longer than I had thought it would, or that we had been led to believe it would. We did get a lot of footage. Mostly in our home in Boulder.

Scott Gast: Was the filming scripted in any way?

Rep. Polis: They photographed us gaming for 45 minutes or so. Then answering questions in an interview fashion.

Scott Gast: Were topics that were going to be discussed picked out before hand, identified before hand?

Rep. Polis: I would say it was probably more free flowing. I think they might have had some ideas about things, but it was a conversation. They had several hours of footage they could produce a compelling piece with.

Helen Eisner: Who was asking the questions? Was it someone on the other side of the camera who was asking you questions?

Rep. Polis: I don't remember who it was.

Helen Eisner: Was it a man or a woman?

Rep. Polis: I believe the team was all male.

Helen Eisner: Was the team the same in both instances when they were filming?

Rep. Jared Polis

Rep. Polis: I don't recall if every person was the same, but there were certainly some of the same people.

Scott Gast: Who from your congressional staff was involved?

Rep. Polis: There was no one in our home, so no member of our congressional staff was involved.

Scott Gast: It was just you and the film team?

Rep. Polis: Yeah.

Scott Gast: Anybody else involved?

Rep. Polis: My partner Marlon was taped as well.

Helen Eisner: The coordination of something like this, it sounds like they were in your home for a few hours. I know you did have some back and forth conversations about participation, but as far as just the logistics of getting people to your house, and how it was going to be set up, who would have handled that?

Rep. Polis: It was just a scheduled item that ... My scheduler would have told them what times I would be at my house. I think they rented a car, they got there, they came there, and we let them in.

Scott Gast: As far as you're aware did your office pay for any of the expenses of the filming or the project?

Rep. Polis: No, no.

Scott Gast: You had said earlier that you had no editorial control over the video, is that correct?

Rep. Polis: Of course. That was a journalistic documentary so we wouldn't expect any editorial control.

Scott Gast: Did you have a chance to approve or disapprove?

Rep. Polis: They did not show it to us before publication.

Scott Gast: It looked like there were some emails about reviewing a draft video, maybe a year before it was to be released. Do you recall that?

Dan Schwager: Is that the one I sent you last night?

Scott Gast: I believe so yes.

Dan Schwager: I'm not sure it actually made it into the binder so I don't know if you've seen that.

Rep. Polis: I'd love to see it, yeah.

Dan Schwager: If you want to show it to him that would be...

Scott Gast: Again, I don't think I have that specific one. It was a July '14 email from Riot Games Brand Manager where they ... I think to your staff. I don't even think you were on it. They talk about scheduling a time...

Rep. Polis: We found them to be diligent journalists in their approach and it wouldn't surprise me to find there was a fact checking component they were doing.

Scott Gast: Do you recall reviewing a draft?

Rep. Polis: I don't remember seeing it until it was public.

Scott Gast: Do you recall offering any feedback or comments?

Rep. Polis: I don't. I don't remember doing that.

Helen Eisner: Were they journalists? Did anyone have press background? Were they Riot employees who happen to be in the communications group? I'm just trying to understand the description... [crosstalk].

Rep. Polis: In my interactions with them they seemed very professional in their approach, in their journalistic approach, and I had no reason to think that they weren't doing what they said they were going to do, which is make a documentary. I didn't know if it would be 20 minutes, or 4 minutes. It was very short, it was what, 4 minutes? What they produced is consistent with my perception of them as professionals.

Scott Gast: It might not be necessary to actually look, if you do not recall...

Rep. Polis: No, you're saying there was a rough draft of the video that they posted?

Scott Gast: That they sent a link, a private link, to one of your staff members. I think they were attempting to schedule a call with you. They wanted to be on the phone with you to get your feedback. You don't recall?

Rep. Polis: I don't recall. That doesn't mean it didn't happen. It wouldn't have been a hugely consequential thing. It could have been a fact checking scenario. I don't have any recollection of seeing it before it went up. I remember being excited when it finally came out, just because it seems like it had been so long that they'd been working on it.

Scott Gast: What was your reaction to the video?

Rep. Polis: I actually thought it would be longer because they filmed us for several hours, but I thought it was good production value. I think it was, for the community, good content, good journalistic content which is what I would expect of them. It spoke on a level to the community members who would view it. It hopefully inspired civic interest in them. Hopefully helped educate people about why some of the battles we fight in Washington are relevant to them being members of the community.

Scott Gast: Did any part of the video concern you at all?

Rep. Polis: I don't think there was any part where I was misquoted or was false. I only have viewed it two or three times. I don't necessarily know the whole thing. My general perception was they took a nice video.

Helen Eisner: Can I back track for one second and just ask you about filming of the video, the production? I think we have through some of the documents that it was actually filmed here in DC in February 2014. You talked a little bit about what it was like when they came to your house and they filmed you gaming. Can you just give us a general description of what it was like when they filmed in DC?

Rep. Polis: Yeah, it's less memorable because it was shorter and I think it was just an interview and some B-roll footage of me walking. I don't think it was as intense as the four to six hours or more that they spent in Boulder.

Helen Eisner: How many hours approximately was it?

Rep. Polis: I really don't remember, but given the Congressional week it's unlikely that we would have given them very long. I don't know, but it would have been on the order of an hour, or hour and a half, or something like that would be my guess.

Helen Eisner: Did you know in advance that they ...

Rep. Polis: Its probably on the schedule.

Helen Eisner: Did you know in advance they wanted to shoot the B-roll footage?

Rep. Polis: I don't know what they provided our staff with in terms of what they planned to do.

Helen Eisner: Did it seem like ... I think you mentioned there was one man who was asking questions. Did it seem like he was playing more of a director role? Someone who would have been responsible for saying, okay now let's do this shot, or we're going to move to this particular location and take a little bit of footage here.

Rep. Polis: I don't remember. I think that there were clearly people associated with the technical aspects of the production. Then there were people that were more calling the shots. I don't remember exactly how it was distributed.

Helen Eisner: If we wanted to ask someone in ... You mentioned some members of your staff who might have been involved with the coordination ... Are there any people on your staff who would be a little bit more familiar with the identity of the individuals from Riot who were here [crosstalk]?

Rep. Polis: If they remember, but they certainly would have interacted with them more, Danielle Oliveto and Brian Branton. Keep in mind the number of interactions we have here. There was nothing particularly notable about this. I don't know what their memory will be, but they would have talked to them. They might have some recollection. They're not current in other words.

Helen Eisner: They're not?

Rep. Polis: Those two members of my staff, they're not on my staff currently.

Scott Gast: The release of the video in April of this year, what do you recall about that?

Rep. Polis: I remember being interested in seeing it, and looking at it, and thinking that it was pretty good.

Scott Gast: What was your understanding of how Riot Games was distributing it?

Rep. Polis: I think they just made it freely available for anybody to use. People posted it to Reddit. People posted it on the forums. Once something is out on the internet, anybody can use it as they see fit.

Scott Gast: There was some discussion in some emails we saw about you participating in a Q&A on the day of the release. Do you recall that [inaudible]?

Rep. Polis: I don't remember. Was it a Reddit one, or one in the community?

Scott Gast: It wasn't clear. There was some discussion of Reddit.

Rep. Polis: I don't remember. It would be easy to check. I'm on Reddit from time to time. I don't remember if ... If timing had been available I probably would have been amenable to agree to something like that. I just don't know whether that worked out from a scheduling perspective.

Scott Gast: How did you use the video? How did you publicize the video?

Rep. Polis: We tweeted it I believe. I think that's what we did as far as I can tell.

Scott Gast: That was with your official Twitter account?

Rep. Jared Polis

Rep. Polis: I would have to check whether I tweeted it from my personal account. We did tweet it from our official account. I should point out that as part of this process, we looked at it again, the video. We did see that there might have been some footage they took from the campaign on there. When we realized that, we deleted the tweet, because there might have been some footage on there that wasn't official.

Scott Gast: That was just recently?

Rep. Polis: That was recently yeah.

Scott Gast: Okay. Did you use it in campaign social media at all during any of your campaign...?

Rep. Polis: We don't have a lot there. What was the time frame of this?

Scott Gast: It came out April 2015.

Rep. Polis: It wouldn't have been in an election period.

Helen Eisner: Is it typical for you to interchange the use of your official and personal Twitter account?

Rep. Polis: I don't tweet from my official, my staff does that. I tweet from my personal, and then I have ... It's similar for Facebook. We have an official Facebook account, and I don't post to that. I sometimes post to the official one, but usually staff does. Then my personal one, of course, I do.

Helen Eisner: Do videos like this go up on both the official account when staff posts it, and then also on your personal account? Is it typical to go up on either?

Rep. Polis: On my personal account I just tweet or post whatever I feel like at a given time. There's no method to it. Officially they should really look at stuff before they put it out there. They don't often repost 3rd party content. It's more content that we would originate. On Facebook at least, I don't believe this was posted to Facebook. Twitter is a little bit more frivolous and open. People tweet and retweet all sort of different things. Our process in our office is I don't approve our Facebook tweets, but I do approve our ... I'm sorry. The tweets on Twitter don't come to me for approval, but I do approve content that goes on our Facebook page.

Helen Eisner: Were you aware that this particular tweet was retweeted? That this retweet occurred?

Rep. Polis: When I was made aware of it a couple of days ago we took it down. I was not aware of it before that.

Scott Gast: What kind of reaction have you gotten with respect to the video?

Rep. Polis: From who?

Scott Gast: From anywhere.

Rep. Polis: I've run into constituents who have seen it. They always want to know my user name, they want to play with me. I have played games with constituents, and as I said I've done outreach in some of the e-sport locations. The online reaction on the League of Legends community, Reddit seemed pretty positive. People like it. People think that it helped make Congress more relevant to them. They hopefully led to ongoing civic interest in some of them. I think it was an overall pretty good reaction.

Scott Gast: What about reaction from Riot Games?

Rep. Polis: I don't think we necessarily heard ... I don't have any reason to think ... I think they wanted the content to be well received in the community, and I think it was.

Scott Gast: Have you had any conversations with anybody at Riot Games since the video was released?

Rep. Polis: I don't think so really since then. April 2015 did you say?

Scott Gast: Right.

Rep. Polis: I could look but I don't ...

Dan Schwager: Well, you mentioned the stuff about the Reddit.

Rep. Polis: Right after, I think you mentioned that they might have wanted me to do a Q&A somewhere, but I don't remember if we did that.

Scott Gast: Were there conversations with anybody who said, "Thanks for doing this"?

Rep. Polis: It wouldn't surprise me if something like that occurred.

Scott Gast: To the best of your recollection?

Rep. Polis: I don't remember any interactions with ... Keep in mind that most of the interactions are through our staff. I don't recall any contact with them after that.

Scott Gast: Do you have any personal relationship with any of the executives at Riot Games? Are you on a social basis, do you email?

Rep. Polis: The only person that's my friend is Mark Sottosanti. I don't think he would be called an executive there. I think he'd be in management in a technical area, not really an executive.

Scott Gast: The CEO, Brandon Beck, I believe his name is, were you on email directly or he would email you?

Rep. Polis: I don't think I have his email address.

Helen Eisner: Who is the current staffer who would deal with these types of interactions? You've talked about some prior employees.

Rep. Polis: Our tech freedom issues is Craig Frucht. Back over here, Craig Frucht, f-r-u-c-h-t. He was not with us during SOPA and PIPA, but he does that range of issues with us now. Trade is Mike Berman, because a lot of the ones recently have been associated with trade Mike Berman would be involved too. He's our legislative director as well.

Scott Gast: Press?

Rep. Polis: Well, mind you, with press it would be our communications person Laura here, and then Kristin in Colorado.

Helen Eisner: Laura's last name?

Rep. Polis: Laura ... I'd have to check.

Scott Gast: Since the video have -- to your awareness, have you or your office had any interaction with Riot Games? Other requests, lobbying, legislation, case work, immigration stuff?

Rep. Polis: Did our current staff run these searches too or just our previous staff?

Dan Schwager: Yeah, all your staff.

Rep. Polis: I don't think we saw any, but again it wouldn't surprise me that if or when these issues heat up there would be ... Just as there are with many different companies that are concerned. There might be discussions with them, but it sounds like there haven't been in the immediate past.

Scott Gast: Have you personally had any discussions or interactions with the company or about the company?

Rep. Polis: No.

Scott Gast: Okay.

Rep. Jared Polis

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Rep. Polis: Well, about the company, what does that mean?

Scott Gast: About requests or proposals, other than this process.

Rep. Polis: No, nobody else has ...

Scott Gast: They haven't approached your office with any new requests or new proposals?

Rep. Polis: Right.

Scott Gast: Or new issues?

Rep. Polis: Right.

Scott Gast: Nothing has come to your attention?

Rep. Polis: Nothing that I know of.

Scott Gast: Those are all the questions I have on the email.

Rep. Polis: Okay.

Scott Gast: I want to switch over to the Ninox issue, and hopefully we can go through this quickly with you.

Dan Schwager: Just for the record, let's get it quickly on the record. The Congressman has been cooperative about everything. I do have an objection that it does seem to be an expansion from the original statement on the nature of the review, twelve days before the end of it. Without waving that objection, the Congressman does want to be cooperative. We'll answer any questions that you have.

Scott Gast: Noted, and we appreciate that. How did you become aware of Ninox?

Rep. Polis: They are a local company. I think they became aware of me because I was in GQ Magazine. They featured me as one of the worst dressed Members of Congress. Out of that came a local company that approached us about trying to do a makeover. Offering to see whether I might be interested in purchasing some of their clothing to wear here in Washington.

Scott Gast: Was that the first contact you had with that company?

Rep. Polis: Yeah, I had not heard of them before that.

Scott Gast: Who at the company have you worked with?

Rep. Polis: I don't remember her name.

Scott Gast: Would it have been Allie Thielens? Does that sound familiar?

Rep. Polis: Yeah, I don't know if she was the person that was there or not. I just don't remember her name.

Scott Gast: What about the name Linda Casals? Is that a name that's familiar?

Rep. Polis: I don't remember her name.

Scott Gast: How did this makeover proposal come to your attention?

Rep. Polis: Well, actually there have been out of the GQ thing, GQ had said they wanted to make me over, but that had never gotten scheduled in New York. This local company out of that interest said why don't we offer to make him over here in Boulder.

Scott Gast: Did they reach out to you?

Rep. Polis: They reached out to us.

Scott Gast: Did you have any discussions prior to that offer, you or your office?

Rep. Polis: I had never heard of them before.

Scott Gast: What was it that they specifically offered to do?

Rep. Polis: Well, to sell me some of their clothes that they make. As part of the makeover they would try to maintain some of the fashion creativity that Boulder is well known for, while still meeting the rigid conservative requirements of the floor.

Scott Gast: Did they tell you why they made the offer, or what ...

Rep. Polis: They had seen that GQ that had me as the worst dressed Congressman, and wanted to help me not be the worst dressed Congressman.

Scott Gast: When you got that offer what were the discussions internally about how to respond?

Rep. Polis: I don't remember any.

Scott Gast: The decision ultimately was to accept the offer.

Rep. Polis: Yeah, my staff has been bugging me about getting new clothes for a long time. I think they saw this as a way, well maybe Jared will like some of the new clothes and buy them, which I did. Every other day this week I wore them. I wish I'd worn them today to show you because I'm not, but every other day this week I'd worn the pants.

Scott Gast: In considering whether or not to accept the offer, were there any discussions about ethical issues, ethical concerns?

Rep. Polis: There weren't because again we certainly didn't see this as anything ... Again, the criteria you look at is certainly not for any gain myself. The second one we were not telling people to buy this product, or to purchase this product.

Scott Gast: Did you reach out to the Ethics Committee at all on this?

Rep. Polis: I don't think we did on that.

Helen Eisner: What was the nature of the request? Was it a makeover? What does that actually mean? Did they offer you some time so you could come into their store and they could talk to you about your wardrobe? What were they really offering?

Rep. Polis: They offered to bring their clothes for me to try on basically. It was at a location called Chautauqua which is a park in Boulder, and then I could decide if I wanted to buy any of it. There was no obligation, but if I liked some of the clothes I could buy them.

Helen Eisner: It was this one time?

Rep. Polis: It was only once yeah.

Scott Gast: When the proposal came in were there any discussions about possible gift issues, or was it always the idea that you were going to purchase the clothes?

Rep. Polis: Yeah, there was not discussion of a gift. If I wanted the clothes I could purchase them. If I didn't then I wouldn't buy them.

Scott Gast: Any discussions or thoughts about giving the spotlight to one particular brand?

Rep. Polis: Well, no matter what clothes I wear they're going to be from some brand or other. We're always wearing a brand. These don't have a brand it looks like. People ask me about my shoes all the time, because they're rubber and they're waterproof. When you wear clothes, it's a brand, so you can't avoid that.

Scott Gast: Specific to this though, any sense of -- you're going to be doing this makeover with photographers, and publicizing it?

Rep. Polis: Well, they weren't ... I think it was understood it was going to be their line of clothing I was going to try on, and not a competitor's. Again, if it had been a competitor's, it would have been that brand, so I mean there's no way to get around no matter what clothes you wear, they're going to have some brand on them.

Helen Eisner: Did you know about the photographer before you attended the...?

Rep. Polis: Yeah, I think we knew that because I'd been covered as the worst dressed Member of Congress, there was interest in this locally. Our communications director made this an open event if you will. The Daily Camera, our local newspaper, took pictures.

Scott Gast: Did Ninox have a photographer there?

Rep. Polis: There may have been a cell phone camera. As I said we took pictures, so yeah there were a number of people taking pictures. I don't recall there being a formal photographer there, but there might have been. I don't know. There were several people taking pictures.

Scott Gast: You think it was both, your office, your staff taking pictures?

Rep. Polis: They took some pictures yes.

Scott Gast: And Ninox folks?

Rep. Polis: I think so. Yeah, and The Daily Camera.

Scott Gast: The Daily Camera, any other press there?

Rep. Polis: Not that I recall. There was a subsequent inquiry from another press outlet that we did an interview on over email.

Scott Gast: Who was that?

Rep. Polis: I think it was Boulder Magazine.

Helen Eisner: How long did the event last for? I'm calling it an event.

Rep. Polis: Trying on clothes, I think less than an hour.

Helen Eisner: Do you know how many Ninox employees were there?

Rep. Polis: One or two.

Scott Gast: Who from your staff was there?

Rep. Polis: I think it was just Kristin Lynch, my communications director, as far as I recall.

Scott Gast: Was there any discussion about how the photos were going to be used?

Rep. Polis: I was not engaged in that discussion.

Scott Gast: Would that have been Communications Director?

Rep. Polis: On how they were going to be used, if there was a discussion. Because it was an open event, anybody could take photographs and use them however they wanted. There weren't any ... The Daily Camera was there so, again, there was no legal restriction on how photos could be used.

Scott Gast: Did your office invite the media?

Rep. Polis: I'd have to find out, I don't remember.

Scott Gast: Do you remember if you sent out a media advisory or a press release?

Rep. Polis: Again, I think it was established as public so people could come, the media could come if they wanted.

Scott Gast: Do you know if Ninox invited the media?

Rep. Polis: I wouldn't know.

Helen Eisner: If the press release had gone out with you inviting media, would that have come from the district office?

Rep. Polis: I suppose so, I think ... We have one communications person here and one there so I'm not exactly sure how they do that.

Helen Eisner: I just want to make sure we received all the documents with this.

Dan Schwager: Kristin Lynch did a search. She's one of the people that did the search. She's the one there, and Laura here, so they both did it.

Scott Gast: Communications Director is currently still with your office?

Rep. Polis: She is, she's in Colorado, our communications person.

Dan Schwager: We'll double check.

Helen Eisner: Thanks, I just want to ...

Dan Schwager: That didn't come up in the search.

Rep. Polis: Absolutely. We'll check.

Scott Gast: After the makeover, and after the photographs, how did your office publicize that? Did you post to social media?

Rep. Polis: I believe there was a post on Twitter. Is that correct?

Rep. Jared Polis

Dan Schwager: Either a retweet or a response to a tweet, or a post.

Rep. Polis: Something on Twitter, but nothing on Facebook as far as I know, but I think there was something on Twitter.

Scott Gast: Did Ninox talk to you about how they intended to use the photographs?

Rep. Polis: Not to me no, it's possible they did to Kristin, but they can use them however they like.

Scott Gast: What was the discussion about identifying you as a "Boulder Icon"?

Rep. Polis: I don't remember that discussion, so I don't remember being part of that discussion.

Scott Gast: Do you remember discussing that with anyone at Ninox?

Rep. Polis: I don't remember that. I don't remember that term, until recently. I don't remember that term at the time.

Scott Gast: Was that something that they asked for your permission to do, were you aware?

Rep. Polis: I don't remember.

Dan Schwager: You can let them know the first time you remember hearing that term. You might be reluctant to let them know because it's in the context of this, but you can let them know.

Rep. Polis: I don't remember when was it?

Dan Schwager: Was it...[crosstalk]?

Rep. Polis: Yeah, it was an hour or two ago. I don't remember the term Boulder icon until it came up. I don't remember, it doesn't mean I didn't hear it but I have no recollection of the term.

Scott Gast: Were you aware that you were identified as a "Boulder Icon" on the Ninox website?

Rep. Polis: No.

Scott Gast: If you weren't aware, I imagine you didn't participate in any way in picking photographs, or tags, or anything for that section of the website?

Rep. Polis: No, no.

Scott Gast: Were you aware that your picture appeared in some social media posts by the company in a "Polis Special" that the company ran?

Rep. Polis: No.

Scott Gast: Are you aware of that now?

Rep. Polis: Only what you just said...

Scott Gast: The "Polis Special"?

Rep. Polis: I was not aware of that before this either. I don't know what the Polis media special is.

Scott Gast: What is your reaction to that, to using your photograph wearing this product in a social media posting, that says "Polis Special \$89"?

Rep. Polis: Is that what it said?

Scott Gast: Yes, I think we have a copy of it actually to show you.

Rep. Polis: None of us have seen this before. When you go to the Dem Club or some restaurants around town they name items after ... You can order the so-and-so hamburger, or the so-and-so sandwich. My first reaction on seeing this is, I'm not happy that they're using my name. Having heard about this I think we'll tell them to rename the product line. This sort of thing certainly occurs around town. You only need to go a block or two away in order to order from a for-profit company a product has a Member of Congress' name on it, because they order it frequently. This we will immediately contact them and tell them they shouldn't be calling this the Polis Special.

Dan Schwager: We might consult with General Counsel first, ask counsel.

Rep. Polis: I don't think this reflects well on my brand to have it being called the Polis Special. It might very well be within their legal rights to do that if they want because I'm a public person, but it doesn't mean I can't request that they take it down.

Scott Gast: Just so we're perfectly clear on the record. You were not aware of this posting before we showed it to you? You had no discussions with the company about using your likeness in this way at all?

Rep. Polis: Again, as a Member of Congress, as you know we're a public person, you don't have the same expectation, reasonable expectation of privacy. My image could certainly be commandeered for many purposes. Largely non-commercial, but it can also be pilfered for commercial reasons. That's just the unfortunate reality of being a public person. There's not a lot of recourse that legally we have, but

we can certainly strongly recommend that they take it down, and encourage them to do that.

Scott Gast: The "Boulder Icon" issue, are you aware of that webpage now? Have you seen that page?

Rep. Polis: No, I have not.

Scott Gast: Similar question, how do you feel about being identified as a "Boulder Icon" on the Ninox website, wearing their product?

Rep. Polis: Well, I would have to look at the context of the page to form an opinion about that, so I don't really have one.

Scott Gast: Again, just to be clear. You did not have any discussions with anybody at Ninox about being identified on their website?

Rep. Polis: I did not.

Scott Gast: Okay.

Rep. Polis: That sounds like a more reasonable use of my image than specific endorsement of a product would be, but I would have to see the context of it to see whether I would try to get them not to do it. Again, as a public person I don't believe I have the legal authority to stop anybody from using my image if they own the copyright on that particular image. Again, we are often demonized and used in negative ways. Usually it's a negative thing, our image is appropriated.

Scott Gast: Let me ask you, have you had any contact with Ninox employees or representatives since the makeover/photoshoot?

Rep. Polis: No, I bought a couple things from them, but none after that.

Scott Gast: Any discussion about how the reaction was to the makeover and photoshoot?

Rep. Polis: No, I had no discussions about that with them.

Scott Gast: Okay. I believe those are all the questions.

Michelle Nance: Did you pay full price for the clothes or receive any discount?

Rep. Polis: I paid full price for the clothes, yeah.

Helen Eisner: Is there anything else that you think we should know? I think you have a pretty good sense of the issues that we're looking into. Is there anything else you think we should know as part of this review?

Rep. Polis: Again, I just think that on the League of Legends thing, just keep in mind that e-sports is big. It's really bigger than even the World Series. I think a reasonable person would see this as now just talking about a sports team or a sports league. Which is certainly how I see it, and how the fans of the game would also see it. It really wouldn't be any different than that. With regard to this Ninox thing, I will be immediately contacting them to let them know my displeasure at the Polis Special. Even if they are within their legal rights. It's very inappropriate to appropriate my image to sell a particular product. Again, I don't think that's an ethical issue from my perspective. I don't have the ability to bind them as far as I know, but it would make it highly unlikely I would cooperate with them on future projects.

Scott Gast: Let me just request, if you do have any documents, written materials, between you and the company I think that would be something that would be useful for us.

Dan Schwager: We should have all the Ninox stuff. You were asking about interactions regarding SOPA, PIPA, which may have been ... We searched back to 2012 and we had discussed 2013, we searched back to 2012. That stuff didn't strike me as relationship-related but we can discuss if you need ... If there is some issue with SOPA and you need us to search further than 2012, because of that, we can discuss it, but I would hope that wouldn't delay any consideration of these issues. I think that's so clearly core legislative interaction. We can talk about that.

Helen Eisner: Yeah, we can have a conversation once we stop the recording.

Scott Gast: As far as communications with Ninox subsequent to this interview, if there are any, I think we'd be interested in taking a look.

Dan Schwager: Yeah, I think we just gave you ... Oh, subsequent to this interview?

Scott Gast: Yeah, if there are any.

Dan Schwager: If the matter continues into a second phase obviously. The Congressman has expressed his intent to cooperate and will review all requests and the Congressman will give us direction on how to respond.

Helen Eisner: We certainly appreciate your time. We can go ahead and stop the recording.

Exhibit 4

From: [Alexa Darrin](#)
To: [Arturo Castro](#)
Subject: Queuing Up Strategy 2015
Date: Tuesday, March 24, 2015 6:58:18 PM
Attachments: [QueuingUpStrategyMarch2015.pdf](#)

Strategy Attack attached, yo. Hit me back with that phat feedback.
Alexa Darrin // Riot Games // c: [REDACTED] // summoner: [REDACTED] // skype:
[REDACTED]

Queuing Up Strategy - 2015**Background**

League of Legends has a gigantic community of passionate players. Due to the nature of the game (and human psychology) - they're unfortunately more likely to remember and share negative experiences than remember neutral or even positive ones. This results in an overall negative story surplus circulating in the community. We want to bring more positive players stories to life and encourage a community of positive storytelling in order to combat the perception of the League community as toxic and hostile.

Goal

Improve player retention and lapsed player reactivation by increasing positive player sentiment around the League of Legends community.

Strategy

Create a pipeline for sourcing positive player stories, and bring them to life in a variety of mediums. Queuing Up forum posts, event attendance, and social media research feed into the larger video pieces.

What's the one thing we want them to take away?

League of Legends connects you with a community of kind, passionate, and interesting players.

What have we done so far?**Sourced:**

- Rioters' positive stories are shared weekly on boards, inviting players to share their own. We've experimented with tone, style, and execution, and tracked player engagement to evaluate the relative success of each post. Many of these stories make their way into QU features.
- We've found some amazing (and unexpected) stories by interacting with players at events such as PAX and many of these stories have evolved into larger QU pieces.
- We've followed up with players who've organically shared stories on Reddit and featured them.

Collaborated:

- We've worked with community creators to bring stories to life. Whether it's illustrating a player's story, creating Valentines for players to share, or creators telling their own stories through art, community collaboration has proven to be a great way for us to extend QU into new territory.
- We've also collaborated with other NA initiatives to produce pieces of content that can support multiple NA goals. An example of this is the Collegiate QU piece currently in development.

RG-000544

15-6333_0097

Released:

- We released the Chef Lubu documentary and supported it on multiple social channels by adapting the theme and calling on players to submit their own League food ideas. Chef Lubu himself engaged with players on Youtube, Reddit, and Boards and comments were overwhelmingly positive.

Coming Soon**Documentaries:**

- Congressman Polis: A short about a U.S. Congressman that plays League. The Congressman's office has agreed to provide staffers to support the launch on April 16th.
- Love & League: A documentary showcasing League's ability to bring couples together, ready for release in April.
- Cosplay: A documentary showcasing how cosplay helps to forge and strengthen friendships, ready for release in April.
- Collegiate Organizers: A documentary featuring a variety of collegiate organizers, to demonstrate the depth and breadth of League to forge friendships in college, ready for release in August to coincide with Collegiate relaunch.
- Families: A documentary showcasing examples of parent-son/daughter duos, or families who play together.
- Musicians: A documentary about amazing musicians who also play League.

Engagement:

- Both weekly forum posts and creator collaboration will continue to take place on Boards and social. Our goal moving forward is to think of new and interesting ways to adapt the QU message so that player engagement remains strong.
- Utilizing League events as an efficient way to source and capture stories will continue.

Long Term Possibilities:

We think there is an opportunity to explore how we might spread the QU message in nontraditional ways:

- How might QU manifest itself player-to-player at a live event?
- How could we do a better job of highlighting and validating player stories that might not warrant a documentary or creator collaboration?
- Could we create a digital experience that actually connects players from across the world?
- What alternative channels exist for QU and how might QU catalyze new player activation?

RG-000545

15-6333_0098

How do we measure success?

- Increase in NA positive player sentiment, retention, and reactivation.
- Quantity of views and posts.
- Quality of posts on Boards, Youtube, and social.
- Sustainability of the sourcing, production, and release strategy.

2015 Calendar

April	May	June	July	August	September	October	November	December
Apr Community	May Community	June Community	July Community	August Community	September Community	October Community	November Community	December Community
		Pax Doc					Event 2 Doc	
Congressman								
	Couples Doc			College Doc		Parents Doc		Music Doc

Exhibit 5

**Riot Games Associate Brand Manager
Transcript of Interview
September 18, 2015**

Scott Gast: This is Scott Gast with the Office of Congressional Ethics, joined by my colleague Helen Eisner. We are here with Riot Games Associate Brand Manager ("Assoc. Brand Manager"), employed by Riot Games, who's joined by his counsel Angelle Smith Baugh and Bill Chang. I'd like to start with a little bit of background about you, if you could tell us your current position at the company and your job description.

Assoc. Brand Manager: Sure, my name is Associate Brand Manager. I'm a producer in an arm of Riot called Creative Development. I'm primarily focused on storytelling outside of our core game experience.

Scott Gast: Can you give us some ideas of what that storytelling is?

Assoc. Brand Manager: Anything from music videos to novels and short stories. Stories about our game.

Scott Gast: Okay. How long have you been doing that?

Assoc. Brand Manager: I've been doing this about a year and a half now.

Scott Gast: Okay. Before that, what did you do?

Assoc. Brand Manager: Prior to that I was doing publishing and brand management for the organization.

Scott Gast: For Riot Games?

Assoc. Brand Manager: For Riot Games, right.

Scott Gast: How long were you doing publishing and brand management?

Assoc. Brand Manager: About a little under a year.

Scott Gast: Before that?

Assoc. Brand Manager: I was a student at Arizona State University.

Scott Gast: Okay. We want to talk to you about the Queuing Up project, and specifically about one of the videos in that project involving Representative Polis. Can you tell us a little bit about how you got involved in that project?

Assoc. Brand Manager: Yes. Queuing Up was an idea that our team had to feature extraordinary members of our community who happened to play League of Legends. I was involved somewhat happenstance. Our boss, Kevin Chung, was given the directive: feature awesome community members. Charlie Hauser ended up

being the lead on that project and I was working directly with Charlie at the time, so I was roped in.

Scott Gast: You said Kevin Chung gave this direction. Do you know what prompted that?

Assoc. Brand Manager: There's always been an idea that there are amazing members in our community who have cool stories to tell. Sometimes they're told by the community themselves, and other times they go left untold. We wanted to find some of those left untold stories and surface them. Show them off to our players.

Scott Gast: Why? Why would you want to do that?

Assoc. Brand Manager: Mainly as inspiration. To know that there's someone out there just like me who plays the game but also happens to be a world renowned chef, or a congressman, or fire fighter or something. It helps bridge the gap.

Scott Gast: Was there some kind of economic goal, I guess I would put it? Was there a reason that the company was spending money on this project? What was the return that they were looking to get on it, if that makes sense?

Assoc. Brand Manager: It does make sense. There was no economic goal for the project. The primary indicators of success were, do players enjoy the story? Do they ... Are they inspired by the stories that we're telling? Things like that.

Helen Eisner: Why is it important to inspire players?

Assoc. Brand Manager: Oftentimes, it's really intangible, the idea that there are other human beings on the other side of the game that you're playing. You know, 5 v. 5 game, there's 10 people. By telling stories like this, we're actually illustrating that there are humans on the other side of that computer. Often times those humans are extraordinary and they're just like you. You have that shared language of League of Legends. It's pretty inspiring.

Scott Gast: Was there some sense this could be useful in keeping players happy? Keep them playing the game?

Assoc. Brand Manager: Yeah, I believe so. If players have a stronger sense of community, I think they're more likely to stay in that community.

Scott Gast: Okay. How were the subjects of these videos chosen?

Assoc. Brand Manager: You mean, the people that we ended up featuring in the videos?

Scott Gast: Yeah. The people, the stories, the subject matter.

Assoc. Brand Manager: We put out some feelers around the company asking have you heard of extraordinary stories and when we had a list of some names, started doing

some high level research into which of those were really compelling and we thought might be worth telling.

Scott Gast: Do you know how specifically the Polis, Representative Polis as a featured person in a video, how that got generated?

Assoc. Brand Manager: I don't recall specifically who had the idea originally.

Scott Gast: Do you recall the circumstances of how it came up? How it was brought to everyone's attention? What the initial discussions were?

Assoc. Brand Manager: How it was brought to the team, I don't recall. My recollection is, at some point the name, Congressman Polis, was brought to the table. We did some research, and I hadn't been around at Riot when he originally engaged with our community around the SOPA/PIPA time. We had gone through and read about his involvement and learned he was a gamer, which was awesome.

Helen Eisner: What conversations did people have about that previous involvement of his? His engagement with the community when you were trying to identify individuals for the Queuing Up series?

Assoc. Brand Manager: The conversations were largely, "Wow, isn't it cool a congressman plays League." Yeah.

Scott Gast: What were some of the discussions about why he would be an attractive choice for this project?

Assoc. Brand Manager: Most of the folks that we were going to want to feature were everyday people. I think at that point, our three or four that we had narrowed down were just members of the community who had cool jobs or cool stories. Congressman Polis was the one name on the list that people might have heard of prior, and that was a little appealing to us.

Scott Gast: Did anybody think it was a bad idea to use him as the subject of one of these videos?

Assoc. Brand Manager: Not that I recall.

Scott Gast: Nobody expressed any concerns about, are we sure we want to go this direction? Are we sure we want to do this?

Assoc. Brand Manager: Not that I recall. In the beginning, people were largely supportive of the idea.

Scott Gast: Anybody raise potential ethics issues that Representative Polis might have with appearing in a video?

Assoc. Brand Manager: Not that I recall.

Riot Games Associate Brand Manager

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Scott Gast: Okay. What discussions did you have before reaching out to see if he was interested in doing a video?

Assoc. Brand Manager: There actually weren't too many conversations prior to the initial reach out. Once we learned that there was a Congressman, he played League of Legends, and he had been involved in the community previously, it was the three checks we needed to have the initial reach out.

Scott Gast: What do you know about that initial reach out?

Assoc. Brand Manager: It was via email. It was to his office at the time and it was an initial feeler. You know, this is who we are at Riot, this is what we're trying to accomplish with this video series, do you think the Congressman would have any interest in being a part?

Scott Gast: What was said about what you were trying to accomplish? What was that piece of the message?

Assoc. Brand Manager: I don't recall exactly how it was communicated. It was largely ... Actually, I don't remember how it was communicated.

Scott Gast: Do you have a general sense of how this was explained?

Assoc. Brand Manager: We explained it as a video series featuring members of the community. I don't remember how we phrased it though.

Scott Gast: Do you recall any discussion about how the video would ultimately be used?

Assoc. Brand Manager: I don't recall.

Scott Gast: What was the reaction to that initial outreach?

Assoc. Brand Manager: I don't recall the immediate reaction. I know it was positive and there wasn't a lot of discussion back and forth about whether it was a good idea or not. It was initially, "Yes, we're interested." Then, I believe, we gave some more context.

Scott Gast: Okay. Do you ... Can you tell us what that additional context was?

Assoc. Brand Manager: I don't recall off the top of my head.

Scott Gast: Okay. Do you know if Representative Polis or any of the staff asked for any additional information?

Assoc. Brand Manager: I don't recall.

Scott Gast: What happened after you got this initial positive response?

Assoc. Brand Manager: Charlie and I went back to the drawing board and started thinking about what the story might be that we want to tell, so we formulated some key buckets of story beats, if you will, for how we thought illustrating this Congressman's story to our players would be most beneficial to the players.

Scott Gast: Can you tell us what those buckets were?

Assoc. Brand Manager: Off the top of my head, no.

Scott Gast: Do you recall generally what the ideas you came up with were?

Assoc. Brand Manager: In general, we wanted to highlight his role as a congressman and what that meant to a player who might not have a clear understanding. His involvement with the League of Legends community, and what that intersection of the two might have been.

Scott Gast: Okay. While you were back to the drawing board and thinking through these ideas, did you get any input from anyone? Representative Polis or anyone associated with him?

Assoc. Brand Manager: Did we get any input on those buckets?

Scott Gast: Mm-hmm (affirmative).

Assoc. Brand Manager: No.

Scott Gast: It appears that there was, shortly after the initial outreach, there was a phone call with Representative Polis as a pre-interview, to explore some ideas. Do you recall that?

Assoc. Brand Manager: I do not recall. No.

Scott Gast: Do you recall being on a call with Representative Polis?

Assoc. Brand Manager: I was not on a call with Representative Polis.

Scott Gast: Do you recall hearing from Riot Games Brand Manager or others who might have been on the call? Brian Hammers? What Representative Polis might have expressed?

Assoc. Brand Manager: I don't recall specifically.

Scott Gast: Generally, do you recall?

Assoc. Brand Manager: In general, the mood was fairly positive and like we're making good progress on being able to make the video.

Scott Gast: After that pre-interview, did any of these buckets, these topic ideas, were they selected? Were they discarded? Were others added?

Assoc. Brand Manager: From what I remember, the narrative or the story leads that we had actually remained fairly consistent over time. Maybe a few tweaks for the flow. The theme stayed ... Remained the same.

Scott Gast: What was that theme?

Assoc. Brand Manager: As I said earlier, featuring how his role as a congressman and his role as a member of the League community might intersect.

Scott Gast: All right. Do you know, did Representative Polis's office have any approval authority or sign-off authority for the video?

Assoc. Brand Manager: Not that I recall.

Scott Gast: You don't recall that they did, or you don't recall any discussion about that?

Assoc. Brand Manager: I actually don't recall any discussion around if they'd have the video before we launched it or if they would be able to see it even.

Scott Gast: Okay. Did you personally have any interactions with Representative Polis's office or staff?

Assoc. Brand Manager: I did some scheduling work via email, and that was it.

Scott Gast: Do you recall who you interacted with?

Assoc. Brand Manager: I believe it was Danielle.

Scott Gast: In those communications with Scheduler, did anybody ever raise concerns about potential ethics issues that needed to be looked at?

Assoc. Brand Manager: Not that I recall.

Scott Gast: Did she ever ask for additional information about a particular aspect of the video, aside from the logistics?

Assoc. Brand Manager: Not that I recall. The main discussion points were typically all based around logistics and making sure everyone was in the right place at the right time to actually shoot the video.

Scott Gast: No questions like, "What are you going to ask him? What is this going to be about?"

Assoc. Brand Manager: Earlier on, yes. We had established that there were going to be some general themes. I don't recall if the interview questions were shared with him directly or if they were shared with Danielle.

Scott Gast: You said earlier on we had discussed and came up with this. Who was that "we"?

Assoc. Brand Manager: Oh, myself, Charlie, Brian Hammers, at the time, and Kevin Chung.

Scott Gast: Anybody from the Polis side?

Assoc. Brand Manager: Oh, you mean in the involvement of ... In crafting the story beats?

Scott Gast: Yeah.

Assoc. Brand Manager: No.

Scott Gast: The questions that were going to be asked of Representative Polis, were there any discussions with the Polis team about...?

Assoc. Brand Manager: What questions we would be asking?

Scott Gast: Yeah.

Assoc. Brand Manager: They didn't ask us ... I don't recall if they asked us directly. I believe we offered to share the interview questions up front.

Scott Gast: Did they take you up on that offer?

Assoc. Brand Manager: I don't recall.

Scott Gast: Do you recall sending them any paperwork prior to the interview?

Assoc. Brand Manager: I personally don't recall.

Scott Gast: Besides Scheduler, did you work with anybody else in the office?

Assoc. Brand Manager: Not that I recall.

Scott Gast: Did you go to the Colorado shoot?

Assoc. Brand Manager: I did.

Scott Gast: Just give us a general sense of how that went.

Assoc. Brand Manager: It was super quick. We were in one night and out the next night. It was a day split in half. We used the first half to film Congressman Polis in his home, and the second half of the day was used shooting B-roll around the area.

Scott Gast: Okay. Was there an interview with Representative Polis as part of that filming?

Assoc. Brand Manager: Yes, there was.

Scott Gast: Who did that interview.

Assoc. Brand Manager: Brian Hammers.

Scott Gast: Were you there for that interview?

Assoc. Brand Manager: I was.

Scott Gast: Were there any concerns raised or questions that Representative Polis didn't want to answer? Anything like that?

Assoc. Brand Manager: No, in fact I remember afterwards thinking, "Wow, he was very open and candid."

Scott Gast: Did he suggest anything to ask or talk about?

Assoc. Brand Manager: I don't believe so. He was pretty well-led by Brian.

Scott Gast: Any issues or concerns brought up during the filming in Colorado? Problems?

Assoc. Brand Manager: Other than it being really windy outside, no.

Scott Gast: What about the filming in DC? Were you there for that?

Assoc. Brand Manager: I wasn't.

Scott Gast: Okay. What was your ... What was the report from the team that was there?

Assoc. Brand Manager: At this point, I actually phased out of the project largely. I had been transitioning over to my current role in creative development, so I was on a number of email chains and catch-up conversations, if you will, but pretty detached at this point.

Scott Gast: You were ignoring all that?

Assoc. Brand Manager: It wasn't my high priority anymore.

Scott Gast: That was shortly after the Colorado shooting? Is that ...

Assoc. Brand Manager: I think my transition began before the Colorado shoot and that was my last hurrah with going with them to Colorado.

Scott Gast: All right. At any point in this process, from the initiation of the idea of Representative Polis as a subject, through the times when you transitioned off, was there any discussion about this potentially being inappropriate from an advertising or commercial aspect? That perhaps Representative Polis, given his official position, couldn't participate in an overly commercial endeavor?

Assoc. Brand Manager: Not that I recall. In fact, I do recall having a conversation with Charlie at one point where we ... There was an assumption that if that sort of issue were to be a thing, we would have heard about it from his office and they would have voiced concerns.

Scott Gast: Do you recall when generally that conversation was in the process?

Assoc. Brand Manager: Fairly early on.

Scott Gast: Fairly early on? What do you recall about the concern that you were discussing?

Assoc. Brand Manager: Just broadly that there might be some issue with a congressman being in a video for League of Legends. In fact, the primary concern we thought about was, what if people who are represented by him learn he's a gamer and he's spending more time playing video games or something than being a congressman.

Scott Gast: Sure.

Assoc. Brand Manager: That never came up.

Scott Gast: Was there anything specifically about him endorsing League of Legends through this video? That that might be problematic?

Assoc. Brand Manager: Gosh, no, that never came up.

Scott Gast: Okay. After you transitioned off, did you maintain any kind of relationship with either Riot Games Brand Manager or... Did you keep your ear to the ground or keep up with the progress of the video? Or did you sign off?

Assoc. Brand Manager: I was on a number of email chains where my name had been attached for months already and no one ever took me off, but my involvement was fairly light at that point.

Scott Gast: Okay. Do you recall when the draft video was finalized? Did you get a copy of it? Were you able to look at the draft?

Assoc. Brand Manager: I saw some of the raw footage. Very, very early on right after they came back from DC. The next time I saw a packaged film, was the final product.

Scott Gast: Okay. Any conversations between your transition and that final product with anybody on the team?

Assoc. Brand Manager: Not that I recall. The ...

Scott Gast: Specifically about this video.

Assoc. Brand Manager: Right. There was a conversation we had about the series as a whole. A number of those because we were trying to figure out when it was best to launch, but not Congressman Polis in particular.

Scott Gast: Did you ever hear about any feedback from Representative Polis or his staff about the final product?

Assoc. Brand Manager: I didn't.

Scott Gast: Were you involved in the roll out of the video at all?

Assoc. Brand Manager: I wasn't.

Scott Gast: How were those videos supposed to be used? The Queuing Up projects?

Assoc. Brand Manager: They were supposed to be released to players on our YouTube channel, maybe even featured in our client. That's it.

Scott Gast: Social media?

Assoc. Brand Manager: Likely. We feature most of our videos we launch through a number of platforms like social media and our client.

Scott Gast: Were press releases sent out when the video was released?

Assoc. Brand Manager: I don't recall. We don't normally do press releases for videos like this.

Scott Gast: Were they ever used to tie in products, specific products, skins or...?

Assoc. Brand Manager: Were press releases ever used?

Scott Gast: I'm sorry, the Queuing Up videos.

Assoc. Brand Manager: Ah, no.

Scott Gast: Were they ever used for any advertising purposes?

Assoc. Brand Manager: Not that I know of.

Helen Eisner: What was the reaction to the video, to this particular video, when it was released?

Assoc. Brand Manager: Largely positive from what I remember. The community seemed to enjoy them.

Scott Gast: All right, I believe those are all the questions I had.

Helen Eisner: We got you through, so we will ... Unless there's anything else that you think we should know.

Assoc. Brand Manager: No, this was nice.

Exhibit 6

From: Branton, Brian <[REDACTED]>
Sent: Tuesday, October 29, 2013 1:55 PM
To: Charlie Hauser <[REDACTED]>
Cc: Oliveto, Danielle <[REDACTED]>
Subject: RE: Jared Polis human interest piece

Hey Charlie:

I am sure he would be thrilled to do this. I am looping in our scheduler, Danielle, who can help us find a time to set it up.

Brian
Brian Branton
Chief of Staff
Office of the Honorable Jared Polis
1433 Longworth House Office Building
Washington, DC 20515
[REDACTED] (office)
[REDACTED] (cell)
[Click here to visit Jared's website and sign up for his e-newsletter](#)



From: Charlie Hauser [mailto:[REDACTED]]
Sent: Monday, October 28, 2013 6:11 PM
To: Branton, Brian
Subject: Jared Polis human interest piece

Hi Brian,

My name is Charlie Hauser, and I work at Riot Games in Santa Monica, CA.

I'm contacting you to express our interest in producing and featuring a human interest piece on congressman Polis. Likely less than 10 minutes in total length, focused around a yet-to-be-determined inspiring element of his life and career.

A little background:

We're actively reaching out to exceptional individuals who play our lead title "League of Legends". We want to capture and share more positive, human stories of fun, talented, competitive and responsible individuals who also just happen to be part of our player base.

While doing a little unrelated research around CISPA, I came across a Reddit AMA the congressman lead 8 months ago in which he mentioned not only playing League, but mairning the champions Anivia and Maokai (much to the surprise and delight of the resident Redditors).

I'd love to set up a time to answer additional questions and – if you're interested – explore possible angles to focus on: his history as an entrepreneur, his battle for internet freedom, his philanthropic work or highlights of his political career. For your reference, feel free to take a look at this video to get a sense for the tone of storytelling we're focusing on: <http://vimeo.com/64723147>

My phone number is [REDACTED] – feel free to give me a ring or simply reply to this email address.

RG_0064
15-6333_0113

Very much looking forward to hearing from you.

Sincerely,
Charlie Hauser

Exhibit 7

**Representative Polis' Former Chief of Staff
Transcript of Interview
September 2, 2015**

Scott Gast: This is Scott Gast with the Office of Congressional Ethics, joined by my colleague Kelly Brewington. We're here with Representative Polis' Former Chief of Staff ("Chief of Staff"), accompanied by his attorney Dan Schwager. It is September 2nd, about noon. Chief of Staff has signed the 18 United States Code Section 1001 acknowledgement form and we will go ahead and begin the interview. We'd like to start with a little bit of background about your current position and your duties in that position.

Chief of Staff: I am the Director of Federal Government Affairs for Novo Nordisk, which means I lobby for them, US Congress.

Scott Gast: How long have you been in that position?

Chief of Staff: Not quite two years. Well, actually, it will be a year ... I started at the end of January of 2014 so what's that? A little bit over a year and a half, I guess.

Scott Gast: Generally, what are your duties in that position?

Chief of Staff: It's to lobby so it's to inform and educate public officials on the issues affecting our company.

Scott Gast: What did you do prior to joining Nova Nordisk?

Chief of Staff: I was Jared Polis' Chief of Staff.

Scott Gast: How long were you in that position?

Chief of Staff: I joined him when he was first elected in 2009.

Scott Gast: That was through, when was your last ... ?

Chief of Staff: January of 2014. I didn't take any time off between Jared and the start of the new job.

Scott Gast: Did you have a role in his campaign at all?

Chief of Staff: No.

Scott Gast: Okay. Generally, what were your duties in that Chief of Staff position?

Chief of Staff: Typically it would be to oversee and manage the DC office and make sure the staff were focused on Jared's agenda.

Scott Gast: Did that include overseeing a communications function?

Chief of Staff: Yes.

Scott Gast: Who were the communications people in the office during your time?

Chief of Staff: We had three separate press people. Laura Cottingham was our first, followed by Chris Fitzgerald, and then Scott Overland.

Scott Gast: Okay. How about Scheduler, did she have a communications role?

Chief of Staff: She was our scheduler, although she, to expand her role, would definitely ... We would take advantage of her talent and stuff so she would do more than just scheduling but she didn't have a formal role in any of it.

Scott Gast: Okay. I want to ask you generally about the office's, during your time with Representative Polis, the office's interaction with companies that would reach out to the office with requests for assistance or media, things like that.

Chief of Staff: Okay.

Scott Gast: What was the general approach when for-profit companies would reach out to the office with some kind of request?

Chief of Staff: Most of the requests were for meeting requests so ... For any company, we actually had a very open policy in meeting with companies, particularly if they were from Colorado or our district or our committees, were involved with the work that he did on committees. With his direct work.

Scott Gast: Who would make the decisions about how to respond to a particular request?

Chief of Staff: I would make the initial decision. Well, I shouldn't say it was just me, we weren't a very hierarchical office, that the LA that dealt with the issue a lot of times would recommend that we meet with someone. I would recommend that we would meet with someone, Jared himself would recommend that we meet with someone. It was an all-hands-on approach.

Scott Gast: Okay. When looking at those requests or responding to those requests, did the issue of whether responding to a request implies an endorsement of a for-profit company, were those kind of considerations ever a factor?

Chief of Staff: No.

Scott Gast: Okay. I'm going to ask you specifically now about Riot Games.

Chief of Staff: Okay.

Scott Gast: Did you have a relationship with Riot Games prior to joining Representative Polis?

Chief of Staff: No. I did not. I wasn't even aware of what Riot Games was.

Scott Gast: How did you become aware who that company was?

Chief of Staff: Quite honestly, I didn't even realize it was a company.

Scott Gast: How did you become aware of them as an entity?

Chief of Staff: When they emailed asking to do a documentary on Jared.

Scott Gast: Was the first contact you had with the company?

Chief of Staff: Me? Yes.

Scott Gast: Okay, how about the office? Were you aware of other contacts?

Chief of Staff: I was not aware of any other contacts.

Scott Gast: That was the first time Riot Games came to your attention?

Chief of Staff: To me, yes.

Scott Gast: Okay. What about Representative Polis' relationship with the company, do you know how that started?

Chief of Staff: No.

Scott Gast: The congressional office, how would you describe the relationship between the congressional staff and Riot Games?

Chief of Staff: I don't know of any relationship, or I was not aware of any relationship at the time.

Scott Gast: Were you aware of any case work requests?

Chief of Staff: I was not aware.

Scott Gast: How would those case work requests be handled?

Chief of Staff: Depending on ... The case work was all done out of the district office. Andy Schultheiss was our district director and he directly managed the case workers. Occasionally I would be aware of some case work that would go on but it would be case work where I would be contacted directly about it. The way our voice mail was set up, it would say, "If this is an emergency you can contact my Chief

of Staff," and it would give my cell phone number. Occasionally I would get phone calls in the middle of the night from somebody who had lost their passport and was leaving the next day or in two days. I would then direct those to the case workers in the district office.

Scott Gast: Did anyone at Riot Games ever reach out to you directly with regard to a case work matter?

Chief of Staff: No.

Scott Gast: Any immigration matters?

Chief of Staff: No.

Scott Gast: Passport/visa issues?

Chief of Staff: No.

Scott Gast: Were you ever made aware of requests from Riot Games regarding case work matters?

Chief of Staff: No.

Scott Gast: Aside from your interaction with Riot Games about this documentary...

Chief of Staff: Right.

Scott Gast: Did you have any other interactions with the company?

Chief of Staff: No.

Scott Gast: Who at the company have you had interactions with?

Chief of Staff: To be honest, I can't even tell you their name. Whomever ... When Dan first contacted me about this, I didn't even remember what Riot Games was and it wasn't until I saw that initial email again that I really remembered it. I don't remember the person's name.

Scott Gast: Was it just one person? Did you have other folks from Riot Games?

Chief of Staff: As far as I know it was just one person.

Scott Gast: Okay.

Chief of Staff: I only had contact with them in that first initial aspect.

Scott Gast: Okay. What about lobbying contacts? Are you aware of any lobbying contacts?

Chief of Staff: With Riot Games?

Scott Gast: With Riot Games.

Chief of Staff: No.

Scott Gast: On this SOPA and PIPA issues.

Chief of Staff: Yeah, I'm aware of SOPA and PIPA. If we had lobbying contacts with them, it went through our legislative aide who was handling the judiciary issues at the time.

Scott Gast: Okay. Who would that have been?

Chief of Staff: I don't want to give you the wrong answer.

Scott Gast: Just what you recall.

Chief of Staff: Yeah, I would have said it would probably have been Rafael [Re-Nair], he left to go to law school and I don't remember when he left and then who would have immediately taken those issues at the time. It could either have been him or Eve Lieberman, who's now the Chief of Staff, she was the LD at the time.

Scott Gast: Are you aware, specifically, of any interactions with the legislative staff and Riot Games?

Chief of Staff: No.

Scott Gast: Okay. What about interactions between Riot Games and Representative Polis?

Chief of Staff: Other than the interview? No.

Scott Gast: No lobbying contacts, discussions about-?

Chief of Staff: I'm not aware, I'm not saying they didn't happen, I'm just not aware of them.

Scott Gast: At some point, Representative Polis did a posting on one of the Riot Games League of Legends community message boards, are you aware of that posting?

Chief of Staff: No.

Scott Gast: I believe it related to the SOPA PIPA issues, does that help refresh your recollection?

Chief of Staff: No, I still wouldn't be aware that he did a posting of it, yes. I will say this, Jared posted on websites all the time. It was always a contentious issues with

whomever our press person was and Jared because they wanted to control the message more. For instance, he would go on Reddit and do an ask me anything.

Kelly Brewington: When he would do that, would he talk to the staff about it beforehand?

Chief of Staff: No.

Scott Gast: Did you have any discussions with Representative Polis about Riot Games? Aside from this documentary issue?

Chief of Staff: No.

Scott Gast: About positions that Riot Games was supporting?

Chief of Staff: No.

Scott Gast: Okay. What about meetings with Riot Games folks?

Chief of Staff: I don't recall if we ever had a meeting with Riot Games.

Scott Gast: Okay. How involved would you say you were with Representative Polis' congressional campaigns during your time with the congressman?

Chief of Staff: I was aware of what would go on with the campaigns and I would volunteer my time, as most Chiefs of Staff would do when it came close to the elections, would do stuff. I wasn't involved in a day-to-day basis with the campaign, he had a campaign manager that did that.

Scott Gast: To your knowledge, did the campaign have any contacts or interactions with Riot Games?

Chief of Staff: Not to my knowledge.

Scott Gast: Are you aware of any campaign contributions made by Riot Games?

Chief of Staff: No, but I'm also not aware really of any ... I could not tell you really of any direct contributions.

Scott Gast: All right, let's talk about this documentary specifically.

Chief of Staff: Okay.

Scott Gast: You had said you had no pre-existing relationship with Riot Games or their employees.

Chief of Staff: Right.

Scott Gast: How did this request to do this documentary come to your attention?

Chief of Staff: It was an email which I wouldn't have remembered except that I saw the email. It was an email that came to saying they wanted to do a special interest piece on Jared about him being a gamer.

Scott Gast: Was that the first contact you had?

Chief of Staff: With Riot Games? Yes.

Scott Gast: Nobody called ahead of time to say this is coming?

Chief of Staff: No.

Scott Gast: Okay, and if I tell you the email came from Riot Games Brand Manager?

Chief of Staff: That's, yeah.

Scott Gast: Does that ring a bell?

Chief of Staff: No.

Scott Gast: Okay. Did you know Riot Games Brand Manager before?

Chief of Staff: No.

Scott Gast: Do you know what Riot Games Brand Manager did or does at Riot Games?

Chief of Staff: No.

Scott Gast: Okay.

Dan Schwager: I'm sorry, are you asking about what he knew then or currently?

Scott Gast: Do you now recall what Riot Games Brand Manager's position was at Riot Games?

Chief of Staff: No and I can't even really say I know what it is now exactly.

Scott Gast: Okay. Do you have an idea of how he came to contact you?

Chief of Staff: Probably, I would get a lot of contacts directly because people would want to talk to the Chief of Staff.

Scott Gast: Okay. What was your understanding of the request that he was making?

Chief of Staff: That he wanted to make a documentary on Jared being a gamer. I shouldn't say it was exactly on Jared, he wanted to do a documentary of which Jared was going to be a part being a gamer.

Scott Gast: Okay. What was the video to be used for?

Chief of Staff: I do not know.

Scott Gast: Do you know why they were making those videos?

Chief of Staff: No.

Scott Gast: Did you have any discussion with anybody at Riot Games about the purpose of the videos?

Chief of Staff: No, no.

Scott Gast: Okay. Was there any discussion of using the videos for public relations, marketing, advertising?

Chief of Staff: No. My only exchange with them was in my email reply to them.

Scott Gast: Did you ever have a phone call with him?

Chief of Staff: No.

Scott Gast: Did you have ever have any other contact about the documentary with anybody at Riot Games?

Chief of Staff: No.

Scott Gast: Just that initial?

Chief of Staff: Just that initial.

Scott Gast: That initial email exchange?

Chief of Staff: Yeah.

Scott Gast: Okay. What was your expectation about how the video would be used?

Chief of Staff: I saw it purely as a documentary -- so Jared had been asked to do a number of documentaries since we'd been in office, particularly around him being LGBT so I saw this as another extension of a documentary. I guess the way it would be used, I guess, as an educative way.

Scott Gast: What was the education component?

Chief of Staff: I couldn't say.

Scott Gast: Did you discuss the topics that would be discussed?

Chief of Staff: No, no. As I said, I didn't have a phone call or anything with them. It was really, they emailed me and I emailed back and said, "I'm sure he would be interested." Then I didn't deal with it again.

Scott Gast: Why did you say that you were sure that he would be interested?

Chief of Staff: Jared loved talking about him being a gamer.

Scott Gast: Okay. Did you have any conversations with the congressman about the request?

Chief of Staff: Not that I recall.

Scott Gast: Would you have spoken to him prior to responding to the request?

Dan Schwager: I'm sorry, him being?

Scott Gast: The congressman.

Chief of Staff: Would I have responded to him on this specific one? I don't know. Sometimes I would and sometimes I didn't. If it was a, what I considered, an open/shut thing, no. If I knew he would definitely want to do something, no. If I felt like I need to ask him whether he wanted to do it than yes. I don't recall having a conversation with him about this one. To me this would be something that he would be interested in doing.

Scott Gast: This would fall in the more open and shut side of the, versus unclear?

Chief of Staff: In my opinion, yes.

Scott Gast: Okay. There was some discussion in the initial email from Riot Games Brand Manager to you about this being a series of emails focusing on exceptional individuals who play League of Legends, does that sound familiar to you?

Dan Schwager: Being a series of?

Scott Gast: Exceptional individuals.

Dan Schwager: A series of what, I thought he said a series of emails.

Scott Gast: A series of videos about exceptional individuals.

Chief of Staff: I guess so, I would have to look at the email again to really ...

Scott Gast: I can give you a copy.

Chief of Staff: Okay.

Scott Gast: I think it was the first email at the end of the page.

Chief of Staff: Okay.

Scott Gast: For the record it's RG245.

Chief of Staff: Okay.

Scott Gast: Does that look like the email you received?

Chief of Staff: Yes.

Scott Gast: Having a look at that, it's discussed as a human interest piece on congressman Polis and then under a little background it says, "We're actively reaching out to exceptional individuals who play our lead title, League of Legends," did you have any discussion about who those other exceptional individuals were?

Chief of Staff: No.

Scott Gast: Do you know who?

Chief of Staff: This was the only conversation I ever had with them. As you see, it's very brief.

Scott Gast: Okay. After receiving this request, what did you do?

Chief of Staff: Nothing. I mean, I passed it on to our scheduler to handle the logistics of it. Then, in my opinion, it was out of my hands.

Scott Gast: Did you have any discussions with the scheduler when you passed it on to her?

Chief of Staff: No. Not that I recall.

Scott Gast: That would have been Scheduler?

Chief of Staff: Yes.

Scott Gast: Did you give her any direction to act as a point person on the project?

Chief of Staff: We were without a press person at the time so if we had had a press person at the time, the logistical stuff would probably have gone through that press person at the time but since we didn't have one and Danielle was the scheduler, she would have been the more direct contact.

Scott Gast: Okay. Who, so we get the timeline straight, who had left as the communications person?

Chief of Staff: Chris Fitzgerald.

Scott Gast: Okay and when did he leave?

Chief of Staff: A little bit earlier. I can't remember exactly when his last day was but there was a little bit of a gap because that's the summer furloughs and the government's shut down.

Scott Gast: Who succeeded Chris?

Chief of Staff: Scott Overland.

Scott Gast: Do you recall when he started?

Chief of Staff: I can't give you the exact date but it was sometime around Christmas, it was right when I was leaving. It was towards the end of when I was leaving.

Scott Gast: Okay. When you passed the request on to Scheduler, were there any parameters put on the video or ... ?

Chief of Staff: No.

Scott Gast: Said go ahead and run with this?

Chief of Staff: Right.

Scott Gast: Do you recall any conversations with the congressman?

Chief of Staff: No.

Scott Gast: Any conversations after you handed it off?

Chief of Staff: With the congressman?

Scott Gast: Yes.

Chief of Staff: No.

Scott Gast: Maybe after filming?

Chief of Staff: Not that I recall. Not with the congressman, no.

Scott Gast: Okay. Where there any discussions about potential ethical issues?

Chief of Staff: No.

Scott Gast: Did anyone reach out to the committee on ethics regarding this?

Chief of Staff: Not that I'm aware of.

Kelly Brewington: Did you follow up with Scheduler or anybody else on the staff about it afterward?

Chief of Staff: No. My only knowledge of ... And this is the biggest thing that sticks out, is an email exchange I had with Jared's mom who was upset about the scheduling. The logistical, it was being filmed at his house. That's really the only way this stuck out in my mind.

Scott Gast: Is his mother's name Susan?

Chief of Staff: Yes.

Scott Gast: Okay. Who else in the congressional office, besides Scheduler, that you're aware of, was involved with the documentary project?

Chief of Staff: I don't recall. I don't know if he went ... I don't think anyone staffed him for the interviews so I don't know.

Scott Gast: It looks like there was a November 7th, 2013 call shortly after this October 28th email, between Representative Polis and Riot Games. Does that sound familiar?

Chief of Staff: Yes. I mean only for the fact that you're mentioning it, I wouldn't know that.

Scott Gast: Did you participate in the call?

Chief of Staff: No.

Scott Gast: Do you know if anyone staffed the call?

Chief of Staff: Not that I'm aware of.

Dan Schwager: Let me just explain what we mean by staffing, what are you referring to as staffing the call?

Scott Gast: Did anybody join him on the call?

Chief of Staff: Not that I'm aware of.

Scott Gast: Did anybody prepare any materials for him in advance of the call?

Chief of Staff: I was not aware of it. I've seen a memo since that Danielle had prepared for him, yes. I wasn't aware of that at the time.

Scott Gast: Did Representative Polis report back to you about the conversation?

Chief of Staff: No.

Scott Gast: Okay. I'm going to ask you then, it looks like after that November call there was filming in Colorado at the congressman's home, December 15th in that area. What was your role with respect to setting that up and having that [crosstalk]?

Chief of Staff: Zero. Again, my only role was that initial email and it was passed off to others for the logistical side of it.

Scott Gast: Do you know who in the congressional office was involved?

Chief of Staff: Well Danielle would have set up, as the scheduler, would have set up the timing of it. I don't recall if anyone was present at the actual filming. I don't think there were since it was at his house.

Scott Gast: Okay. Did you have any discussions with anybody at Riot Games-

Chief of Staff: No.

Scott Gast: -Anybody in the congressional office or Representative Polis about what was going to be discussed?

Chief of Staff: No.

Scott Gast: Okay. To your awareness, was the video scripted in any way?

Chief of Staff: I couldn't tell you anything about the video.

Scott Gast: Okay. I understand you left shortly after that.

Chief of Staff: Yes.

Scott Gast: Was your understanding at the, the origination of this video, that the congressional office... would the congressman have authority to approve the final product?

Chief of Staff: I could not say.

Scott Gast: Were there any discussion about how it would be distributed or used?

Chief of Staff: No. You mean, discussions with me?

Scott Gast: Yes.

Chief of Staff: Yes, no. I seriously had zero discussions about how this would be filmed or anything. Which I know is not very helpful for you.

Scott Gast: You know what you know. Again, any discussions about how the office would use the video?

Chief of Staff: No.

Scott Gast: Have you had any conversations with anyone at Riot Games since the video was released?

Chief of Staff: No.

Scott Gast: Have you had any conversations with current or former congressional staff since the video was released? About the video?

Chief of Staff: No.

Scott Gast: Are you aware whether Riot Games was happy, pleased?

Chief of Staff: I could not say. I do not know.

Scott Gast: Okay. How often would you say the congressional office gets requests like that for the congressman to participate in those kinds of things?

Chief of Staff: Documentary requests? I felt like it was a pretty regular thing. I cannot give you specifics. Even from the first day that we started, Jared was asked by CNN to participate in a, what I would call a documentary, called "The Freshman Year," it was him and congressman Chaffetz because Jared stood out from other members of congress. He was the youngest at the time, he was the first openly gay man elected as a freshman and he was one of the richest. We got lots of requests like that.

Scott Gast: Did the fact that this was a documentary being put together by a for-profit company, was that a factor that was considered versus somebody like CNN, a media outlet?

Chief of Staff: No.

Scott Gast: I believe those are all the questions I have for you about the video.

Chief of Staff: Okay.

Scott Gast: I have a couple of more questions about this clothing company called Ninox.

Chief of Staff: This I know nothing about.

Scott Gast: Are you familiar with that company at all?

Chief of Staff: No.

Scott Gast: Did you have any relationship with the company?

Chief of Staff: No.

Scott Gast: While you were with Representative Polis' office?

Chief of Staff: Yes, yes it's only for the fact that Dan brought to my attention. I don't know this company nor did I ever have a dealing with them. I believe this all happened after I left.

Dan Schwager: Can I just clarify the record, I think this is one good reason to let Scott Gast finish his questions.

Chief of Staff: I'm sorry, I'm sorry, I'm sorry!

Dan Schwager: I think when Scott was saying, "Did you have any relationship with them," you said, "Yes, yes." It sounded to me like you were acknowledging the question that Scott was asking but the record might make that appear that you were saying yes.

Chief of Staff: Let me clarify. I'm sorry for interrupting.

Scott Gast: While you were employed with Representative Polis, did you have any relationship with the Ninox clothing company?

Chief of Staff: No.

Scott Gast: Let me just ask you any contacts with a woman named Linda Casals?

Chief of Staff: No.

Scott Gast: What about Allie Thielens?

Chief of Staff: No.

Scott Gast: Okay. I believe those are all the questions we have for you.

Chief of Staff: Okay, hopefully this was helpful for you.

Scott Gast: Yes, I appreciate you sharing this with us.

Dan Schwager: Can I just add, if it's okay?

Scott Gast: Yes.

Dan Schwager: You were asking about constituent service requests and whether Chief of Staff had ever been involved and I think we had talked about how our search only went back to the beginning of 2012, I don't think we dealt with that. I want to clarify that you're asking that as recollection now of whether he's involved with it, we don't know if there might be some documents early on that he was cc'd on or even sent. As he said, he didn't remember the Riot Games thing until he was refreshed. He answers very clearly that he has never had contact but I think the lawyerly disclaimer is helpful.

Chief of Staff: If there's stuff that I was cc'd on, I wasn't dealing with them directly. Once I got this email and passed it on, in my mind it was off my plate and onto someone else's.

Scott Gast: Just to clarify, you do not recall any updates from either Scheduler or other congressional staff?

Chief of Staff: No.

Scott Gast: No conversations with Representative Polis about how it went or how it's coming along?

Chief of Staff: No.

Kelly Brewington: Okay.

Chief of Staff: Great.

Kelly Brewington: Thank you.

Exhibit 8

**Representative Polis' Former Scheduler
Transcript of Interview
September 3, 2015**

Scott Gast: This is Scott Gast with the Office of Congressional Ethics, joined by my colleague Nate Wright. It's September 3rd, 2015 and we're here with Representative Polis' Former Scheduler ("Scheduler"), who is accompanied by her attorney, Dan Schwager. Scheduler has signed the 18 United States Code Section 1001 acknowledgement form. We'll go ahead and get started.

Just to get a little bit of background, if you could tell us your current employment situation.

Scheduler: Sure. I live in San Francisco. I work for an organization called Leadership for a Clean Economy. We work to recruit and support clean tech climate champions. Our organization is coupled with a gentleman named Nick Josefowitz who ran and was elected to the BART Board of Transportation. My role is split between both of those organizations as director of operations. I do transportation stuff on one side and then candidate fundraising and climate policy stuff on the other side.

Scott Gast: How long have you been in that position?

Scheduler: Since February of 2015.

Scott Gast: Prior to that, what was your employment?

Scheduler: I was on the campaign, Jared Polis for Congress, on the campaign side from June, late June of 2014 until December of 2014.

Scott Gast: What was your position?

Scheduler: Campaign manager.

Scott Gast: Generally, your duties in that position?

Scheduler: Just making sure our field program was running smoothly, events were on the calendar, messaging, paid media, all of that.

Scott Gast: Prior to working for the campaign?

Scheduler: I was in the official office of Congressman Jared Polis from January 2009 until June, middle of June 2014.

Scott Gast: That's when you left the official office to go the campaign?

Scheduler: Yes.

Scott Gast: Did you work on Representative Polis' initial campaign?

Scheduler: I did. I worked on his first primary campaign starting in May of 2008, right when I graduated college, and then went on as the volunteer coordinator for the Obama campaign during the general election of 2008.

Dan Schwager: Take an extra beat before the end of Scott's questions so that ...

Scheduler: Sure.

Dan Schwager: Make sure we hear everything he wants to put in his question.

Scott Gast: Can you tell us a little bit about your duties when you were with Representative Polis?

Scheduler: In the official office?

Scott Gast: In the official office, yes.

Scheduler: I started out as a staff assistant, so I did normal staff assistant duties, tour coordinator, facilitating meetings that came into the office, answering the phone, all of that. In October and November of 2009, I switched over to the scheduler role. I was scheduler/executive assistant for the next four plus years. Then at the end of my tenure, I still did scheduling and I worked on all of our social media in the office, too.

Scott Gast: Do you have a rough time frame when you added that social media component?

Scheduler: I roughly started helping out on social media, I would say, in 2012 or 2013, and then really took it over for the end of 2013 into 2014.

Scott Gast: I want to ask you about Riot Games, the company. Are you familiar with that company?

Scheduler: I am.

Scott Gast: How did you become familiar with Riot Games?

Scheduler: Before working for the congressman, I actually had played League of Legends once before, and then had become familiar because knowing that Jared was a player of League of Legends. That's how I initially became familiar with Riot Games.

Scott Gast: Can you give me just a little more... expand on how that came to be and ...

Scheduler: Sure. In the official capacity, during the SOPA-PIPA debate, Jared was really active on the League of Legends blogs, just informing people of what was going on with SOPA and PIPA, and I became more aware of it then.

Scott Gast: When you say he was active on blogs, was that League of Legends blogs or more general?

Scheduler: I mean active on all blogs, all sorts of different things, commenting as Jared Polis and making sure people were aware of what was happening with SOPA, all sorts of blogs.

Scott Gast: During that time, did you have interaction with Riot Games as part of that?

Scheduler: No.

Scott Gast: Did the office, the congressional office?

Scheduler: No.

Scott Gast: What about Representative Polis?

Scheduler: Jared did on his own. We all found out through Google Alerts.

Scott Gast: What was that interaction that he had on his own?

Scheduler: Just commenting on people's different posts on different blogs and answering questions and telling people, giving out his gamer handle for people to play with him, just things like that.

Scott Gast: Were there any meetings scheduled with Riot Games folks during that time?

Scheduler: No, not that I'm aware of.

Scott Gast: Can you just generally talk about Representative Polis' relationship with Riot Games?

Scheduler: I don't think he had a previous relationship with Riot Games. He just played. It was just something that he did in his spare time when he was back home in Colorado, and I was unaware of him knowing any individual at Riot Games during the SOPA-PIPA debate.

Scott Gast: Did that relationship at some point change?

Scheduler: It wasn't until we received the request for the documentary. That was my first interaction and, I believe, Jared's first interaction with Riot.

Scott Gast: Who at Riot Games have there been interactions with in the congressional office?

Scheduler: With me, it was Charlie Hauser, and then I believe they had an independent video team, production team. That's the only interactions I know of with me and with Jared. If there were other people on their video team, I didn't know them or meet them.

Scott Gast: How about at the executive/management level, did Jared have relationships with any of the executives?

Scheduler: Not that I know.

Scott Gast: Are you familiar with casework matters that the congressional office assisted the Riot Games folks with?

Scheduler: No.

Scott Gast: How about when you were involved with the campaign at any time – did Riot Games, Riot Games officials and executives ...

Scheduler: No. The only time during the campaign was when I received an email to my Gmail following up about the video, about the documentary. That's the only time I ever interacted with them during the campaign. That was just because my Gmail was on my out-of-office when I left the congressional. They just reached out trying to figure out who is the best person to get in contact with.

Dan Schwager: Can I just ...

Scheduler: Absolutely.

Dan Schwager: I just want to clarify. You said the only time in the campaign was with your Gmail.

Scheduler: Yeah. It was just during when I was campaign manager.

Dan Schwager: Are you suggesting that your Gmail was ... Was that a campaign-specific email ...

Scheduler: No, absolutely not. I had a separate campaign email.

Dan Schwager: To clarify.

Scheduler: It was just to my personal Gmail because that was my out-of-office reply for the congressional office if you absolutely needed me.

Scott Gast: Aside from that contact while you were working at the campaign, any relationship between the campaign and Riot Games?

Scheduler: No.

Scott Gast: No campaign contributions for employees that ...

Scheduler: Not that I know of.

Scott Gast: I want to talk to you specifically about that video request.

Scheduler: Sure.

Scott Gast: How did that come to your attention?

Scheduler: The actual email was an email to Brian Branton and Brian had replied and CC'd me on it, saying that he thought Jared would love to do this documentary, and then Danielle would set it up and I would handle the logistics.

Scott Gast: That initial email, do you know what prompted that initial email from Riot Games?

Scheduler: I don't.

Scott Gast: Did you have any conversations with Riot Games prior to that email?

Scheduler: I did not. Not that I recall.

Scott Gast: When Chief of Staff, who I understand was the chief of staff at the time, is that correct?

Scheduler: Mm-hmm (affirmative).

Scott Gast: Is that a yes?

Scheduler: Yeah. Yes.

Scott Gast: When he forwarded or copied you on that email, what conversations did you have with him?

Scheduler: I don't recall having a conversation about it. To me it was him saying Jared would love to do this, so Danielle moved forward on it.

Scott Gast: Once you got that email and you were copied, what was the next thing that you did?

Scheduler: I believe I replied back to Charlie asking about specific dates and logistics.

Scott Gast: Were there any discussions about whether or not to agree to do the interview?

Scheduler: Not that I can recall. I honestly don't remember. I think it was, "This is exciting, League of Legends. Let's go ahead."

Scott Gast: Let me ask you this. Did you have any conversations with Representative Polis about the request from Riot Games?

Scheduler: Not that I recall.

Scott Gast: When you were copied on the initial email response from Chief of Staff, you took that to be an acceptance of the request?

Scheduler: I did. I'm sure that there was probably ... I honestly don't remember, but I'm sure that it's, "Hey, Jared. League of Legends reached out about doing a documentary about you. This is exciting," but I honestly don't recall the conversation.

Scott Gast: When you say you think that that was what may have happened, would that have been you that have been in that conversation?

Scheduler: There were times in the office with scheduling requests that I would bring them to Jared and say, is this something you're interested in doing or this is exciting, let's do it. That happened pretty regularly, but in this exact situation, I don't recall.

Scott Gast: Who would you say made the decision to accept the request to do the project?

Scheduler: I would say that'll probably be Brian.

Scott Gast: Chief of Staff. We understand, I think from talking to Chief of Staff, at this time, there was a vacancy in the press/communications position.

Scheduler: There was. Yes.

Scott Gast: Did you fill that ...

Scheduler: I did not. It was Brian. To be honest, Brian did not enjoy doing press and we were still looking for someone. It was something that we all had to help out with. My role is still mostly just doing the logistics with figuring out the schedule and doing all of that, and just helping out if Brian needed me to, but I never did any press inquiries or anything like that while we were in between. I was just doing social media.

Scott Gast: Would you say you were the point person for this project?

Scheduler: I guess, because of the logistics side of it, right? I was just the one that was there to coordinate the film times and make sure that all the pieces were put together.

Scott Gast: Who else in the congressional office was involved at any point with the project?

Scheduler: You'd have Scott Overland, who was there when we did the filming, and then Brian and I.

Scott Gast: Anyone else?

Scheduler: Not that I can recall.

Scott Gast: When the request came in and you got the forwarded copy from Chief of Staff, what was your understanding of what the request was?

Scheduler: Based on... a human interest piece documentary about the congressman and his life and why he played League of Legends and to talk a little bit about the advocacy around how he worked during the SOPA-PIPA debates and why that was so important to League of Legends players.

Scott Gast: Did you have any conversations with anyone at Riot Games about the request, the substance of the request, what they ...

Scheduler: Just that they wanted to talk to Jared about his past and how he got to where he was and how he became a successful entrepreneur and a congressman, and then why he liked playing League of Legends, and then, again, the advocacy around SOPA, and why it was so important that we stopped that in Congress.

Scott Gast: Why were they doing that video?

Scheduler: From my understanding, it was just a human interest piece. They said they were doing a series of documentaries about different people who played the game.

Scott Gast: Do you know who any of those other folks were?

Scheduler: I don't.

Scott Gast: Did they talk about what the video was going to be used for? How it would be used ...

Scheduler: They did not.

Scott Gast: Was there any discussion about using it for marketing or public relations or even advertising?

Scheduler: Not that I recall, no.

Scott Gast: Was there a discussion about how the congressional office would use the video?

Scheduler: No. We got requests for documentaries and press inquiries like this frequently and it was something that oftentimes we would never see what the outcome was. You would see press interviews or interview documentaries or things like that. Sometimes we, occasionally, depending upon what it was, like an interview on CNN, or I think Jared was featured in Fed Up, a documentary, we would watch them, but we never really do anything with them.

Scott Gast: What was this Fed Up documentary?

Scheduler: It's about food.

Scott Gast: Do you know who was behind that one?

Scheduler: No. I actually think it's just a clip of Jared on the House floor talking about healthy school meals.

Scott Gast: Do you have any other examples of these kinds of requests, these documentary requests that came in?

Scheduler: No. I'm sure I could think about it a little harder.

Scott Gast: Did anybody discuss any ethical issues around the project?

Scheduler: Not that I remember.

Scott Gast: Reach out to the Ethics Committee for any guidance or answers?

Scheduler: No.

Scott Gast: Who was your main point of contact at Riot Games?

Scheduler: I just worked with Charlie via email.

Scott Gast: I understand based on looking through some of the documents that we've gotten that shortly after that initial request came in, you scheduled a call between Riot Games and Congressman Polis.

Scheduler: Yes.

Scott Gast: Did you have any discussions with Representative Polis either before or after that call?

Scheduler: No, not that I remember. As my recollection goes, the call was just a prep call for them to discuss what the questions were going to be and the topics.

Scott Gast: Did anyone staff that call?

Scheduler: No. Not that I recall. I think Jared was actually in the car at the time.

Scott Gast: Do you know who from Riot Games participated in the call?

Scheduler: All that I knew was that it was going to be Charlie on the phone. I'm not sure if there were any other people.

Scott Gast: You said it was to discuss the questions to be asked and the topics.

Scheduler: Mm-hmm (affirmative).

Scott Gast: Did you at some point learn what was discussed?

Scheduler: No, but I did recently see the memo that I prepared and I took that from the original request that it was going to be about the questions that were going to be asked around Jared's life and the SOPA and PIPA stuff that was going on that sort of led to this initial request.

Scott Gast: Did you have a sense in talking to Riot Games what they wanted to talk about?

Scheduler: No. No. Just from their original email, I only emailed with them.

Scott Gast: They didn't come to you with any specific topics?

Scheduler: No. The only time they came to me was after they did the filming asking for some photos from Jared's childhood.

Scott Gast: Let me jump ahead to the filmmaking in Colorado. Who on the congressional staff staffed the congressman during that?

Scheduler: In Colorado?

Scott Gast: Colorado.

Scheduler: No one.

Scott Gast: No one? He did it on his own?

Scheduler: He did it on his own.

Scott Gast: Do you know if the video was scripted in any way?

Scheduler: I don't. I knew that they had requested a time block from me that they needed and I had scheduled a certain time. It was on a day off and so I had said we shouldn't do it. Then Jared just took the reins and said we can just do this, it's fine, it won't take very long.

Scott Gast: Did you or anyone in the congressional office prepared talking points or background?

Scheduler: I did not and I don't know if anyone else did.

Nate Wright: Can I just ask you to clarify? You had said, "We shouldn't do this." What ...

Scheduler: I mean it was a day off. It wasn't that we shouldn't do the actual documentary interview. It was that this was a day off for Jared, so maybe we should try to reschedule to another day. Scheduling in the district is always very tricky.

Scott Gast: Shouldn't do this on this day?

Scheduler: Specific day, yes. Thank you.

Scott Gast: Was there an interview conducted in the Colorado part of the shooting?

Scheduler: I have no idea. I have never seen the video.

Scott Gast: Did you have any follow-up conversations with the congressman afterwards?

Scheduler: I did not have any, not that I recall. Maybe there was like how did the filming go, it went great, but I didn't have any that I can recall like in-depth conversations with Jared.

Scott Gast: No reaction from him about how it went or whether he was happy, unhappy?

Scheduler: Not that I remember.

Scott Gast: Let's jump into the filming in DC. What do you recall about that?

Scheduler: I recall that we scheduled a time for them to come to the office. They also wanted to do some B-roll just like on the congressional grounds. I think we suggested the lawn and back of Longworth or something, and just to come in and see what a day was like for Jared. We scheduled, I don't know, like a two-hour block of time to come into the office. Then they came into the office.

Scott Gast: Was there an interview conducted in this part of filming?

Scheduler: I believe so. I wasn't in the interview.

Scott Gast: Who was in the interview?

Scheduler: I believe it was Scott. There's a chance no one was in there. Jared is very self-sufficient.

Scott Gast: You were not ...

Scheduler: I was not.

Scott Gast: ... staffing him during the filming. Were you aware of what subjects were discussed, what questions?

Scheduler: I wasn't.

Scott Gast: Did you have a conversation with the congressman after the filming in DC?

Scheduler: No. I think, generally speaking, I would have probably come in and said, you need to move on to your next thing.

Scott Gast: No talk about the substance of how it went?

Scheduler: Probably just like, "Hey, how'd it go? Great. You've got a meeting over here." I'm really good at moving him from place to place.

Scott Gast: Sure. Then I think you had mentioned that you got an email at some point asking for photographs.

Scheduler: Yes.

Scott Gast: Can you just tell us briefly about how that ...

Scheduler: Just asking for, I believe it was, just photos from when Jared was younger and then some old-school video game he had mentioned he had played. They wanted like a screenshot of that, which I think I had forwarded to Jared asking him for. Then the photos, I had a couple of them just from doing different social media stuff. I asked Jared's mom if she was okay with me sending them over.

Scott Gast: Was there any other follow-up other than that photograph discussion?

Scheduler: No. Not until July when they reached out to my personal email.

Scott Gast: When they would, when the Riot Games folks would have questions like the photographs, would they reach out to you? Would they reach out to Scott?

Scheduler: They would reach out to me because I think Scott had just started, and then I believe I had CC'd him on some email regarding it. I don't know. We were trying to move all of the things that regarded press and press inquiries to Scott, but there's a lot of things to do.

Dan Schwager: [inaudible]

Scheduler: Sorry.

Scott Gast: Was there any discussion at any point with Riot Games about whether you would have the ability to approve a final video?

Scheduler: No.

Scott Gast: There was no discussion about that?

Scheduler: They sent over an NDA in July and I just referred them to Scott and CC'd Scott, saying that Scott is in the congressional office, I don't deal with this, and that that was not my purview.

Scott Gast: Just to clarify that, while you were still in the congressional office, at any point in your interactions with Riot Games, did you discuss the final video?

Scheduler: No, not that I recall.

Scott Gast: Did you discuss how it would be rolled out and distributed?

Scheduler: No.

Scott Gast: What about Riot Games' feedback about the video? Did you ever get feedback from them about what they thought?

Scheduler: No.

Scott Gast: You said then in July, I guess, 2014 Riot Games reached out to you with a draft version, correct?

Scheduler: Not of the video, no.

Scott Gast: What was that?

Scheduler: They said that the video was ready to go and that they had attached an NDA and were asking about final steps to get it done and about a timeline. That's when I replied back and CC'd Scott and sent it over to the congressional office.

Scott Gast: Were you involved in any of those discussions?

Scheduler: I was not.

Scott Gast: Were there any discussions about the timing of the release of the ...

Scheduler: There was an initial question from Charlie in his email to me about when they should release it, and I was uncertain of that. I had forwarded it on to Lisa at the time asking if she had an opinion. Then we never heard back from Lisa on that and I just dropped it, because it wasn't really my concern. We were in the middle of a campaign.

Scott Gast: Who is Lisa?

Scheduler: Lisa Kaufmann is the congressman's chief of staff, before that, political director. She split. I think she's still split, I'm not sure, between political and Congress.

Scott Gast: At the time, she was in both positions also?

Scheduler: I believe so.

Scott Gast: Is she based in Colorado or ...

Scheduler: She's based in Colorado.

Scott Gast: Do you know whether there was any discussion within the office about timing of the release of the video?

Scheduler: No.

Scott Gast: Do you know, was any decision to hold off on release until after the campaign?

Scheduler: No.

Scott Gast: Did the campaign make any use of any footage from the shoot or ...

Scheduler: No. Again, I have never seen the video.

Scott Gast: Just to clarify, who initiated the discussion about the timing?

Scheduler: Charlie.

Scott Gast: Riot Games Brand Manager brought that up?

Scheduler: Mm-hmm (affirmative).

Scott Gast: You were not involved in the roll-out or distribution?

Scheduler: Not at all.

Scott Gast: I think those are may be all the questions I have about the video.

Nate Wright: I did have a couple questions.

Scheduler: Sure.

Nate Wright: Was there any discussion about treating this request for the film different from normal media inquiries?

Scheduler: No, absolutely not. This was just a normal press inquiry to me, at least, talking with ... Now seeing everything going over this, I was telling Dan, we called ethics about a number of different things, but press inquiries, they were usually just press inquiries, right? This was just a normal press inquiry, dealt with an issue that was related to what the congressman was working on, which was SOPA. It's something that was of interest for us to do to highlight the advocacy that he did during that time.

Nate Wright: Did they provide or did you look at any examples of other efforts that they had done?

Scheduler: I believe from the documents I saw a couple weeks ago, there was a link to a video, but I don't remember looking at it and I can't tell you what it was about.

Nate Wright: Do you remember any discussions about how Riot Games intended to distribute it? Would it be online? Would it be ...

Scheduler: I assumed it would be online as they are an Internet gaming company, but, no, there weren't.

Nate Wright: You had mentioned that you thought that they had used an independent video production team.

Scheduler: I think so. I just recalled them saying that they were going to have to because they were traveling, that they're going to have to rent something. I honestly don't recall. I don't think that Riot Games had their own video production team, to my recollection.

Nate Wright: Knowing that they may not have their own video production team, did that raise any questions to you about maybe this is different from a normal media inquiry?

Scheduler: No. I feel a lot of people probably use independent production companies if they're traveling. There's a chance that they have their own production company in San Francisco. Maybe they just didn't want to bring them out. I have no idea.

Scott Gast: I just want to follow up on one of Nate's questions. You said this was just treated as a normal press inquiry. Did the fact that this wasn't a traditional media outlet, like a newspaper or a television network, factor into your thinking at all?

Scheduler: No, not at the time.

Scott Gast: When you got requests like that, even requests to maybe do a video for some company's annual conference or something, how were those treated?

Scheduler: Are you talking in reference like a welcome note from the congressman?

Scott Gast: Right.

Scheduler: We usually did those, especially if they were related to an issue that Jared was passionate about. We would normally do those, either we would film them on an iPhone or we could go to the congressional recording studio where they would send someone to film it with a video camera. We did those frequently.

Scott Gast: What was the approval process when those requests came in?

Scheduler: With our office, usually, we would go through our press person and then if it was decided to do it, if they, Jared and the press person, talked it over and they decided to do it, then it would go to me to set up for the logistics. A lot of times, scheduling requests like a meeting coming in from an advocacy organization would also say, "Can we film a clip like a two-minute clip of Jared?" I would say just, "Sure, no problem," so dependent on the situation, but it was either Jared and our press person or Brian and me that filtered it all through.

Scott Gast: Do you recall at any time there being a discussion about a request being overly commercial or too tied to a specific product?

Scheduler: No.

Scott Gast: That wasn't a concern that ever arose with a request?

Scheduler: Not that I recall.

Scott Gast: I want to ask you briefly about the NINOX clothing company.

Scheduler: I was completely unaware of this until two weeks ago when I spoke with Dan.

Scott Gast: When you were with the congressman, do you recall any interactions with that company?

Scheduler: No. I've never heard of them.

Scott Gast: What about Linda Casals?

Scheduler: No.

Scott Gast: Allie Thielens?

Scheduler: No. Not until two weeks ago, or whatever, we spoke.

Scott Gast: All right. I believe those are all the questions we have.

Scheduler: That's it?

Dan Schwager: Before we wrap up, if it's okay, I'd like to speak with Scheduler out in the hall.

Scott Gast: Absolutely. We'll pause the recording.

[Break]

Scott Gast: Back on the record with Scheduler. Again, Scott Gast, Nate Wright, and Dan Schwager.

Scheduler: Got it. To clarify, you asked if I knew anything about contributions and I just wanted to be clear that I know now, because of what I learned two weeks ago, but at the time, I didn't know about any sort of contributions from Riot Games employees.

Scott Gast: Campaign contributions from Riot Games employees?

Scheduler: Right. Mm-hmm. (Affirmative), yeah.

Scott Gast: No specific outreach to Riot Games?

Scheduler: No, not that I knew of at the time. I just found out about that during all the document review.

Dan Schwager: When you say you've found out about "that" ...

Scheduler: I found out about the contribution.

Dan Schwager: You're talking about the one contribution that's stated in an email produced...

Scheduler: Yeah, exactly. I saw an email from Jared that had Kate cc'd on it to a gentleman at Riot Games, but I didn't see that until two weeks ago.

Dan Schwager: Kate; who is Kate?

Scheduler: Kate Siegel is Jared's finance director.

Scott Gast: Okay, thank you very much.

Exhibit 9

MEMO- RIOT GAMES
PRESS CALL- Charlie Hauser, Riot Games

TO: Jared Polis
FROM: Danielle Oliveto
DATE/TIME: 11/7/2013 2:00-2:30PM (IN CAR)
JARED TO CALL: Charlie, [REDACTED]

CONTACT: Charlie Hauser, [REDACTED]

TOPIC: As you know, Riot Games is the creator of League of Legends. This phone call is the beginning stage of a special human interest piece on you. It will eventually be a video documentary, about 10 minutes in length, focused on a yet-to-be-determined inspiring element about your career. This topic will be determined on your call with Charlie.

The idea is to capture "exceptional" individuals who play League of Legends. They'd like to focus on your history as an entrepreneur, SOPA/CISPA & philanthropic work. Here is a link to what their thinking: <http://vimeo.com/64723147>

INFO: The Senate should be voting on the Motion to Proceed as early as tonight (Tuesday evening) meaning the vote, as long as it gets UC, could be up for a vote for final passage as early as Wednesday evening, but likely Thursday morning/afternoon.

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Exhibit 10

**Representative Polis' Former Communications Director
Transcript of Interview
September 3, 2015**

Scott Gast: This is Scott Gast, joined by my colleague Nate Wright, from the Office of Congressional Ethics. It is September 3rd, 2015, and we are joined by Representative Polis' Former Communications Director ("Former Comm. Dir."), who is accompanied by his attorney Dan Schwager. We appreciate you joining us here today.

Former Comm. Dir.: Absolutely.

Scott Gast: Former Communications Director has signed the 18 United States Code 1001 Acknowledgement Form. We usually like to begin with a little background information about you.

Former Comm. Dir.: Sure.

Scott Gast: Tell us your current employment situation and we'll work back from there.

Former Comm. Dir.: Sure. I am about to start a new job with Pearson Education Company, but I am currently unemployed.

Scott Gast: What's your position at Pearson going to be?

Former Comm. Dir.: Director of North America Media and Communities.

Scott Gast: Prior to this position, what was your last employment position?

Former Comm. Dir.: It was legislative representative for PetSmart.

Scott Gast: What time period were you in that position?

Former Comm. Dir.: That was from March of 2015 till June of 2015.

Scott Gast: Generally what were your duties in that position?

Former Comm. Dir.: It was essentially a lobbying role, mostly state and local. Mostly state and local.

Scott Gast: Prior to PetSmart, what was your employment situation?

Former Comm. Dir.: I was a Communications Director for Congressman Jared Polis.

Scott Gast: What was the time period you were in that position?

Former Comm. Dir.: From December 2013 until March of 2015.

Scott Gast: What were your duties as Communications Director?

Former Comm. Dir.: I was the chief spokesman for the congressman, helped to devise his media strategy, implement his media strategy, and did all of the general media relations and communications work, writing press releases, statements, things of that nature.

Scott Gast: As part of that communications position, did you have interactions with for-profit companies?

Former Comm. Dir.: Yeah, I believe most media companies are for-profit, so yes.

Scott Gast: It's not very well articulated. For-profit companies that aren't media outlets.

Former Comm. Dir.: Most likely, yeah.

Scott Gast: Were those handled in any way differently from interactions you had with traditional media outlets?

Former Comm. Dir.: I would say they were certainly more limited in my role. I would probably ... Yeah, I would say that it would depend on the situation, certainly how I dealt with it, besides something that was very clearly, the company asking for something inappropriate. It's like a case by case situation.

Scott Gast: Can you give me an idea of what the differences were and the approach you took with requests from traditional media outlets versus for-profit companies that weren't in that line of business?

Former Comm. Dir.: I don't recall us getting too many of those sorts of requests. I am trying to think of an example when I dealt with a request from something that was clearly a for-profit media company. I think I would probably give it a little extra review, but I didn't have many of those in my time there.

Scott Gast: When you say "give it a little extra review," what kind of things were you looking for?

Former Comm. Dir.: Just to make sure that there was no clear political angle to it, that it wasn't anything that was overtly commercial activity, that it related to this official duties as a Member of Congress and actions as a Member of Congress.

Scott Gast: Do you recall any instance in which you gave a request this little extra scrutiny, and decided not to go forward on that particular request?

Former Comm. Dir.: Not off the top of my head.

Scott Gast: Do you recall any requests that you declined because they were overtly commercial in nature?

Former Comm. Dir.: Not commercial – I was going to say on the political side, I would just refer things to the campaign, as you do find in that nature. Again, I didn't get many that were in a commercial nature.

Scott Gast: Sitting here, can you think of any examples of instances where you had to give it a little extra review to a request?

Former Comm. Dir.: Not really at this point, no. Not off the top of my head.

Scott Gast: Okay, I want to ask you about one instance in particular, Riot Games, the company. Are you familiar with that company?

Former Comm. Dir.: I am now.

Scott Gast: Were you familiar with that company prior to working for Representative Polis?

Former Comm. Dir.: Not that I recall, no.

Scott Gast: How did you become aware of the company?

Former Comm. Dir.: It was early on in my time there, and I was told that there was an interview that had been approved and had been started, and that they were going to be coming to DC to do another part of that interview. That was my first introduction to it.

Scott Gast: Outside the context of this interview request, did you have any relationship or interaction with Riot Games?

Former Comm. Dir.: No.

Scott Gast: That was your first experience with them?

Former Comm. Dir.: Yeah.

Scott Gast: What about Representative Polis's relationship with the company? Do you have a sense of when that started, how that developed?

Former Comm. Dir.: Only in learning that through the investigation, but at that point, no, I didn't know, other than he was a gamer and enjoyed playing their games.

Scott Gast: How about with the congressional office, congressional staff as a whole, what was the relationship with Riot Games?

Former Comm. Dir.: I didn't believe there to be any.

Scott Gast: Were there any lobbying interactions that you were aware of?

Former Comm. Dir.: No. Not that I am aware of.

Scott Gast: Had you had any communications interactions with them aside from this interview request?

Former Comm. Dir.: No.

Scott Gast: What about meetings scheduled with Riot Games representatives or employees?

Former Comm. Dir.: Not that I was aware of.

Scott Gast: Who have you interacted with at Riot Games?

Former Comm. Dir.: Just Charlie and the couple folks that they sent to DC for the interview, when I went down there. I'm blanking out on their names, but I had very limited interaction with them, other than when they were in DC and then a couple of short emails.

Scott Gast: Who was your main contact at Riot Games?

Former Comm. Dir.: I guess it was Charlie, but again, I just didn't talk to them that much.

Scott Gast: Were you aware of any casework matters that the congressional office worked with Riot Games on?

Former Comm. Dir.: No.

Scott Gast: How about any interactions between Representative Polis' campaign and Riot Games?

Former Comm. Dir.: No.

Scott Gast: Were you involved much with the campaign?

Former Comm. Dir.: No, not really. I went out at the end as a volunteer, but yeah, I was on the official side.

Scott Gast: I want to ask you specifically about this interview request.

Former Comm. Dir.: Sure.

Scott Gast: How did it first come to your attention? How did you first learn about the interview?

Former Comm. Dir.: I think I was added to an email that our scheduler Danielle was sending to them, just introducing he's a new Communications Director. She gave me some

background that they had done half of their interview in Colorado before I started, and they were going to be coming to DC and doing the other half of the interview.

Scott Gast: Let me ask you about the background from Scheduler.

Former Comm. Dir.: Sure.

Scott Gast: Can you think of anything else that she told you about this project? Let me back up, how did that background briefing happened? What prompted that first?

Former Comm. Dir.: I think it was pretty informal. We had a lot going on in the office. It was my first month, and this didn't appear to be a major thing to me, so it was probably just a really informal thing was, already approved, so I just went along to make sure that it went smoothly.

Scott Gast: What did she tell you about it?

Former Comm. Dir.: That he had been involved with the gamer community and working to fight SOPA and PIPA and get involved in legislative activities. That was what the interview was about, how he engaged the gamer community to successfully fight legislation.

That they had filmed them to be mostly in Colorado, of him and Marlon playing video games. We're going to be talking more about the legislative side of it here in DC.

Scott Gast: Did she tell you what the video was going to be used for?

Former Comm. Dir.: They discussed it as a documentary, just talking about how he used his experience as a gamer to help influence the legislation in DC.

Scott Gast: What about why Riot Games was making the video? Did you discuss that?

Former Comm. Dir.: Not really. I understood that he was a player in the community there, a gamer, and because he engaged the community on these legislative battles, it was known that he was a congressman that also played the game, and so it was just an interesting story to tell.

Scott Gast: What was your understanding about how Riot Games was going to use the video?

Former Comm. Dir.: Put it up on the website maybe, kind of distribute it to the broader media, as an example of what this community could do in Washington legislatively when they would rally together.

Scott Gast: Was there any discussion about this being used as a public relations or marketing kind of ...

Former Comm. Dir.: Not that I was aware of.

Scott Gast: What about internally in the office, were there any discussions about the commercial aspect of playing a company's game, that it's ...

Former Comm. Dir.: Not really. Really the whole interview was a very minor thing, in terms of the other issues that I was dealing with, so I really rarely discussed other than when it was right around the time it was happening, to make sure we would have the logistics setup.

Scott Gast: How about during your time with Representative Polis, how often would you get these kind of requests to do this kind of a project?

Former Comm. Dir.: Not often. We'd get some that were marijuana focused a lot, because that was a hot issue in Colorado at the time, but nothing else about gamer. I guess we did one with Reason Magazine, that was focused on his activities as a gamer, and how to use game ... Again, kind of similar topic, how to use the gamer community to help influence legislation and rally folks to support SOPA and PIPA.

Scott Gast: When you said did one with Reason Magazine-

Former Comm. Dir.: An interview.

Scott Gast: You did an interview?

Former Comm. Dir.: Kind of video, a little profile on him.

Scott Gast: How did Reason use that interview profile?

Former Comm. Dir.: I think it actually ended up being front page of one of their issues. Talked about, it's a libertarian publication. Talked about how he ... I think the headline was The Gamer Congressman.

It was indicative of an interesting newsworthy side of him, but not a lot of Members of Congress have or at least openly discussed. It was something that I saw the reason why folks were interested to do news pieces on.

Scott Gast: Understanding that you came in after the whole project was started, what was your understanding of why Representative Polis was doing this project?

Former Comm. Dir.: Because he was a member of the gaming community, I think he was very proud that he was able to rally the community to help defeat SOPA and PIPA. I think it

was a story that he was happy to tell, to get out there about how the community could be active.

- Scott Gast: Were there any discussions within the office about potential ethical issues surrounding this project?
- Former Comm. Dir.: No. From my point of view, it was heavily focused on his legislative work and didn't raise any red flags for me.
- Scott Gast: Did anybody reach out to the Committee on Ethics for guidance?
- Former Comm. Dir.: Again, I didn't see any red flags in this at all.
- Scott Gast: What was Representative Polis's level of involvement in the project?
- Former Comm. Dir.: I guess they shot him playing some of the games with Marlon and then when he was being interviewed in DC. Other than that, nothing that I was aware of.
- Scott Gast: Did you have discussions with him about the project generally?
- Former Comm. Dir.: I don't even recall if I did a substantive briefing for him, because it was an issue that he was very aware of already, having been very engaged in SOPA and PIPA. I was pretty new to those topics, so any discussions that we had were just short and just logistics of where they'd be interviewing or will be doing, things of that nature.
- Scott Gast: Any discussions about what would be talked about on the ...
- Former Comm. Dir.: Not really. Again, just a broad overview that we're going to be talking about ... They wanted to hear about how we can get the gamer community to fight these legislative proposals, and that was kind of it.
- Scott Gast: Was the video scripted in anyway?
- Former Comm. Dir.: No.
- Scott Gast: Did you prepare talking points?
- Former Comm. Dir.: I don't think so, again, because he was already pretty well versed in this issue area, and he often, in a lot of issues, liked to go off the cuff. It was only really when there's initiatives that he wasn't familiar with that I would write talking points, or if there was something that we wanted to really hammer home, but with this he was comfortable with the material.
- Scott Gast: Did you get talking points or any materials from Riot Games?
- Former Comm. Dir.: No.

Scott Gast: Did they give you any input about what they would like to see discussed?

Former Comm. Dir.: Not beyond just the topic of the documentary being, again, how he rallied the gamer community, but nothing specific, no.

Scott Gast: I understand that there was a phone call between Riot Games and Representative Polis before you got there, right after the request, to talk about topics and subjects of the interview. Did you have any discussions with Representative Polis about that phone call?

Former Comm. Dir.: Not that I recall.

Scott Gast: What was your level of involvement with the filming in DC?

Former Comm. Dir.: I was there throughout the whole process, helped them set up. Was with him, we did some kind of B-roll shots, walking through the Capitol. I think I was in one of them in the final product. The same standards that I do with any interview that has being filmed in our office, just making sure that they were setting up, had everything that they needed and answer any questions.

Scott Gast: Were there any discussions about whether there were issues filming in the official office or filming in official buildings?

Former Comm. Dir.: I guess they had just questions about if they needed permits or what not. We didn't require any permits to film in our office. Then we referred them to the Radio and TV Gallery folks in the Capitol for permits filming there.

Scott Gast: During the filming, were there any discussions about topics to discuss, subjects to discuss, questions to ask?

Former Comm. Dir.: Not that I recall.

Scott Gast: Who actually conducted the interview with Representative Polis?

Former Comm. Dir.: I don't remember his name. It's somebody from Riot Games.

Scott Gast: Was it Riot Games Brand Manager?

Former Comm. Dir.: I don't remember.

Scott Gast: Riot Games Associate Brand Manager?

Former Comm. Dir.: It's probably in the film, but I don't remember.

Scott Gast: The questions that he asked, where did those come from? Did he come up with the questions? Did you talk about questions? Did you provide questions?

Former Comm. Dir.: No, he came up with them.

Scott Gast: At any point during the interview, was there any discussion about, "I don't want to answer that" or "let's not talk about this particular subject"?

Former Comm. Dir.: Not that I recall, no.

Scott Gast: Did Representative Polis want to discuss a particular subject that wasn't being discussed?

Former Comm. Dir.: No. I don't believe so.

Scott Gast: What was the understanding about the final product? Did the office have the authority to approve the final product?

Former Comm. Dir.: No. I don't believe they ever discussed anything like that.

Scott Gast: Didn't discuss or didn't have the authority?

Former Comm. Dir.: The general assumption I was working under is that we don't have the authority to do that unless someone expressly says otherwise. It was never said to me.

Scott Gast: There was no discussion about, you'd like to see the final product before it was released?

Former Comm. Dir.: I don't think that I ever said that. I know that they repeatedly said that they would show us the final product, but I never said that I wanted to approve it, never implied I wanted to approve it. Nothing along those lines.

Scott Gast: At some point, and I guess it was quite a while later, they reached out to you with a draft version. Is that correct?

Former Comm. Dir.: Mm-hmm (Affirmative).

Scott Gast: How long after the filming did they finally reach out to you?

Former Comm. Dir.: It was a while. I think it was early this year or so. Probably about a year after.

Scott Gast: What were the discussions at that point?

Former Comm. Dir.: There wasn't much, even when they sent an email with a link to it. I think I said it was great, and that was it.

Scott Gast: Did you actually review the video?

Former Comm. Dir.: Mm-hmm (Affirmative). I did.

Scott Gast: What were your thoughts on it?

Former Comm. Dir.: A little weird, but it was fine. It was what I expected it to be and talked largely about his legislative work and how he rallied the gamer community ... There were some shots of him playing video games.

Scott Gast: What you mean a little weird? What was weird?

Former Comm. Dir.: I am not a gamer and watching him and Marlon play the computer games, it was kind of funny. We made fun of him a little bit. It was nothing unusual. It was pretty much exactly what I would have expected it to be.

Scott Gast: Anything objectionable that you found in the video?

Former Comm. Dir.: No.

Scott Gast: Did you review the video with Representative Polis?

Former Comm. Dir.: That was what I wasn't sure about. I may have, but I may have also just said I did, and he said that he loved it, because again, it wasn't a big thing for us, especially at this point, a year later. It was not on my list of priorities. I don't remember if I actually did, or just said that I did.

Scott Gast: Given that, do you recall any feedback from Representative Polis about the video?

Former Comm. Dir.: Nothing that left a impression with me. If I did show it to him, it was probably just to, "Oh, that's good." I would certainly remember if he had any strong opinions about it, one way or the other, but I-

Scott Gast: You don't recall that?

Former Comm. Dir.: No.

Scott Gast: Did you or anybody, Representative Polis or anybody in the office, ask for any changes to be made in the video?

Former Comm. Dir.: No, not that I was aware of, at least.

Scott Gast: Were you involved ... I know you left prior to the release, the release of the video. Were you involved in the planning of the roll-out of the video at all?

Former Comm. Dir.: No. I think I said we would tweet it out or amplify it, as we do with any sort of interview or positive thing that he does. No, I wasn't involved in any detailed planning.

Scott Gast: What do you mean by "amplify"?

Former Comm. Dir.: Tweet it out or put it on our Facebook page, something along those lines, just to show our followers or Facebook friends, but not that ..., "here's an interview about something that the congressman did."

Scott Gast: Just to back up a little. What conversations did you have with Riot Games about the roll-out of the video?

Former Comm. Dir.: I don't believe I had any. I think in my response to the video, I said we'd be happy to amplify it when it's done. I think that was the extent of it.

Scott Gast: Did they ask for help in distributing and getting the video out?

Former Comm. Dir.: Not to me.

Scott Gast: Let me just show you this email.

Former Comm. Dir.: Sure.

Scott Gast: The one that we've been talking about. This is it. Take a second to look at that. For the record, this is OCE 15-6333-200. I want to ask you about, in the last paragraph of the email from Riot Games Brand Manager, in the middle of that paragraph, it says, "I'd love to connect on opportunities for Jared or your office to get involved with the release and the video." Does that refresh your recollection of all that conversations you have had about ...

Former Comm. Dir.: I think my response email was the end of that. I don't think I had any further conversations about it.

Scott Gast: Do you remember any phone calls that you had with anybody at Riot Games about ...

Former Comm. Dir.: I think that he had called that day to let me know he was sending over the video, but it was again, not a top priority for me, so I don't think it was a long phone call or in-depth or anything.

Scott Gast: What feedback did you get from Riot Games about the video? Were they happy, were they disappointed?

Former Comm. Dir.: I think, yeah, I believe they were happy. I don't know. I don't think we had any lengthy conversations about it.

Scott Gast: I think those were all the questions I have about the Riot Games matter.

Nate Wright: I have a couple, just to swing back.

Former Comm. Dir.: Sure.

Nate Wright: You'd mentioned that there were three questions that you would normally ask if you got a request from a for-profit entity that wasn't normally involved in media. I am wondering, when you got involved in the Riot Games issue, this was after it had already been approved by someone in the office. Would someone have gone through those same questions that you outlined or was there a different approval process beforehand?

Dan Schwager: Can I just check in on everyone's recollection? I don't know that he - I think the premise to your question was that he said that there were three questions he would ask and anything like that. I'm not sure that's exactly what he said, but he said that there issues that might come up. I just want to make sure -

Former Comm. Dir.: I just said that it wasn't a formal pro- ... There weren't. I didn't have any phone ... That was what would maybe go through my head, but I wasn't aware of the process before I got there.

Scott Gast: Let me just follow up on that.

Former Comm. Dir.: Sure.

Scott Gast: When you were briefed by Scheduler or first became aware of the video, did you go through those factors yourself, given that it had already been approved? Did you go through those factors with respect to this request?

Former Comm. Dir.: I don't really recall. It wouldn't have been an in-depth thing, but again, as I said, there was not any red flag in this for me. There wasn't even any yellow flags in this for me, so I didn't give it any further look, other than what she told me.

Nate Wright: Did you have any impressions as to why Riot Games was giving you an advanced screening of the final product?

Former Comm. Dir.: No. It was kind of a documentary. It wasn't something that was particularly newsworthy. Like a lot of articles, they just want to get up as soon as possible. This was a little longer looking back through the piece. I think it was just a courtesy.

Nate Wright: Was there a lot of time that passed between when you got the advanced screening and when the actual documentary was released?

Former Comm. Dir.: I don't know when it was released. I wasn't there when it was actually released.

Nate Wright: When you got the screening, it wasn't... Time passed between when the screening happened and when it was ultimately released?

Former Comm. Dir.: Yeah, is it ... Actually I was close to the end of my time there, but certainly, it was after I left, so at least a couple of weeks.

Nate Wright: Did you notice any changes between the screening of the final product?

Former Comm. Dir.: I don't think I ever saw the final product.

Scott Gast: Any discussions about the timing of the release of the video?

Former Comm. Dir.: Not that I ... I guess there was something about, like they were concerned about the campaign, making sure it didn't... there was nothing improper-

Dan Schwager: Can I just ask what "they" you're talking about?

Former Comm. Dir.: You're talking about the Riot Games folks, I guess?

Dan Schwager: When you said "they" were concerned about the campaign... [crosstalk].

Former Comm. Dir.: I think the Riot Games folks, I guess it was Charlie who was emailing, sent an email, but I don't think I ever replied to that email.

Scott Gast: So it was Riot Games, Riot Games Brand Manager or whoever it may-

Former Comm. Dir.: They initiated, yeah, asking if there were any issues surrounding the campaign that they need to be aware of or anything along those lines. It wasn't a top priority for me at that point. Like I said, I don't think I responded to that email, and I don't think I ever heard anything until just when it was about to be released.

Scott Gast: When he raised that issue about the timing and the campaign, did you have any discussions internally with anybody in the congressional office?

Former Comm. Dir.: No.

Scott Gast: Anybody at the campaign?

Former Comm. Dir.: I don't believe so. I don't recall.

Scott Gast: I just have a couple of quick questions about the NINOX Clothing company. Are you familiar with that clothing company?

Former Comm. Dir.: Only recently.

Scott Gast: Prior to learning about them as part of this review, were you aware of the company?

Former Comm. Dir.: No, not that I recall.

Scott Gast: Or have any relationship with the company while you were with Representative Polis?

Former Comm. Dir.: No.

Scott Gast: Any interactions with Linda Casals? Did you ever work with her?

Former Comm. Dir.: No.

Scott Gast: Allie Thielens?

Former Comm. Dir.: No.

Dan Schwager: Can you just ... You're very soft on those ... Just move your head to the left.

Former Comm. Dir.: I'm sorry. No. [crosstalk].

Scott Gast: I believe those are all the questions we have, unless there's anything you'd like to add.

Former Comm. Dir.: No. I don't think so.

Nate Wright: We'll go ahead and end the recording.

Exhibit 11

Jared Polis v2:

- I think the LoL community is capable of a lot more than they realize.
- The LoL community played a big role in stopping SOPA/PIPA, they banded together to accomplish something important.
- I think the LoL community is going to be integral to stopping future encroachments on Net Neutrality and game legislation (what happened in Korea)
- The LoL community may have a bad rap in-game, but they're capable of amazing things out of game

1) BACKGROUND

- What is SOPA/PIPA? Take us through what it was and how it came about.
- How did your identity as a LoL player inform your stance on SOPA/PIPA?
- What were the challenges to overcome regarding SOPA/PIPA? Who was working against you?
- What would have happened if SOPA/PIPA succeeded?
- What steps did you take to take on SOPA/PIPA? Who did you turn to?
- Is the threat of SOPA/PIPA-like legislation gone? If not, what does it look like now?
- How is SOPA/PIPA related to net neutrality issues?

2) TURNING TO THE LOL COMMUNITY

- How would you describe the League of Legends community to someone else?
- What would you say the LoL community's reputation is?
- Why turn to the LoL community to tackle something like SOPA/PIPA?
- What were you hoping the LoL community could do? Did they deliver?
- What dangers did you consider about reaching out to the LoL community?

3) THE POTENTIAL OF THE LOL COMMUNITY

- Do you think the LoL community has potential to affect other change like SOPA/PIPA?
- What potential do you think the LoL community has? What is it capable of?
- As a congressman, what role would you say you play in the larger LoL community? How does that make you unique as a congressman, and as a member of the LoL community?
- As a member of the LoL community, what would you hope the community does in the future?
- What roles could other community members play if they similarly want to protect the community from legislation like SOPA/PIPA?
- How might you describe the "gamer agenda" today in America?
- How would you relate the roles in politics to roles in LoL?
- What should LoL players keep an eye out for? What advice would you rally them towards?
- Do you think more gamers are going to get into politics? What do you think the results of that will be?

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4) Transitional Questions

- "I'm Jared Polis, Congressman and I main Maoki"
- How much time do you spend in D.C. and CO?
- Do you get to play LoL. more while in D.C. or in CO?
- Does the travel get tough?
- What do you love about the district you represent?
- What makes this all worthwhile? What inspires you to keep going?

Exhibit 12

From: Charlie Hauser <[REDACTED]>
Sent: Wednesday, February 5, 2014 4:12 PM
To: Oliveto, Danielle <[REDACTED]>; Overland, Scott <[REDACTED]>
Cc: Brian Hammers <[REDACTED]>; Andrew Beegle <[REDACTED]>; Tyler Eltringham <[REDACTED]>
Subject: RE: Jared Polis human interest piece

Hi Danielle,

That sounds great! We'll likely come in early on the 24th and scope out angles in the office and set up lighting as needed, if that's OK. How many people would you say work at Jared's office?

Thanks!
-CH

From: Oliveto, Danielle [mailto:[REDACTED]]
Sent: Tuesday, February 04, 2014 7:25 PM
To: Charlie Hauser; Overland, Scott
Cc: Brian Hammers; Andrew Beegle; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Great! On the 24th, we could do a block from 1pm-2pm in the office and on the 25th from 2:30-4pm in the office and around the hill. If that works, let me know and I'll block it out on the calendar.

Thanks and sorry for the delay,
Danielle

From: Charlie Hauser [mailto:[REDACTED]]
Sent: Wednesday, January 29, 2014 1:21 PM
To: Oliveto, Danielle; Overland, Scott
Cc: Brian Hammers; Andrew Beegle; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Danielle,

Those dates sound perfect! Just let us know what times would work best for Jared on those dates and we'll plan accordingly (probably coming in early in the day or day before to set up lighting and scope out the best spots to capture).

Thanks!
-CH

From: Oliveto, Danielle [mailto:[REDACTED]]
Sent: Monday, January 27, 2014 1:44 PM
To: Charlie Hauser; Overland, Scott
Cc: Brian Hammers; Andrew Beegle; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

No problem, thanks for letting me know. The last week of February would work well. The 24th and 25th would be best.

From: Charlie Hauser [mailto: [REDACTED]]
Sent: Monday, January 27, 2014 4:35 PM
To: Oliveto, Danielle; Overland, Scott
Cc: Brian Hammers; Andrew Beegle; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Danielle,

Actually we found out today due to some small emergencies on our end, we're going to be unable to make the 4th and 5th original dates.

Do you think we could reschedule similar blocks of time with Jared for later in the month? Apologies for the runaround.

Thanks,
-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Monday, January 27, 2014 7:31 AM
To: Overland, Scott; Charlie Hauser
Cc: Brian Hammers; Andrew Beegle; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Charlie,

Brief update/change for Tuesday. Jared now has to head to the White House for a meeting and will need to leave the Hill by 3:50pm. We can move up your scheduled time to 1:30pm for a half hour with Jared and then an hour filming Jared in some meetings. Will that work?

And we're still on for 10am-11am on the 5th.

Also, can you let me know if you're still planning on coming into the office to set up on the 3rd?

Thanks,
Danielle

From: Overland, Scott
Sent: Wednesday, January 22, 2014 3:06 PM
To: Oliveto, Danielle; 'Charlie Hauser'
Cc: 'Brian Hammers'; [REDACTED]; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Charlie,

I am Jared's new communications director; nice to meet you. Danielle is correct that you don't need permits to film in our office, but anything outside of our office, I believe, does require approval from the House Press Gallery. I don't think that it is a huge deal to get it, but let us know if you need an official sponsor.

Thanks,

Scott

Scott Overland
Communications Director
Office of the Honorable Jared Polis
1433 Longworth House Office Building
Washington, DC 20515
G: [REDACTED]
[Click here to visit Jared's website and sign up for his e-newsletter](#)



From: Oliveto, Danielle
Sent: Wednesday, January 22, 2014 3:02 PM
To: 'Charlie Hauser'
Cc: 'Brian Hammers'; [REDACTED]; Tyler Eltringham; Overland, Scott
Subject: RE: Jared Polis human interest piece

Hi Charlie,

Sorry for the delay! You all are more than welcome to come in on the 3rd or 4th to scope things out. We do have meetings scheduled in Jared's office (the schedule is below). Just let me know so we can plan. I have absolutely no idea about permits for filming in/around DC. You don't need a permit to film in our office and if you're following Jared, I think it's fine. I would advise you to reach out to the House Press Gallery to confirm and make sure you don't need anything else. Their number is [REDACTED]. Also, it might be beneficial to give the Sergeant at Arms a call as well, just to cover your bases—their number is [REDACTED].

Make sure to arrive like 10-15 minutes early to get through security.

Let me know if you need anything else or suggestions on B roll locations.

Best,
Danielle

From: Charlie Hauser [mailto:[REDACTED]]
Sent: Tuesday, January 21, 2014 10:00 PM
To: Oliveto, Danielle
Subject: RE: Jared Polis human interest piece

Hi Danielle,

We just finished with another shoot in Atlanta and are gearing up for our trip to DC! Couple questions for you:

- 1) To maximize time with Jared on the 4th and 5th, we're curious if we can come earlier in the day on the 4th (or even 3rd) to scope out the office and set up lighting beforehand.
- 2) We're already dizzy looking at permits to shoot in D.C. Are there any additional permits/information we'll need to fill out in order to shoot in the capitol building? Any help we could get in that regard would be very helpful.

Thanks! Looking forward to it,

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-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Wednesday, January 08, 2014 3:32 PM
To: Charlie Hauser
Cc: Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Great—And if you want to come in a little earlier on the 4th, we have a couple meetings you could sit on, starting around 2pm. If you do want to do that, let me know and I can reach out to the groups to make sure they're okay with it.

Thanks!

From: Charlie Hauser [mailto: [REDACTED]]
Sent: Wednesday, January 08, 2014 6:28 PM
To: Oliveto, Danielle
Cc: Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Perfect! I'll start getting things running on this end with travel and logistics. We'll see you in D.C.!

Thanks!

-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Wednesday, January 08, 2014 2:54 PM
To: Charlie Hauser
Cc: Tyler Eltringham
Subject: RE: Jared Polis human interest piece

That works for me!

I will block out 3-5pm on the 4th for time with Jared and then 10am-11am on the 5th. Does that work? The sad thing I have to tell you is that Jared doesn't play LoL here in his office... our computers aren't very good.

From: Charlie Hauser [mailto: [REDACTED]]
Sent: Wednesday, January 08, 2014 1:53 PM
To: Oliveto, Danielle
Cc: Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Danielle,

All of that makes sense. Let's aim for early February so we're not distracting your office right before you head into session.

If possible, we'd love to snag an hour with Jared on the 4th and 5th – the 4th potentially for static interviews and the 5th for more action-oriented footage (out in front of the capitol building, establishing shots with Jared in the busy halls, a quick game of LoL with Marlon). Do you think something like that could work?

Thanks,

-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Wednesday, January 08, 2014 8:17 AM
To: Charlie Hauser
Cc: Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Thanks Charlie,

We won't be able to halt everything that is going on in the office, but I can block out a solid hour with Jared individually and then you guys can film him in the office working, meeting with constituents, etc...

We're in session the week of January 27th, through the 29th. I could do the afternoon of the 28th, starting around 1:15pm or I could do the morning of the 29th, but Jared would have to be in and out of the office (you could definitely follow him to the meetings but I'm not sure you'd be allowed to join any of them—although you're more than welcome to sit in on the meetings we have in the office).

If those two dates don't work, we can look at February 4th or 5th.

Just let me know what might work.

Thanks,
Danielle

From: Charlie Hauser [mailto: [REDACTED]]
Sent: Tuesday, January 07, 2014 2:49 PM
To: Oliveto, Danielle
Cc: Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Danielle,

Yes, we'd love to be able to film Jared in his office, behind the big desk, (possibly playing a game long-distance with Marlon) and then if we could film him around capitol hill/follow him around for the day that would be ideal. A half-day with Jared should be enough, and we can then spend the other half of the day running around D.C. filming b-roll.

Let me know if you think that's manageable or how we can work something out.

Thanks!
-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Monday, January 06, 2014 11:46 AM
To: Charlie Hauser
Cc: Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Thanks Charlie,

What's your time frame? If I remember correctly, you'll want some time with Jared in the office and then will you just follow him around for the day? On the days he's here, we'll be in session so he'll be in and out of the office. If you let me

know what kind of block you need, I can find that time in the office.

Best,
Danielle

From: Charlie Hauser [mailto:]
Sent: Monday, January 06, 2014 1:42 PM
To: Oliveto, Danielle
Cc: Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Danielle,

Happy New Year! We're back in full swing here at Riot, currently pouring over the tons of great footage we captured with Jared in Boulder. Thanks again for your help arranging that session!

I wanted to reach out early and figure out a possible day later this month to do something similar with Jared in D.C. Our schedules are wide open, so if anything becomes available, we'll make it work on our end.

Feel free to hit me up with any questions or if there's anything I can do to help.

Cheers,
-CH

From: Oliveto, Danielle [mailto:]
Sent: Wednesday, December 11, 2013 7:10 AM
To: Charlie Hauser
Subject: RE: Jared Polis human interest piece

Thanks!

From: Charlie Hauser [mailto:]
Sent: Tuesday, December 10, 2013 7:45 PM
To: Oliveto, Danielle
Subject: RE: Jared Polis human interest piece

Conference #: [REDACTED]
Access Code: [REDACTED]

From: Oliveto, Danielle [mailto:]
Sent: Tuesday, December 10, 2013 12:10 PM
To: Charlie Hauser
Subject: RE: Jared Polis human interest piece

Yes sir! What's the best number for him to call?

Thanks!

From: Charlie Hauser [mailto:]
Sent: Tuesday, December 10, 2013 1:20 PM
To: Oliveto, Danielle

Subject: RE: Jared Polis human interest piece

Hi Danielle,

Just realized I forwarded this along and didn't actually reply! 11:30 AM EST, correct? So that would be 8:30 PST. That'll work if Jared still has time available.

We're getting all of our travel and equipment arranged – super excited!

Thanks,
-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Friday, December 06, 2013 11:53 AM
To: Charlie Hauser
Subject: RE: Jared Polis human interest piece

Hi Charlie,

Jared's home is located [REDACTED]

And as for next week, I can set something up on the 12th at 11:30am EST. Would that work? If so, let me know the best number for him to call.

Thanks,
Danielle

From: Charlie Hauser [mailto: [REDACTED]]
Sent: Friday, December 06, 2013 2:08 PM
To: Oliveto, Danielle
Subject: RE: Jared Polis human interest piece

Hi Danielle,

Couple questions for you.

- 1) Where is Jared's home located? We're figuring out logistics of where is the easiest to rent equipment from.
- 2) Does Jared have any time available next week for a short pre-interview? We'd like to quickly walk through the outline of questions we'd be exploring with him, verifying that they're good topics and interesting story elements, then talk Jared through additional materials/people we'd like to capture while in Colorado.

Thanks!
-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Thursday, December 05, 2013 12:11 PM
To: Charlie Hauser; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Great, sounds fantastic! Let me know how I can help.

From: Charlie Hauser [mailto:]
Sent: Thursday, December 05, 2013 1:02 PM
To: Oliveto, Danielle; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Danielle,

The 15th sounds great! Thanks so much for helping make this happen.

I don't think our logistics budget will allow us to tag along for the 18th and 19th, but thank you for the invitation! If any local news outlets cover the tour, we'd love to know and could potentially use that footage to supplement the feature.

I'll be following up with a rough outline of interview questions, people we'd like to talk to, and a bit of prep homework for Jared (gathering up pictures from childhood, for example, is always helpful!).

Thanks again,
-CH

From: Oliveto, Danielle [mailto:]
Sent: Wednesday, December 04, 2013 11:47 AM
To: Charlie Hauser; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Charlie,

I talked to Jared—finally! He's okay with doing something all day on the 15th in Boulder. However, he did want to invite you to come along with him on a tour of some of the mountainish towns impacted by the recent flood. He's doing that on the 18th and 19th. Those will take up some substantial time, so not sure if that's of any interest, but thought I'd put it out there.

Thanks,
Danielle

From: Charlie Hauser [mailto:]
Sent: Tuesday, December 03, 2013 2:54 PM
To: Oliveto, Danielle; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Danielle,

Just conferred with our producer. He's thinking if we could snag the 2nd half of his day (any day), we could get what we need. Preferably we'd be able to come inside and set up interview areas (lights, cameras, microphones, etc) a couple hours early (around 11AM) and then interview/shoot between 1pm to 7pm.

What are your thoughts? We're relatively flexible so we can move around different days to make it work for Jared (we realize he super busy!).

Thanks,
-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Tuesday, December 03, 2013 10:08 AM
To: Charlie Hauser; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Tell me the exact time frame you need, in hours. I may be able to fit that in on the 17th. If not, I will ask Jared about doing something on the 15th.

Thanks

From: Charlie Hauser [mailto: [REDACTED]]
Sent: Tuesday, December 03, 2013 1:00 PM
To: Oliveto, Danielle; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Danielle,

2-3 hours will be really tight. What if we came out a day earlier on the 15th? We were hoping to get some footage of Jared in his natural environment at home (playing games, hanging out with the family, puttering around the neighborhood) in addition to interview questions. 2-3 hours would give us barely enough time to squeeze in our interview discussion on camera.

Thanks so much.

Cheers,
-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Tuesday, December 03, 2013 6:12 AM
To: Charlie Hauser; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Thanks Charlie,

He will be in Colorado the 16th through the 18th. We can block out 2-3 hours one day—do you think that would be enough time? If so let me know. Right now, the 17th works best.

From: Charlie Hauser [mailto: [REDACTED]]
Sent: Monday, December 02, 2013 6:23 PM
To: Oliveto, Danielle; Tyler Eltringham
Subject: RE: Jared Polis human interest piece

Hi Danielle,

Thanks so much for following up! Would Jared be available between the 16th through the 18th?

I'll be following up later with an outline of questions/topics we're planning on interviewing Jared about, but ideally we'd want to have time to sit down and interview him directly, and if time and opportunity permits it would be great to get footage of Jared around town, meeting with friends/relatives/locals, filming establishing shots, filming Jared at work and play; otherwise generally going about his day.

We wouldn't need him to set aside his ENTIRE day while we're in town, but knowing we could get several hours with him during daylight hours would be great.

What do you think?

Thanks,
-CH

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Monday, December 02, 2013 2:08 PM
To: Tyler Eltringham
Cc: Charlie Hauser
Subject: RE: Jared Polis human interest piece

Hi Tyler,

Just wanted to reach out and see if we've figured out any dates that may be feasible before the end of the year. Jared's schedule is filling up and I want to make sure we have time!

Thanks and hope you had a great T-giving!
Danielle

From: Tyler Eltringham [mailto: [REDACTED]]
Sent: Wednesday, November 20, 2013 12:12 PM
To: Oliveto, Danielle
Cc: Charlie Hauser
Subject: FW: Jared Polis human interest piece

Hi Danielle –

My name is Tyler and I work with Charlie at Riot Games, currently developing the series in which we'd like to feature Jared.

We are starting to look at prospective dates to come out and film Jared, and I was hoping you could share what his typical back-and-forth between Colorado and DC looked like. We'd love to gauge the feasibility of getting footage in both locations, but that will require a little more pre-planning on our end obviously. Any insight into his schedule for December (until his Holiday break), and then the first few weeks after the Holidays would be greatly appreciated.

Thanks so much,
Tyler

From: Oliveto, Danielle [mailto: [REDACTED]]
Sent: Tuesday, November 12, 2013 8:26 PM

225

To: Charlie Hauser
Subject: Re: Jared Polis human interest piece

Sounds good- thanks Charlie!

Just for your end- we're only in DC next week and the first two weeks of December and then not until January

Sent from my iPhone

On Nov 12, 2013, at 8:15 PM, "Charlie Hauser" <[REDACTED]> wrote:

Hi Danielle,

Just received your voice-mail (my phone can get a little wonky – apologies). The phone interview went really well. Currently we're blocking out strategy and sell-in on our end, after which we should be ready to start examining schedules to see when might be the best time to come out to DC and/or Colorado.

I'll keep you posted as things develop. Sound good?

Feel free to hit me up with any questions.

Cheers,
-CH

RG_0226
15-6333_0180

Exhibit 13

From: Charlie Hauser <[REDACTED]>
Sent: Wednesday, July 9, 2014 8:52 PM
To: Danielle Oliveto <[REDACTED]>
Cc: Overland, Scott <[REDACTED]>
Subject: Re: Riot Checkin
Attach: FORM - NDA standard.pdf

Thanks Danielle!

Hi Scott -- as Danielle mentioned, we're close to finalizing the feature we came out to DC & Boulder to shoot. Wanted to get it in front of you, Jared and the relevant team to get your take before going live.

The sooner we can all hop on the phone, the sooner we can review and address any feedback. I've also attached our boilerplate NDA since this is a pre-screening and the legal team here would beat me mercilessly if I didn't get it signed by the folks outside the company who were reviewing. :)

Thanks!
-CH

On Wed, Jul 9, 2014 at 5:27 PM, Danielle Oliveto <[REDACTED]> wrote:
Hi Charlie,

Nice to hear from you! I'm cc'ing our communications director, Scott Overland. I'm sure he'd love to set up time with you guys to look over everything. I'd love to be included if the timing works out as well.

With the election question--we'll wait to see how everything's coming together. I think August should be fine, but I'll get back to you on that.

Thanks!
Danielle

On Wed, Jul 9, 2014 at 2:51 PM, Charlie Hauser <[REDACTED]> wrote:
(Hi Danielle - emailed your House email address and received the auto reply. Wanted to ping you regarding circling back about the Riot feature. If it makes more sense to contact Jared directly, simply point me towards his email address! Thanks!)

Hi Danielle!

Remember me? We've been hard at work here putting this feature together, and it's feeling like we're very close. I wanted to reach out regarding the possibility of grabbing some time to hop on the phone, share the files, and have you, Jared and the relevant members of the Polis team take pre-screening look!

Let me know of a time that works for you and Jared, otherwise I can send over the files and you can review on your own (but I'd love to be on the line to collect feedback, thoughts, impressions etc).

Additional question: I know this is an election year, in which case we'd likely hold this video until after that election to not affect the campaign. What time of year does the campaign typically ramp up? I was curious if releasing the video as early as August would keep it off the campaign radar. Otherwise, holding the video's release is no problem.

Looking forward to chatting further!

Cheers,
-CH

On Wed, Jul 9, 2014 at 1:48 PM, Charlie Hauser <[REDACTED]> wrote:
Hi Danielle!

Remember me? We've been hard at work here putting this feature together, and it's feeling like we're very close. I wanted to reach out regarding the possibility of grabbing some time to hop on the phone, share the files, and have you, Jared and the relevant members of the Polis team take pre-screening look!

Let me know of a time that works for you and Jared, otherwise I can send over the files and you can review on your own (but I'd love to be on the line to collect feedback, thoughts, impressions etc).

Additional question: I know this is an election year, in which case we'd likely hold this video until after that election to not affect the campaign. What time of year does the campaign typically ramp up? I was curious if releasing the video as early as August would keep it off the campaign radar. Otherwise, holding the video's release is no problem.

Looking forward to chatting further!

Cheers,
-CH

Exhibit 14

From: Charlie Hauser
To: Lynch, Kristin
Subject: Re: Riot Games & Video Feature
Date: Monday, April 27, 2015 2:49:54 PM

So this thread is the most likely candidate to bubble to the top of reddit (it's still pretty low so far)

http://www.reddit.com/r/leagueoflegends/comments/342p0v/jared_polis_community_congressman/

We'll keep an eye on it. Once it reaches page 2, I will ping you. It's good to jump in a little early to make sure the discussion stays positive.

One major thread I know will pop up (and we're seeing it already) is that Jared loves playing Dominion (a game mode) and is seen doing it on the video. Very few people play that game mode. It's kind of an eccentric thing, so players would likely get a kick out of seeing that it's Jared's favorite mode.

The danger is that he'll be accused of not being a real League player since he plays something so few people play. But I think it adds to his charm that he loves a non-popular mode.

Also: if we receive media queries about Jared or his policies that don't feel right for us to answer, is it cool if we redirect media to your office?

Thanks
-CH

On Mon, Apr 27, 2015 at 2:41 PM, Lynch, Kristin <[REDACTED]> wrote:

Great, thanks. Jared just left office. He said he just checked reddit but didn't see any discussions. I told him it'd take a couple hours to bubble up (! told him this before like we talked about but he forgot ☹). Anyways, just keep me posted and i'll text him. Excited for this, he loves this kind of stuff

From: Charlie Hauser [mailto:[REDACTED]]
Sent: Monday, April 27, 2015 5:21 PM

To: Lynch, Kristin
Subject: Re: Riot Games & Video Feature

Perfect! Thanks.

The video and article are now live! You can check them out here:

<https://www.youtube.com/watch?v=WTQmAY4wd9s>

<http://na.leagueoflegends.com/en/news/community/community-spotlight/jared-polis-community-congressman>

RG-000603
15-6333_0185

I'll ping you by text when something bubbles up to the front page of reddit!

On Mon, Apr 27, 2015 at 1:57 PM, Lynch, Kristin <[REDACTED]> wrote:

He said his handle is [REDACTED]

From: Charlie Hauser [mailto:[REDACTED]]
Sent: Monday, April 27, 2015 4:35 PM

To: Lynch, Kristin
Subject: Re: Riot Games & Video Feature

Sounds great! We're still set to launch on our website (na.leagueoflegends.com) and our game client @ 2:00pm PST.

Do you know Jared's handle on Reddit, by chance? Want to keep an eye out for who to look for.

Thanks!

On Sun, Apr 26, 2015 at 10:19 PM, Lynch, Kristin <[REDACTED]> wrote:

We're all good with this, Jared is happy to help. Please text me at [REDACTED] after vid launches to keep me updated when things start to bubble up on reddit

From: Charlie Hauser [mailto:[REDACTED]]
Sent: Thursday, April 23, 2015 8:57 PM
To: Lynch, Kristin
Subject: Re: Riot Games & Video Feature

Hi Kristin,

After speaking with the team here, it sounds like we can aim for a 2:00PM PST (5:00PM EST) launch of the content on Monday (5/27) . It'll appear on our channels and will likely take a couple hours to bubble up on Reddit, so whatever kind of availability from Jared around 7:00PM EST onwards would be perfect.

I'm happy to coordinate my team with you and Jared, if you let me know the easiest ways to stay in contact with him (emails, google docs, etc) we can work around that.

RG-00604
15-6333_0186

Thanks!

-CH

On Thu, Apr 23, 2015 at 1:30 PM, Charlie Hauser <[REDACTED]> wrote:

Hi Kristin,

Here's the private link to the video. Please note it is in "private mode" and is only accessible by this link, so please do not share it with anyone before release.

[REDACTED]

Thanks!

-CH

On Wed, Apr 22, 2015 at 7:00 PM, Lynch, Kristin <[REDACTED]> wrote:

Apologies for the late response. I think Jared would like to help with this however he can because he's such a huge gamer (I admittedly am not so apologies for my ignorance). Call me first thing tmrw? Cell is best, I didt get your vm today, thx

From: Charlie Hauser [mailto:[REDACTED]]
Sent: Wednesday, April 22, 2015 1:27 PM
To: Lynch, Kristin
Subject: Riot Games & Video Feature

Hi Kristin,

I'm Charlie Hauser at Riot Games in Santa Monica, CA. About a year ago, we shot a short 5 minute feature with Jared, who happens to play the game we publish (League of Legends).

I was coordinating with Scott Overland before he left, and managed to get the feature in front of him and Jared to make sure everything looked good and everyone was feeling comfortable.

I had reached out to Scott about potential Q&A with Jared or someone from your office in tandem with the release of the video. In our experience, these features are received much more positively when someone from the feature is available to answer questions and engage with the community (akin to when Jared appeared on our forums to talk about SOPA/PIPA) - it's a great opportunity to talk about politics and how they potentially impact gamers.

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Release is slated for tomorrow (4/23) between 1 and 2 PM PST. If you're at all interested and think someone could be available to lend a voice, please let me know. I can coordinate with them on key channels to watch and how we can support.

Feel free to hit me up with any additional questions. My phone number is [REDACTED]

Thanks!

-Charlie Hauser

RG-000606
15-6333_0188

Exhibit 15

**Transcript of "Jared Polis: Community Congressman" Video
Published April 27, 2015**

- Rep. Polis: There was actually a computer game that helped get me interested in politics and I think it was called President Elect and basically you were a candidate for President. Yeah, it was a fun game. I mean you tried to win. You not only learned the lingo of politics, but yeah, you just try to actually win the election by deciding how you make your decisions on how to campaign.
- I'm Jared Polis. I am a member of the United States House of Representatives from the Second Congressional District of Colorado -- and I main Maokai.
- I've been a gamer pretty much as long as I can remember. After a long day, you know of fighting in politics or whatever, gaming is great. Nothing else really is on your mind. It's just a great way to kind of not have to focus on the fights of the day and get a balance in your life.
- Well, when you win, it's just a great feeling. It's like passing a bill or making a sale in business. Likewise, when we lose especially Marlon, gets a little upset for a while.
- [Footage of Rep. Polis playing League of Legends]
- There's just random constituents and others I met and they always ask, "What's your summoner name?" And they get a huge kick out of it that they played with their Congressman.
- Well, my parents would always say, if you don't like something, change it, Well I had been very successful in business in my 20's and I found myself wanting to give back to the community and for me that was not just, make more money if you don't need it, but focus on trying to change the world.
- When I first got elected to Congress, it was a real crazy experience. I mean, really, all of a sudden you're yielding to people on the floor, you're introducing bills and you have the same authority as somebody that has been there for 20 or 30 years, the same vote.
- You experience politics in a League of Legends game. I mean the dynamic between the players in terms of who's going where, how you decide on it, do you group up in the middle, when do you stop "laning", all of those types of decisions, which everybody who has played League of Legends has seen work really well --
- Game Narrator: [Game footage] That's going to be a Quadra Kill. Can he get the Penta Kill? One on one, it's going to be the Penta Kill!
- Rep. Polis: And I've also seen it completely fall apart.

Game Narrator: [Game footage] No! He died!

Rep. Polis: That's only five people, but you have 435 in the United States House of Representatives trying to get along, but you do have to have your role.

Let's see, I would say I'm probably something of a "jungler" because I get to be involved with lots of different bills in lots of different areas and I kind of swoop in to "gank" them on different things.

[Footage of SOPA/PIPA protests] I think one of the great things is when you can bring together the entire League of Legends community around something because it's a very diverse community. It has its in-fighting, but when there is an issue that affects everybody, like SOPA and PIPA, it brought the entire community, even trolls and haters, everybody, kind of together around making sure that these bad bills didn't pass.

[Speaking on the House floor] SOPA and PIPA directly threaten the very internet that has brought humanity great prosperity and greater peace.

This was kind of an internet censorship type law, which really would have prevented League of Legends from even offering some of the characters they offered, not to mention stifling some of the discussions on the boards.

[Speaking in Committee hearing] I have many concerns with this bill, including an overly broad definition of infringement.

I mean if SOPA and PIPA had passed, you might've seen the League of Legends community and forum disabled.

First of all, I went on the forum, which was exciting and many of the people calling in to their Members of Congress were League of Legends players. There was an Internet day where sites went dark, Wikipedia among others. League of Legends players in the community played a role in writing in and calling in to their Members of Congress to help defeat SOPA and PIPA.

The League of Legends community should not give up just by defeating SOPA and PIPA. We are capable of whatever we put our minds to collectively, so whatever can invoke passions and united the League of Legends community will get done in this world.

I represent the Second Congressional District of Colorado [footage of Rep. Polis playing League of Legends] but I also hope to be somebody that the community of League of Legends players across the country and the world can turn to as a person in Congress who understands an experience and wants to protect it and is very much a part of that community.

Exhibit 16

**Representative Polis' Communications Director
Transcript of Interview
September 9, 2015**

Scott Gast: For the record, this is Scott Gast with the Office of Congressional Ethics, joined by my colleague Kelly Brewington. We are here with Representative Polis' Communications Director ("Comm. Director") who is joined by her attorney Dan Schwager.

The date is September 9, 2015. Communications Director has signed the 18 U.S. Code Section 1001 acknowledgement form and we'll go ahead and get started.

I'd like to start with a little bit of background. If you could tell us your current employment position and your duties in that position?

Comm. Director: Sure. I'm the communications director for Congressman Jared Polis and I handle all press inquiries and communications, both, you know, electronic, social media and traditional. That includes drafting statements and responses and setting up interviews and things like that with the press.

Scott Gast: Okay. And you are based in Colorado, is that correct?

Comm. Director: Yes.

Scott Gast: Are you responsible for district media, or all media, Washington media; is there some split in responsibilities within the office?

Comm. Director: No. I handle everything. We have a press secretary that's based in D.C. so by virtue of geographics with interviews that are happening out here, he typically handles the interviews that happen back in D.C. Or, excuse me, back in Colorado, I typically handle. But, in terms of like overall strategy and stuff like that, I sort of oversee everything.

Dan Schwager: I'm just going to remind you to keep your voice up so the recorder catches it accurately.

Scott Gast: Do you have any kind of supervisory role over the press secretary here in Washington?

Comm. Director: I do, yes.

Scott Gast: Is there anyone else in the office that reports to you?

Comm. Director: No.

Scott Gast: What is that person's name, the press secretary?

Comm. Director: His name is Craig Frucht. I should add though, that's a new transition so, in the staff, happened, I think, two weeks ago. Previously, it was Laura Ryan.

Scott Gast: Okay. When did you begin working for Representative Polis?

Comm. Director: First week of February 2015.

Scott Gast: Prior to that, where were you working?

Comm. Director: I was on Senator Udall's campaign in Colorado and before that I was in Senator Bennett's official office as press secretary.

Scott Gast: I want to ask you first about your interactions with a company called Riot Games. Are you familiar with that company?

Comm. Director: Yes.

Scott Gast: How are you familiar with that company?

Comm. Director: Through the... When Charlie reached out to me about the documentary that they had made on Jared, they had mentioned that this was filmed last year and it was finally ready for production. That was my first interaction.

Scott Gast: Riot Games Brand Manager? Would that be Riot Games Brand Manager?

Comm. Director: Yes.

Scott Gast: Had you had any relationship with Riot Games prior to that?

Comm. Director: No.

Scott Gast: You mentioned that Riot Games Brand Manager wanted to discuss this video documentary that they had put together. How did you learn about that project?

Comm. Director: From what Charlie explained, what he explained to me. I think there were a couple voice mails, we missed each other but that's the extent of my knowledge of it.

Scott Gast: So when he contacted you, had you been aware of this video or this documentary?

Comm. Director: No. No, that was the first I had heard of it. I hadn't even heard Scott, who was my predecessor, mention it off-handedly at all. It was just like, 'Hey, we did this last year, not sure if you knew but this is what it is.' And, I said I didn't know but okay.

Scott Gast: Communications Director is Communications Director?

Comm. Director: Yes. I'm sorry. Scott Overland.

Scott Gast: But the conversation that you were just discussing, was that a conversation with Riot Games Brand Manager?

Comm. Director: Yes. Yes.

Scott Gast: What was that initial conversation?

Comm. Director: He explained that they had, that last year, they had filmed sort of a documentary about Jared and his passion for gaming and how it relates to some of his work on the Hill and why he got in politics, and he shared with me the YouTube clip that was private at that time, so I could see what he was talking about. He had asked whether or not... They were going to push it out there, and he had asked whether Jared wanted to answer questions from people that had watched this video about him. About anything that was in the video.

Scott Gast: Let me ask you, you said, I think, that he asked if you wanted to "push it out there"?

Comm. Director: He said that that video was done. Not us to push it out there. That video was done and they were going to publicly release it because at the time, it was private on YouTube. So they were just going to change that to public and that when that happens, there's a lot of people that see it that want to talk with the Congressman about what he talks about in the video. So, would I and Jared be interested in answering some questions that might bubble up on Reddit about it.

Scott Gast: Okay, let me just back up one second. After you had the first interaction with Riot Games Brand Manager, was that a telephone call, a telephone conversation?

Comm. Director: I can't remember. I definitely know that there was a phone conversation. There might have been a couple, I think. I think he left a couple of voice mails because I remember having a couple of voice mails from him but I also know there was an email. So, I can't remember what came first.

Kelly Brewington: When was that?

Comm. Director: April. I think I saw the emails, so I think it was April 20 or 22nd, somewhere around in there. I can't remember what came first, the voice mails or the calls. I have no idea what the date of those voice mails were.

Scott Gast: Let me show you this document while we're discussing it.

Comm. Director: Okay.

Scott Gast: For the record, this is a chain of emails beginning with THJP-50 through THJP-54. I'll give you a few minutes to look over that.

Comm. Director: Yep.

Scott Gast: Are you familiar with this series of emails?

Comm. Director: Yes, I am.

Scott Gast: And, if you look at page 53, it looks like an email from Riot Games Brand Manager to you, dated April 22, 2015, entitled Riot Games and video feature. Was this the initial email that you received from Riot Games Brand Manager?

Comm. Director: Yes.

Scott Gast: And this would have been the first time that you had learned about the video?

Comm. Director: Yes, and there was a voice mail, I just can't remember what came first but it was around this time.

Scott Gast: And subsequent to this email and the voice mail, you had a telephone conversation with Riot Games Brand Manager.

Comm. Director: I can't remember if it was before or after this video. I would assume that it was after, him following up, but I honestly, I can't be sure what came first.

Scott Gast: Sure. Okay. After having that conversation with Riot Games Brand Manager, did you have conversations with anybody within Representative Polis' office?

Comm. Director: No. Immediately after or...? We worked to schedule this. So, whenever we'd get a press request for someone that wants to interview Jared or does Jared want to help with this or... I'll typically work with my scheduler, Katerina, to make it happen. To schedule it with whatever he's got going on. So, I do think that there were some conversations about fitting this in somewhere but that was towards the end, I think.

Scott Gast: Any conversations with anyone in the office about, 'Hey, what is this? Can you give me some background on this? I just heard about this from Riot Games Brand Manager'?

Comm. Director: No, not that I remember.

Scott Gast: Did you have any conversations with Representative Polis about this contact?

Comm. Director: I don't, I didn't have a conversation about it. When the Reddit thing was happening, that night, I think I was texting with him about timing. Like, 'Hey, some questions are bubbling up, you might want to like pop in now, or in an

hour when you get home,' or something like. But I didn't have conversations with him about the general video.

- Scott Gast: No conversations to ask if he wanted to do the Q & A?
- Comm. Director: No, not that I remember.
- Scott Gast: Would that be typical? Would you agree to do media events like that without running it by him first?
- Comm. Director: It depends. Usually, if I, I view this as fairly standard. If it was something where I know that he is uncomfortable talking about or if he might not want to talk about it, then I'll run it by him or I'll run it by the chief. But I don't recall doing that in this particular instance.
- Scott Gast: Did you actually view the video then at the time he sent you the private YouTube link?
- Comm. Director: Yes. The YouTube link, yes I did.
- Scott Gast: What was your reaction to the video?
- Comm. Director: I thought it was a really neat video. Jared is, you know, I work for him and I think that he's a very unique lawmaker in the fact that he's sort of accessible and his constituents can really relate to him. So I thought this video captured that perfectly and it talked about, here's this lawmaker but he's just a regular guy also and he's accessible. It talked about how you might think gaming is just gaming but it's related to his passion for politics and how he got into it and stuff. Those were some of my initial reactions.
- Scott Gast: Did you have any conversations about the substance of the video with representative Polis?
- Comm. Director: No. I don't think so.
- Scott Gast: Anybody else in the congressional office?
- Comm. Director: No. Now that I've gone back through emails, I know that I sent that link out, I guess that wouldn't be a conversation. But, no.
- Scott Gast: When you say you sent that link out, what do you mean?
- Comm. Director: I sent an email to the staff saying, 'Hey, this is a cool video that just went public about Jared and his passion for gaming and how it's related to what he does on the hill.'
- Scott Gast: What kind of feedback did you get from the staff?

Comm. Director: None.

Scott Gast: Okay. When you viewed the video for the first time, when you discussed it with Riot Games Brand Manager, was there ever any concern on your part that this was a for-profit company, talking about product that they were selling?

Comm. Director: No. I, when I see Riot Games, I don't see, I didn't think a for-profit company. It just seemed to be like sort of a video that Jared was in.

Scott Gast: Did anybody else raise any concerns about the fact that this may have been akin to an advertisement or an endorsement of a product?

Comm. Director: No.

Scott Gast: Did you, at any time, seek any ethics advice from the Committee on Ethics about the video?

Comm. Director: I didn't. No.

Scott Gast: Besides Riot Games Brand Manager, who else at Riot Games have you had contact with?

Comm. Director: That was it to the best of my knowledge.

Scott Gast: Do you know if anyone else in the congressional office had interactions with Riot Games?

Comm. Director: I only know that, obviously, that Scott did and then, I think, previous people that have worked in the Polis office just from my conversations with my lawyer.

Scott Gast: What about on legislative issues. Do you know if there was any interaction?

Comm. Director: I have no idea.

Scott Gast: What about the campaign? Do you know if Representative Polis' campaign had any interactions with Riot Games?

Comm. Director: I don't know.

Scott Gast: Okay.

Dan Schwager: Just really keep those answers up.

Comm. Director: Okay.

Dan Schwager: What was your last answer?

Comm. Director: No. No idea.

Dan Schwager: Okay.

Scott Gast: Other than having this conversation with Riot Games Brand Manager, reviewing the video, sharing it with the staff, and scheduling the Q & A, did you take any other actions with respect to the video?

Comm. Director: Just the email I sent out to staff. I don't remember, I can't remember if you mentioned it on the list, sorry.

Scott Gast: That's okay.

Comm. Director: No, I did not.

Scott Gast: Did you provide any feedback to Riot Games?

Comm. Director: No.

Scott Gast: Were any changes ever requested in the video?

Comm. Director: No.

Scott Gast: What was your understanding of what Riot Games was going to do with the video?

Comm. Director: Yeah. I'm trying to think. I knew that they were making it public on YouTube and that that was... They have a huge community on Reddit and that was going to spark a lot of discussion and questions about Jared. So that was what I was thinking they were going to do.

Scott Gast: Did you have any conversations with anyone at Riot Games, with Riot Games Brand Manager or anyone else, about what they were going to use it for?

Comm. Director: No. Beyond just that when we, when this goes public on YouTube, we get a lot of questions on Reddit. That was all I talked about and they told me.

Scott Gast: Was there any discussion about things not to do with the video?

Comm. Director: No.

Scott Gast: No parameters put on how it would be used?

Comm. Director: No.

Scott Gast: Okay. Was the video scripted in any way, do you know?

Comm. Director: Scripted how so?

Scott Gast: Was Representative Polis or anybody else that appeared in the video given a script to follow or talking points?

Comm. Director: I have no idea.

Scott Gast: Were you involved in any way in the production of the video?

Comm. Director: No.

Scott Gast: And you weren't involved in the filming, that occurred before you got to the office?

Comm. Director: Right. Right. Right.

Scott Gast: When you had that conversation with Riot Games Brand Manager, was he asking for approval of the video or was there any discussion of getting your sign off?

Comm. Director: No. And my memory of our phone conversation is admittedly, I can't remember exact specifics. I've read this and it says that he was coordinating... I didn't get the sense that he was asking for my approval. I got the sense that it had already been approved. They were going to make it public next Tuesday. Typically when that happens, we get questions about Jared. So, next Tuesday, if you near a computer, you might want to ask questions. I didn't feel like there was any approval process pending.

Scott Gast: Okay.

Kelly Brewington: Did you ask anybody in the congressional office had it been approved already?

Comm. Director: I did not. No.

Scott Gast: And when you said you had the sense that it had been approved already, what did you mean by that?

Comm. Director: Because when he, I'm being refreshed by this, because it was April, but when he points out somewhere: I was coordinating and managed to get the feature in front of him and make sure everything looked good and everyone was feeling comfortable.

Scott Gast: Okay. And just for the record, when you said you were being refreshed by this, this is that April 22 email?

Comm. Director: Correct.

Scott Gast: ...from Riot Games Brand Manager?

Comm. Director: Correct. Correct.

Scott Gast: Okay. What discussions were there internally in the Polis world about how the office would use the video?

Comm. Director: There weren't discussions that I can remember about how we would use it internally. I think I might have tweeted about it from the official account. But I can't be certain.

Scott Gast: When you say the official account, what account is that?

Comm. Director: The RepJaredPolis.

Scott Gast: Do you have the authority to issue tweets from that account?

Comm. Director: Yes.

Scott Gast: Does Representative Polis himself issue tweets from that account?

Comm. Director: No.

Scott Gast: That's done through you?

Comm. Director: Yes.

Scott Gast: Does Representative Polis approve tweets before they go out?

Comm. Director: No.

Scott Gast: Okay. So you say you may have tweeted about it. Do you know if the office used it in any other way?

Comm. Director: I'm 99 percent sure that there was no other, that I know of, no other use of it.

Scott Gast: Put it on Facebook?

Comm. Director: No. I mean, I could easily go back and double check but Facebook, he does approve everything we put on Facebook. I don't recall ever doing a Facebook post on this.

Dan Schwager: Let me just clarify. You were just talking about all the, any conversations about how it was used. I think you discussed earlier, the Reddit Q & A. I think you acknowledged that there was discussion with the congressman, between you and the congressman about that. Is that right?

Comm. Director: Yeah.

Dan Schwager: We want to make sure that doesn't get lost.

Comm. Director: Sure. I mean that's what I saw as a primary function of this, was that there was going to be Reddit conversation. Does Jared want to participate and if so, what the timing was. So, Jared and I did talk about that, but there wasn't a mention of this video or approving this video or helping get this video, putting it on our social media channels.

Scott Gast: Okay. So you think you may have tweeted about the video using the official Twitter.

Comm. Director: I think so, yes.

Scott Gast: You're not sure about Facebook, but you don't think so.

Comm. Director: Yeah. I'm almost certain, but no.

Scott Gast: And, the Q & A, can you tell me what happened with that? How that went down?

Comm. Director: Yeah, so, I know Jared has done Reddit "Ask Me Anything"'s before and it's very, he's very, he comes from that background. I don't think a lot of lawmakers are on Reddit. But there's a huge amount of, a very narrow section of constituents, but a large amount that are on Reddit. So, that's why, initially, this was appealing to me because I felt like it was engaging with constituents that don't read the newspaper every day.

And, so there were, some times I'll text Jared or I think, I'm assuming, again, I can't 100 percent recall, but based on standard operating procedure, I would text Jared and be like, 'Hey, there's going to be a Reddit discussion and you're going to pop up after this video gets released. You should check, can you be on your computer between six and eight or a number sometime in the evening and I'll text you when questions start coming up about you so you can pop in and sort of respond to the constituents that are curious about stuff.'

So, I do think something like that happened but I can't, 100 percent, tell you exactly what that, but that's probably the gist of it.

Scott Gast: So you weren't there when he was...

Comm. Director: I was not. No.

Scott Gast: ... looking at the questions or anything.

Comm. Director: Correct.

Scott Gast: Did he end up answering questions?

Comm. Director: He did. Yeah.

Scott Gast: Go ahead.

Comm. Director: Because you can follow along on Reddit. And, so I don't know if I was doing it simultaneously or if I did it after. It was definitely that night I was on there seeing what questions came up and seeing how he, you know, what he answered and what he said, and stuff like that.

Scott Gast: Did you send out any media advisories or share the video with any press?

Comm. Director: No.

Scott Gast: Did you get any media inquiries about the video?

Comm. Director: Yeah, there was, after there was a student at CSU, it seemed from what the student conveyed to me, that many students at CSU had seen this and thought it was great that their representative sort of likes gaming just like they do. And, sort of how it intersects with what he's doing on the Hill and so they wanted to write a longer feature on that and how it relates to what he's working on in Washington and stuff like that.

I think there was even a discussion of, I think they do an annual gamers thing at CSU and so maybe in the fall, could we try to make that happen. It seemed like a cool intersection there.

Scott Gast: Any other media inquiries?

Comm. Director: No.

Scott Gast: Okay. When you were...

Dan Schwager: Is it possible that there were any that you don't recall or are you...

Comm. Director: It's definitely possible that there weren't any that I recall, yeah.

Scott Gast: Sure. When you were tweeting about the video or responding to media requests, was there anything that you thought that you couldn't do with the video?

Comm. Director: No.

Scott Gast: Any restrictions on how you could use it?

Comm. Director: No.

Scott Gast: What was the reaction from Riot Games about the video?

Comm. Director: Once it went public, I remember, I think there were lots of questions about Jared on Reddit. And, my main concern was what were their questions on Reddit and who was asking what and was it really something where it was worth Jared's, like if there's two questions, it's not worth Jared's time to go in. But, if there are tons of questions from constituents then, of course, we would make him available.

So, as I understand it, there was a lot of questions and a lot of activity. So, I wasn't thinking about the video itself. I was more concerned about the Reddit conversation.

Scott Gast: Generally, how often with your time with Representative Polis and even in your time in other press capacities, how often would requests like this come in? A request to do some kind of documentary put together by some kind of for-profit company like this?

Comm. Director: I would say often and I, you know, it's... I never thought, again, like Riot Games, it didn't scream at me, for-profit company. We get tons of requests from outsiders and we try to make Jared available to answer those questions. That happens all the time. And so this was no different.

Scott Gast: Had you had that awareness that this was a for-profit company, would that have changed your approach in any way?

Comm. Director: I, no, because I thought that the, what I saw in the video was a video about Jared, a passion for gaming and how it impacts what he does on the Hill. So, to me, that was related to his work and as a communications person, if people have any questions about it, or people were asking questions about it on Reddit, I would try to have Jared answer those questions.

Scott Gast: Have there been any requests that have come in for Representative Polis to participate in some kind of media activity in which you have had a concern about the commercial nature of it or an advertising aspect to it?

Comm. Director: Not off the top of my head. Not off the top of my head.

Scott Gast: Do you have any more questions about the video?

Kelly Brewington: I think I'm okay.

Scott Gast: I want to ask you briefly about this now. This, for the record is THJP-125. This is a June 29, 2015 email from you to Craig Frucht, "Top Ten ways to celebrate marriage equality with Rep. Jared Polis." Take a minute to look at that.

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: And, are you familiar with this email?

Comm. Director: Yes.

Scott Gast: You drafted this Top 10 list, is that correct?

Comm. Director: Yes. I was working, yeah, one day over the weekend I had a conversation with a reporter at IJR and he had pitched this idea and I thought it was a good idea. I think he had sent me some ideas that he had, like what could go into a Top 10 list. So, I took some of those and I added my own. I can't remember which ones I added. But, yeah. So, I wouldn't say I 100 percent drafted this whole thing but it definitely has my thumb print on some of it.

Scott Gast: Okay. I'm going to ask you to look at number three, 'play League of Legends...'

Comm. Director: Yep.

Scott Gast: Permalink to video. Do you know if that is one that you thought of or one that the reporter thought up?

Comm. Director: I'm almost certain that it's probably one that I thought of.

Scott Gast: When this says "link to vid," is that the League of Legends video that Riot Games put together?

Comm. Director: Yes.

Scott Gast: What was just the general thought process for including that in this email?

Comm. Director: This was sort of like a funny Top 10 list of things that, you know, Jared does in his free time and I knew that he played League of Legends and so that's what I included. I think, like even Jared, I think we ended up switching it because he was like, 'Oh, I don't watch Glee but I watch this show.' So we changed it. I forget what the show was but this is public, obviously, on Jared's website.

Scott Gast: At the time that you were putting this together, was there any thought of including this video or this game being an endorsement or promotion of a product?

Comm. Director: No. No. Because I didn't see that video as an endorsement or a promotion.

Scott Gast: I believe those are all the questions I have about the video.

Comm. Director: Okay.

Scott Gast: I want to switch topics and talk to you about the Ninox clothing company. Are you familiar with that company?

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: How did you become familiar with them?

Comm. Director: Linda, their owner or co-owner, emailed me early in the spring and just had that idea about giving Jared a makeover because of the GQ article.

Scott Gast: And, Linda...

Dan Schwager: Sorry. Remember to keep up. Because of what?

Comm. Director: Because of the GQ article.

Scott Gast: And, Linda being Linda Casals, is that correct?

Comm. Director: Yes. Yes.

Scott Gast: Let me show you this. This is an email, for the record THJP-148, and I want to ask you about the email at the bottom there from Linda Casals to you, on March 31, 2015.

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: If you want to take a minute to look that over.

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: Do you recall this email?

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: Was this the contact that you referred to as to how you first became aware of Ninox?

Comm. Director: Yes.

Scott Gast: And, do you know what prompted this email from Ms. Casals?

Comm. Director: I'm assuming the GQ article but, yeah.

Scott Gast: Had you had any contact with her prior to this email?

Comm. Director: No. No.

Scott Gast: Anybody else at Ninox?

Comm. Director: No.

Scott Gast: Were you familiar with the company prior to this?

Comm. Director: No.

Scott Gast: So you received this email from Ms. Casals. Before we get into that, do you know if Representative Polis had a relationship with the company?

Comm. Director: I don't think, I didn't think he did but I have no idea.

Scott Gast: Okay. Anybody else in the congressional office?

Comm. Director: No.

Scott Gast: Do you know if the campaign had any relationship?

Comm. Director: No.

Scott Gast: Okay. So you got this email from Ms. Casals, what was your reaction?

Comm. Director: I thought it was a great idea. You know, that GQ article was obviously, everyone saw it and it was, everyone says that he's terribly dressed. So, I thought that was, at the end of the GQ article they promised a makeover at some point. That had never happened. It was a local Boulder menswear company. It seemed like a great thing.

Scott Gast: And when you say you thought it was a good idea, why was it a good idea?

Comm. Director: Because, you know, GQ sort of labeled him the worst dressed Member of Congress and so, if you had a local menswear company that was helping him not be a worst dressed Member of Congress, I thought that would be a good idea. I thought local press would be interested in that.

Scott Gast: So, the benefit to Representative Polis would be that local press?

Comm. Director: I don't know if I was looking at it as a benefit. But, yeah, it meant, I think, the people, constituents that follow their congressman and what he wears on the House floor, if there was an article talking about how he was getting this makeover and he's looking a little better, I thought that would be good.

Scott Gast: It looks like after you received the email you forwarded it to Lisa Kaufmann.

Comm. Director: Yeah.

Scott Gast: Who is Lisa Kaufmann?

Comm. Director: Lisa is the chief of staff for the Colorado office.

Scott Gast: Okay. Why did you forward it to her?

Comm. Director: I'm assuming just from what's written in the email s that we were having a conversation about improving what Jared wears on the House floor and that what a coincidence that we got this opportunity to improve it from a local company.

Scott Gast: Did you have any further discussion with her about the email?

Comm. Director: About the Ninox proposal?

Scott Gast: Hm-mm-hmm (affirmative).

Comm. Director: I mean, I did, I don't know if it was right after but there was obviously some discussion about when we could do that.

Scott Gast: Who was involved in that discussion?

Comm. Director: Lisa, and maybe Eve, but I'm not totally sure.

Scott Gast: Who is Eve?

Comm. Director: Eve is the chief of staff that's based here in D.C.

Scott Gast: What's her last name?

Comm. Director: Lieberman.

Scott Gast: Was Representative Polis a part of these conversations?

Comm. Director: I can't remember. When, if he's back in district and we're doing different things, you know, usually Lisa's the one that would be like, 'Oh, on Monday we're going to visit here and on Tuesday you're meeting with here...' So, I'm assuming that happened at some point. I can't, I'm a little bit fuzzy on if I was part of that discussion or if it was just Lisa but, yeah.

Scott Gast: Do you recall any discussions with Representative Polis about the offer? Whether to do it? Any questions he might have had?

Comm. Director: There were definitely, once we got closer to the date, there were questions about the email. I need help with my House wardrobe. Clearly that's what GQ was mentioning so make sure that there are things I can wear on the House floor. Those are the sort of, only places where I remember him asking questions about it or if

Scott Gast: But not about, 'Should we do this,' or 'Do you think this is a good idea?'

- Comm. Director: I don't remember that conversation happening. No. I mean, there was, I think there was definitely made clear that if any clothes were purchased, that it would be Jared. He would pay for them personally. But, that was the only part that we sort of do.
- Scott Gast: Okay. What about the conversations with Lisa and Eve? What were the general thrust of those conversations?
- Comm. Director: I can't, I'm almost certain I talked with Lisa about it. I can't remember if I also talked with Eve. Sometimes with, things move so quickly it's.... I can't totally remember.
- Scott Gast: Sure.
- Comm. Director: Usually she's involved in those but it could vary, so I don't totally want to jump to that conclusion. I think, and from my memory or maybe it's in email, it talked about, 'Hey, this is a great idea. GQ labeled him the worst dressed Member of Congress. There's a local menswear company that's a startup that wants to give him a makeover and can we figure out a time to do this?' There were several months in between because the schedule was really bad.
- I think, then we had a little bit more free time in June and so that's when we sort of made it happen. But, there wasn't a discussion, I don't remember there being a discussion about, 'Well, can we not do this,' or anything like that. It was more trying to pin down when it would happen.
- Scott Gast: So, who actually would have made the decision to do the makeover?
- Comm. Director: I mean, me. I think I said, 'This is something we should do,' and, 'can we find a time.' Lisa, who was a little bit more involved with his district schedule when he's in Colorado than Eve, you know, ok'd it. But, I certainly was the one that was, that thought that it was something that we could do.
- Scott Gast: In your consideration of the offer and the proposal, and in your conversations with Lisa and any other folks, did the concern about this being a commercial for-profit company, about the makeover being some kind of endorsement or some kind of advertisement, were those issues ever considered or discussed?
- Comm. Director: No. It didn't seem like an endorsement. It seemed more a promotion in my eye. It was highlighting a small business in Boulder and helping sort of fight back against the GQ moniker of worst dressed. The only discussion in terms of whether this was a good idea or not was just making it clear that if he did buy clothes, that it was most definitely going to be coming out of his personal pocket.
- Scott Gast: What was your next contact with Ms. Casals or anyone at Ninox after the proposal came down?

Comm. Director: So I think that she might have emailed me a couple of times over the spring. I remember being really busy and just, it wasn't something that could happen. Then, I think, when we were able to, I don't know if it was June or maybe May, lock down a date, I think I finally said, 'Hey, it's looking like he'll be back on this date. Would this date and time work?' From my memory. I haven't gone back and looked incredibly deeply at everything but that's the timeline in my head.

Scott Gast: And in those... Did you ever have telephone conversations with her about the proposal?

Comm. Director: No, I don't think so. We met up for coffee at some point to talk a little bit about it more. And that was it.

Scott Gast: And what did you talk about?

Comm. Director: Just kind of like what their story was in terms of they were a start-up and that she had started it. Why, how she found out about the GQ thing. If there, whenever someone wants Jared's time, if I'm able to sit down and just flesh out a little bit more than going over email that's what I try to do. But...

Scott Gast: Did you discuss publicity for the makeover? How to go about that?

Comm. Director: Yeah, you know, I thought that there were a couple reporters that would be interested in it and so I mentioned that and then we obviously thought GQ would be interested in it. So we talked briefly about that and I think that was it.

Scott Gast: What did you discuss about who would do what?

Comm. Director: I said I would reach out to the local, like the Boulder Daily Camera, there's also a TV reporter that I thought would be interested that I would reach to and I would try to find whoever wrote the GQ article and reach out to someone at GQ. She said that sounded great and she might have contacts from GQ from her end, two different ones than I might have, so she would do that.

Scott Gast: Was Linda also going to make efforts to reach out to the media?

Comm. Director: I think it was just the GQ one. We didn't discuss any other people. She didn't seem, that wasn't like, she didn't quite know how to do that or where to begin. So I didn't really put a lot of stock in her going real far and wide with this. I felt like I would reach out to the Daily Camera and let them know this is happening and a TV reporter.

Scott Gast: Were there any discussions about limits on what the company could do with the event or pictures from the event?

Comm. Director: No.

Scott Gast: Who made the arrangements for the venue?

Comm. Director: Me.

Scott Gast: Did you pick the location?

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: Where was that?

Comm. Director: It was at a park right with the Boulder Flatirons. Jared had mentioned that that's one of his favorite places so it would be great if we did it out there. For Boulderites, it's a very iconic place.

Scott Gast: Is there a building there? Where he could change and all that stuff?

Comm. Director: Yeah. There is a like, it's a hiking trail head and there's a restaurant and then just sort of more of like an info center I think. They're bathrooms in the back. It was a hot day so we had the clothes in that back, and then he would just walk maybe 100 yards to the field where we took the photos.

Scott Gast: Nice background?

Comm. Director: Yeah.

Scott Gast: Was there any cost involved in securing that location?

Comm. Director: No.

Scott Gast: Any permits or anything you had to get to be able to...

Comm. Director: No.

Scott Gast: What about the clothing? Who picked out the clothing that was going to be used?

Comm. Director: The Ninox people did.

Scott Gast: Okay. Who did you work with at Ninox? You obviously worked with Linda?

Comm. Director: Yep.

Scott Gast: Anyone else?

Comm. Director: Allie. So it seemed to me that Linda had the idea and she was running the company and Allie was more like the implementer. I think she might have been

the designer, I'm not totally sure. She was the one that ultimately picked out the pants and stuff like that and shirts and stuff.

Scott Gast: What's Allie's last name?

Comm. Director: I think Thielens.

Scott Gast: Okay. I'll show you this email. I think this is a couple stapled together, actually. Just for the record, the first one is an email that is without a Bates, but it's an email from Communications Director to Congressman Polis, copied to Lisa Kaufmann on June 25. The second one is THJP-173. It looks like a continuation of that chain.

Dan Schwager: Sorry about the lack of Bates on the first one. Looks like it's got a lack of...

Comm. Director: The lack of what?

Dan Schwager: Bates stamp. This is our production Bates stamp. I must have just missed it because they look like something I produced.

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: So, it looks like you're reaching out to Representative Polis with the details of the event. Can you just tell me a little bit more about these conversations you had?

Comm. Director: Sure. About what's in the email or about...

Scott Gast: Yeah, about this leading up to the event.

Comm. Director: Sure, we had finalized, I don't know if we had finalized the location yet, I don't even know. I wanted to give him an idea because he, if he wanted to buy, I wanted to make sure I had all that straight, and get a better... I don't think we had talked a lot about that and sometimes it's hard, you know, I'm here in D.C., I could just talk to him physically. That's not always the case when I'm in Colorado. So this was just sort of, 'Hey, this is what's happening. Set for Tuesday at 1:30. This is what they're going to give you, three pairs of pants and three button-ups, essentially. That's when he he talked more, 'Well, make sure whatever I get, it's appropriate for the House floor because that's what GQ was complaining about or criticizing about.' So, yeah.

Scott Gast: What was his general reaction to the...

Comm. Director: He would, the firm thing was like, 'Okay, need to make sure it's for the House floor. Call the Sergeant of Arms to make sure you know the specifics.' Then the location, at some point, I don't think it was in this but maybe it was a conversation that he wanted to do it in the Boulder Flatirons but that was it.

Scott Gast: Any other questions that he had about the event?

Comm. Director: No. No.

Scott Gast: I want to ask you, you say in that initial email Ninox was "really excited." Is it Ninox, by the way, is that how you pronounce it?

Comm. Director: I think so. Yeah. Ninox.

Scott Gast: Why were they really excited?

Comm. Director: Because they had reached out four months ago and this was like, anyone that wants Jared to visit a business or something like that, had been several months in the making and I think they were excited to finally make it happen.

Scott Gast: Okay. Particularly with these emails, this is, for the record THJP-129, email from you to Stuart Feinhor on June 26, 2015.

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: Who is Stuart Feinhor?

Comm. Director: He's a constituent advocate in the Colorado office, the Boulder office.

Scott Gast: Okay. It looks like Allie, from Ninox, was dropping off the clothes for the makeover, is that kind the gist of this?

Comm. Director: No. I didn't see the clothes until the Tuesday. This was, I think at this point, we were still uncertain where we were going to do it. There was talk of maybe doing it in the office and so she came by to look and just see what our office was like.

Scott Gast: Were there any discussions about concerns about using the office for the photo shoot, using official resources?

Comm. Director: No.

Scott Gast: And when it says, "let her take a look at office and take whatever pictures she needs," What was she taking the pictures for?

Comm. Director: I think she was like, she wanted to get a better visual and maybe, I was assuming, she would go back to Linda and say like, 'oh, this is what the office looks...' It's not like your typical congressional office. So, just like if you were trying to figure out where anything would happen, you'd want to take photos and talk to people and say hey, 'This is what it looks like. Should we do it here or outside?' And, this must have been before Jared was like, 'No, I really want to do with the Boulder Flat Irons in the background.'

Scott Gast: He wanted to do it there, why?

Comm. Director: I think, I don't remember if he said this or if maybe I just assumed, because it's like one of his favorite spots in Boulder and, again, very, like when people think of Boulder, they think of the Boulder Flatirons so that's where we ended up doing it.

Scott Gast: Was there any concern about moving it to that location, not doing it in the district office?

Comm. Director: Was there a concern about...

Scott Gast: About keeping it out of the district office?

Comm. Director: No. No. In fact, I think we were, I think we might have gone to the, if there was rain or something like that, I think we were just going to do it in the office. It's just that our office is just like any other office so it's just the

Scott Gast: Any concerns, discussions about using the seal of the house in any of these photos or anything?

Comm. Director: There wasn't, no. I mean, it was, you know the GQ article said that he was the worst dressed Member of Congress and then there was a local company helping him improve that look. So, it, to me, it made sense that that would be part of it. Because it was in his role as a Member of Congress not having bad fashion sense.

Scott Gast: Okay. What about, at the event, was a professional photographer retained?

Comm. Director: They had, they did have a photographer there. I think she volunteered. I think she was a friend, maybe, of Ninox's folks.

Scott Gast: When you say, 'They had a photographer'?

Comm. Director: Ninox did.

Scott Gast: Ninox did?

Comm. Director: Yeah.

Scott Gast: Did the office retain a professional photographer?

Comm. Director: No.

Scott Gast: Who took the pictures?

Comm. Director: I took a lot of them and then, Allie, the photographer, did.

Scott Gast: That's a different Allie than from Allie Thielens?

Comm. Director: Yes. Yes.

Scott Gast: I want to ask you, there were some emails where it looks like Allie, the photographer, shared some of the photos she took with you.

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: You were using your Gmail account.

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: Any reason for using your Gmail account rather than your official email?

Comm. Director: Yeah, because the Dropbox is very, accessing photos through Dropbox, on my official account is very difficult and it gets caught up in spam filters and if I remember, I needed pictures very quickly, I think there was Nine News in particular, it was running at 4 p.m. that afternoon, for the afternoon news. I just couldn't generally, if there are photos of all that, they go to my pictures and my mailbox limit too is just easier to use and share files.

Scott Gast: I was going to also show you a couple of emails, with the Channel Nine and Denver Post folks.

Comm. Director: Yeah. Yeah.

Scott Gast: You also used, it looks like, your Gmail or your alumni email?

Comm. Director: Yeah. It's linked to my Gmail.

Scott Gast: Okay, and that decision was based on using the photos?

Comm. Director: Yeah. Yeah.

Scott Gast: Was that based in any way about not using official resources?

Comm. Director: No. Because I think I had even reached out to, you know, when I was sending an email, there was a Washington Post reporter that was interested because she had written another article about Jared's clothing previously, that I would send, that I think I sent with my official. This is purely just because of the photos and stuff like that. And then I think it was Chris Vanderveen, that if they respond, I'm there and I responded on my, you know, Gmail.

Scott Gast: At any point in this, from getting the proposal from Ninox to going to the photo shoot, were there any ethical issues raised about doing this event with the clothing company?

Comm. Director: No. The only ethical issue that we talked about was how it was, if Jared did want to buy something he should have to buy it with his personal funds, obviously, that was it.

Scott Gast: And, did you ever reach out to the Committee on Ethics?

Comm. Director: No.

Scott Gast: Who actually attended the makeover?

Comm. Director: It was me, Jared, an intern, Amelia I think her name is, and there was a Daily Camera reporter there, there was a Daily Camera photographer. Alex Burness was the reporter. I don't remember the photographer's name. I could dig that up if I needed to. And Allie, the photographer and Allie, you know, Allie Thielens, the Ninox person.

Scott Gast: Was Linda there?

Comm. Director: No.

Scott Gast: Any other reporters or press besides the Daily Camera?

Comm. Director: No. Independent or IJR -- they have a terrible, difficult to remember acronym -- it's Independent... had wanted to come out and do something on it but at the last second, the person that they were flying out couldn't make it or something so I sent them the photos, I think they were able to do with and I think that was it. And, then again, Nine News, which is a Denver-based TV station had also wanted to get out but it was difficult for them to get to Boulder so they relied on the photos that we sent them too.

Scott Gast: What efforts did you take to publicize the event prior...

Comm. Director: Reaching out to those guys.

Scott Gast: Did you send out a media advisory?

Comm. Director: No.

Scott Gast: Press release?

Comm. Director: No.

Scott Gast: Just kind of calls and emails, is that fair to say?

Comm. Director: Yep, yep.

Scott Gast: And when you say 'those guys,' who did you reach out to?

Comm. Director: The Daily Camera, Alex Brandon and Chris at the, Brandon or maybe it was Chris at the Nine News and then Betty Johnson at IJR.

Scott Gast: Anybody else? Any other TV stations or ... Denver Post or Rocky Mountain News?

Comm. Director: No. Oh, Denver Post, sorry. Yes. Mark Matthews probably or Lynn Bartels. I think I reached out to one of them about it.

Scott Gast: Okay. And the event itself was June 30, is that correct?

Comm. Director: Yes, that sounds about right.

Scott Gast: Okay. Do you know what efforts Ninox took to publicize the event?

Comm. Director: No, I don't.

Scott Gast: Any discussions with them about how they would do that?

Comm. Director: No, I was under the impression that they weren't doing anything. I was under the impression that they were going to maybe talk to GQ through their fashion, they might have a different contact than I did, but I would do this and they would just sort of let me handle it. They were just excited that Jared was doing a makeover.

Scott Gast: What was generally the format, how did the event go?

Comm. Director: So, we got there and they had three different pants and three different shirts and they just took photos of him with what he arrives wearing and then he went and changed in, sort of, three different outfits and then we took photos of them.

Scott Gast: No remarks or....

Comm. Director: No. No, no, no.

Scott Gast: ...or speech or anything?

Comm. Director: No, no, no, no. Nothing like that.

Scott Gast: Now, we discussed your interactions with the press following the event, what about, how did you and the office use the photos from the event?

Comm. Director: I used them to send to IJR and Nine News. The people that weren't able to make it.

Scott Gast: Okay. Let me show you this. This is a compilation of some of the social media...

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: ...references to the event from Representative Polis' side. The first looks like a tweet from you, looks like your handle there...

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: ...then re-tweeted by Representative Jared Polis.

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: Let me ask you about that. That's the official twitter account?

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: Just for the record, that's a yes?

Comm. Director: Sorry, yes. ReplaredPolis is the official twitter account, yes.

Scott Gast: And as we discussed, that was one that you controlled?

Comm. Director: And Laura Ryan, yes.

Scott Gast: So this would have come from you or Laura rather than from Representative Polis himself?

Comm. Director: Yes.

Scott Gast: Okay. It says, 'Hey @GQMagazine @JaredPolis finally making good on your advice to get makeover later today with @NinoxDesign, #moveoverbradpitt.' Was this something you sent out prior to the makeover, it looks like?

Comm. Director: Yes.

Scott Gast: And then, it looks like some of these further pages were re-tweets by the official Polis twitter account of some of the Ninox tweets. Then a tweet directly from the official twitter account '@GQMagazine rescinds worst dressed title. I owe it all to @NinoxDesign.'

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: And the, this final page looks like an Instagram posting from the official, is that the official Instagram account...

Comm. Director: Hm-mm-hmm (affirmative). Yes.

Scott Gast: Okay. So having looked at that can you tell me, generally, what you did with social media and this event?

Comm. Director: Sure. So I tweeted that he was having the makeover. I actually forgot this until you showed me. And then I wouldn't say there was like an intentional social media plan so I, obviously, know that this happened because you're showing me but I didn't put a lot of forethought into that.

Scott Gast: Again, the same kind of question I asked when the initial proposal came in. When you were sending these social media posts out...

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: ...was there any concern about this being a promotion of a commercial company, an advertisement, an endorsement?

Comm. Director: No, there wasn't. Because it wasn't. GQ had made this label, that he's the worst dressed Member of Congress and so this was a way to not be the worst dressed Member. So I didn't see it as like an endorsement of Ninox's clothes, it just worked out. You know, they're a Boulder company and they helped us convince GQ that, he's, you know, got a style upgrade.

Scott Gast: What about that line in the tweet from the official account: 'I owe it all to @NinoxDesign.' Any concern that that might be a little too close to an endorsement or a promotion of the company or clothing line?

Comm. Director: There wasn't, no.

Scott Gast: Did anybody express, give any feedback to the social media, that you were endorsing this company? Did those concerns ever make it to you?

Comm. Director: No. After all this happened, then I was asked to go back and see if things... I didn't know that you weren't allowed to tag an -- well, this is my personal, but -- in an official tweet to tag a company. So in those instances where that had happened, I did go back and delete them.

Scott Gast: And when you said you were asked to do that, who asked you?

Comm. Director: By Eve, our chief of staff.

Scott Gast: When did that conversation happen?

Comm. Director: I think it was sometime in the middle of July, maybe late July.

Scott Gast: Do you know what prompted that conversation?

Comm. Director: I think there were, it became clear, you know, because since, we've obviously gone back and forth with Ethics, just to clarify some of the rules regarding social media and whenever that became clear that you were not allowed to tag companies, then we had to go back and, you know, we had already tagged them. We didn't realize that was a mistake but since we do know that that's the rule now, we went back and untagged, I mean, not untagged, just deleted the tweets. And, then obviously, now going forward, I make sure that we don't tag companies.

Scott Gast: Just to get the timing clear, would this have happened after this review had started?

Comm. Director: Yeah, it was definitely after.

Dan Schwager: Can I just ask you to clarify. When you said this review, this review started about Riot Games and then Ninox was added, so are you talking about a particular phase, because I think the answer might be different?

Scott Gast: Yeah, let me be more specific with that.

Dan Schwager: I'm not sure she knows but... her answer might be different.

Scott Gast: Sure. Did that effort to go back and clarify tweets, did that happen after you became aware, or the office became aware, that the Ninox makeover was the subject of an ethics review?

Comm. Director: It was after, yes.

Scott Gast: Okay.

Comm. Director: And I think during this time, we, as a staff, received more thorough training about social media practices. And when we realized we weren't allowed to tag, I don't know what came first, but this was all part of it. That was when it was like, 'Oh, we're not allowed to tag.' Go back and delete. I mean, we knew that these tweets were public but we weren't... So we deleted it, I did.

Scott Gast: Okay. Just a couple of clarifications. When you say, 'We received additional training...'

Comm. Director: Hm-mm-hmm (affirmative).

Scott Gast: Who provided that training?

Comm. Director: I think it was someone from the ethics office, I don't know her name. I go back and forth. I'm forgetting her name. I think it was the same person I go back and forth with constantly.

Dan Schwager: You want me to ask, was it Wendy?

Comm. Director: Oh, Wendy, yeah.

Scott Gast: This is somebody with the Committee on Ethics in the House, if you know?

Comm. Director: Are you stating that or are you asking me?

Scott Gast: I'm asking you.

Comm. Director: Oh. I think so but I have to admit that I...

Scott Gast: Sure.

Comm. Director: ...just... She's with ethics. Anytime I have a question about ethics, I call Wendy.

Scott Gast: Okay. I want to ask you about Ninox's efforts publicizing the makeover after the fact.

Comm. Director: Okay.

Scott Gast: You said you didn't really have any conversations with them prior to the event about how they were going to publicize it, is that fair to say?

Comm. Director: I didn't have a conversation about they were publicizing it. I was under the assumption they were not publicizing it.

Scott Gast: Okay.

Comm. Director: That, I didn't think at all, that they were going to blast a release out or anything like that. I was reaching out to the press and they were just providing the clothes for the makeover.

Scott Gast: How about use of the makeover in their social media? Did you discuss that?

Comm. Director: We did not discuss that. No.

Scott Gast: Did you know if they were going to do that?

Comm. Director: I was assuming they weren't. Like I guess, I wasn't surprised by these tweets that I see that they did. But we never discussed what they would do. Is there any way I could get some more water?

Scott Gast: Absolutely, yes.

Dan Schwager: Why don't we take a break?

Comm. Director: Yeah, thanks.

[Break]

Scott Gast: Back on the record with Scott Gast and Kelly Brewington of the OCE, with Communications Director and her attorney Dan Schwager. I want to switch a little bit to talk to you about Ninox's effort publicizing this.

Comm. Director: Mm-hmm (affirmative).

Scott Gast: Did you at some point become aware of their social media activity on this makeover event?

Comm. Director: Yeah, I was aware of this.

Scott Gast: Let me show you...

Dan Schwager: What's the "this" you're referring to?

Comm. Director: Yeah, the one where they're tweeting out a photo from Jared at the photo shoot behind the scenes of the rep makeover.

Scott Gast: Okay.

Comm. Director: Jared Polis makeover.

Scott Gast: Let me show you some additional posts. This is first a compilation of some Facebook posts that I believe are all posted on Ninox's page.

Comm. Director: Mm-hmm (affirmative).

Scott Gast: Facebook page.

Comm. Director: Mm-hmm (affirmative). I haven't seen this, but...

Scott Gast: Do you want to take a minute to kind of look through these?

Comm. Director: Sure.

Scott Gast: Are you familiar with these Facebook posts by Ninox?

Comm. Director: I was not until you just showed me. The last one, the Polis Special – I am, because Jared asked me to get them to not, to take this down, but I haven't seen any of these other ones in this packet.

Scott Gast: Okay. Let's start with that last one, then.

Comm. Director: Sure.

Scott Gast: That is the post from Ninox with a picture of Congressman Polis. Superimposed is the text "\$89 Polis Special. One Week Only," with what looks like a lake shot.

Comm. Director: Mm-hmm (affirmative).

Scott Gast: You said you became aware of this recently, is that correct?

Comm. Director: Yes.

Scott Gast: About how long ago was that?

Comm. Director: Like a month ago, maybe.

Scott Gast: How did you become aware of it?

Comm. Director: Jared texted me and said, "Did you see this? Please tell them to like take it down immediately." Something to the effect that, "I'm extremely displeased or disappointed or upset that they would use my image for these purposes."

Scott Gast: When you say these purposes, what do you mean?

Comm. Director: To advertise a special.

Scott Gast: What did you do after receiving that text from Congressman Polis?

Comm. Director: I texted Linda right away and I said, "What's going on?" I conveyed his thoughts, which I think it was extremely displeased or upset and please take it down immediately.

Scott Gast: Did they do so?

Comm. Director: I have a few Linda's in my phone. I ended up texting the wrong person. I didn't hear back. Twice I texted her, which was strange because she's usually very responsive. Then I finally emailed her and said, "Did you get my text? What's up?" She said I don't know what you're talking about. Then that's when I realized I had the wrong Linda in my phone or I was texting the wrong Linda. Anyways, we got to the bottom of it and as soon as, she didn't know that was happening. She apologized profusely and said, I think by that time the week was over. Where like whatever happened, it was done. She's like, you can tell Jared we're so sorry, we won't do this again.

Scott Gast: I want to ask you, too, about the two previous posts.

Comm. Director: Sure.

Scott Gast: The one directly previous says, "Don't miss out on this one week special of the Keystone Shades. You won't find a better deal on polarized hand-made sunglasses." And it looks like there's a picture of Representative Polis there, too.

Comm. Director: Mm-hmm (affirmative).

Scott Gast: Was this also something that was asked to be taken down?

Comm. Director: I was not asked to take this. I didn't know about this.

Scott Gast: Do you know if this is still...

Comm. Director: I do not know.

Scott Gast: Okay. What about the prior, the next prior post where the text has a picture of Congressman Polis and says, "After the makeover, Congressman Jared Polis sports the Carson pants, Pelo black Hudson shirt and Bennett jacket." Are you familiar with this post?

Comm. Director: No.

Scott Gast: Does it concern you that Representative Polis is associated with these specific products here?

Comm. Director: If I had seen this, I would've said don't mention these specific products.

Scott Gast: Okay. Just to be clear, no one at Ninox reached out to you or anyone in the Congressional office...

Comm. Director: No.

Scott Gast: ...prior to doing these posts?

Comm. Director: No.

Scott Gast: You were not aware of these posts until Representative Polis brought the last couple to your attention?

Comm. Director: The last one to my attention.

Scott Gast: The last one to your attention. Okay. Just want to show you this. It's Instagram postings from the Ninox Design Instagram page. My question is, were you aware of Ninox's use of these pictures on their Instagram account?

Comm. Director: I was not.

Scott Gast: Did you have any discussions with them about using the photos on their Instagram account?

Comm. Director: No.

Scott Gast: Okay. Progressing through social media... This is Twitter. These are apparently some tweets from the @NinoxDesign Twitter handle.

Comm. Director: Mm-hmm (affirmative).

Scott Gast: Were you aware of the Twitter activity that Ninox engaged in after the makeover?

Comm. Director: Some of these, I think. I'm not aware of every single tweet, but I remember this one behind-the-scenes where he looks pretty good. I think I remember this one.

Scott Gast: What about the second one with the picture of Representative Polis next to the District Office sign?

Comm. Director: Mm-hmm (affirmative).

Scott Gast: Let me ask first, did you have any discussion with Ninox before they sent out any of these tweets?

Comm. Director: No.

Scott Gast: About how they would use pictures from the makeover in their social media?

Comm. Director: No.

Scott Gast: Okay. Does it cause you any concern to see Ninox using a picture of Representative Polis with the Seal of the House in this tweet?

Comm. Director: It doesn't. This is a Washington Post article and they're linking to it, so that doesn't concern me.

Scott Gast: Okay. Finally, I want to show you some screen grabs from the Ninox website. Were you aware that Ninox was going to feature Representative Polis on their website after the makeover?

Comm. Director: No.

Scott Gast: Did you have any discussions with them about featuring him on their website after the makeover?

Comm. Director: No. I didn't.

Scott Gast: Okay. The last page I want to ask you about the Boulder icons.

Comm. Director: Yep.

Scott Gast: That lists there some famous Boulder-ites, I believe.

Comm. Director: Yep.

Scott Gast: Also identified there is Jared Polis, Congressman.

Comm. Director: Mm-hmm (affirmative).

Scott Gast: Were you aware that Ninox was going to include him in their list of Boulder icons?

Comm. Director: No, no.

Scott Gast: Have you had any discussions with them about the use of these pictures or naming him a Boulder icon?

Comm. Director: No. No, I hadn't. I did know, when I was wondering what this would look like. Linda said go to our website you'll see the Boulder icons and if you click on one, then you'll see that when we give people makeovers, we've just like taken photos of them and in front of their business, or in front of whatever, so it'll sort of be like that. I mean, I didn't know that he was going to be a Boulder icon.

Scott Gast: Seeing now how Ninox used the makeover and the pictures from the makeover in their social media, on their website, do you believe that there should have been some discussion ahead of time about how they were going to use this event?

Comm. Director: Sure. I think had I known that they were going to, for example, put "Buy the Polis Special," in hindsight I would have preempted that up front by saying absolutely no use of these photos can be used for promotional purposes in that manner for strict advertisement. I might be just a little naïve just assuming that they wouldn't have done that without at least getting our permission. Just as if we visit a business, I can't say that I say, "Don't do this, this or this." Does that help answer the question?

Scott Gast: Sure.

Comm. Director: I would have. If I had known that they had intentions to do that, on the front end, I would have been clear that that was not allowed. I did not think they had those intentions.

Scott Gast: The difference between the ad where the \$89 Polis Special...

Comm. Director: Sure.

Scott Gast: ...and a tweet where they include a photograph of the Congressman in their clothing and say, "Doesn't he look good in our clothing?"

Comm. Director: Mm-hmm (affirmative).

Scott Gast: Do you see a difference between those two uses, the image and the idea of this makeover?

Comm. Director: I see a difference between those two, yes.

Scott Gast: What is that difference?

Comm. Director: The second is sort of a blatant advertisement. The first is an explanation of a story that GQ named a Member of Congress the Worst Dressed. He's fixing it and he did it with our clothes. I don't see that as promotional.

Scott Gast: Do you think that there is some benefit to Ninox, the clothing company, to have their clothing seen on someone, a Member of the U.S. House of Representatives?

Comm. Director: I think it is beneficial for them.

Scott Gast: In that sense, does that benefit indicate that there's some promotional value to have a Member of Congress in their clothing?

Comm. Director: I...

Dan Schwager: I mean, does she have the background to assess promotional value? Is that...

Scott Gast: Fair enough. What follow-up did you get from... Did you want to say something?

Comm. Director: I never sort of looked at it. As if I was the head of marketing for Ninox, what would I do? I saw it strictly as GQ named him the worst dressed Member of Congress. We constantly get requests based on things that he's wearing on the House floor from reporters. What do you know there's a local men's wear company that wants to give him a, I wasn't thinking about promotional value that they might receive from this.

Scott Gast: What feedback did you get from Ninox about the makeover and the event?

Comm. Director: Not a lot. I think afterwards we had to make sure that Jared was giving them, he had wanted a few pants and a jacket, I think, so he was paying for that. In terms of feedback, I think everyone was happy and glad that he participated. That was about it.

Scott Gast: I believe those are all the questions that I have. Do you have anything?

Kelly Brewington: I think I'm good.

Scott Gast: Is there anything else that you...

Dan Schwager: Can I just clarify, you mentioned a few times what you do with other, when you visit businesses.

Comm. Director: Sure.

Dan Schwager: You have events with other businesses. Is it common when you have events with district businesses or other organizations that they post about it or do social media about it?

Comm. Director: Yeah. It's incredibly common and they tag us and they reach out to press about it, so that's sort of standard operating procedure, which is why I didn't give them a social media packet on things that they could and couldn't do with the image. Just as we visited a company recently in Fort Collins and they make beer. It's a start up.

Dan Schwager: Is it your understanding that this is standard constituent work for congressional offices?

Comm. Director: Yes. Yes, and when Jared's back in the district, he's visiting all sorts of businesses in the district. There's a long running list of businesses that would like Jared to come and we try and accommodate that whenever possible. Just like this was five months old, but we finally got around to it.

Scott Gast: You mentioned the beer company in the district that Representative Polis was just visiting. Was there any social media follow-up by the company about his visit?

Comm. Director: There wasn't, no. So maybe that's a poor example. We think it's good when, from my perspective as a communications person, it is good if we're visiting a business and they are sharing to their customers, who are our constituents, who are people who live in Fort Collins, that their Congressman is coming and visiting. Usually we would encourage that. Now, obviously the advertisement is something that we would discourage. I was actually thinking with that particular example, they weren't as social media savvy so they weren't posting it.

We visited another outdoor company to highlight start-ups and I think they had posted some stuff. It's not something I can keep track of every single tweet we get mentioned or every time we get posted on Facebook. I would say it's a regular part of the communications tool box. Because at the end of the day it's important for the constituents in Boulder or Fort Collins or Breckenridge or

Keystone to understand what Jared's doing in Washington. Also, that he's accessible.

A huge part of our push is constituent services, that they can come to our office for anything and he's not your stiff suit. If you have a problem and you live in Boulder, Fort Collins, come to our office. We'll help. Jared will talk to you. What do you need help with? The more that we can help people realize that, the better, and these are the sorts of things that help that.

Dan Schwager: Can I just ask you to share, you talked about how you learned that you shouldn't use Twitter handles, is that right?

Comm. Director: Mm-hmm (affirmative).

Dan Schwager: Can you share kind of what your reaction was coming from your career in social media and your perspective of the social media world from Twitter?

Comm. Director: Sure. It was shocking. It's considered Twitter etiquette to tag companies. It's considered Facebook etiquette to tag companies. When Wendy did tell us very directly, you are not allowed to do it. So we don't ever anymore. It makes us look from a communications perspective, I would see other comm shops that wouldn't do that. It makes us look like we don't know how to use social media, because we don't know the tagging function. Not that we're actively avoiding that.

Start-Up Day Across America happened recently and a lot of Members of Congress were visiting start-up businesses in their districts. This is just like a funny side story. We created sort of a social media packet of do's and don'ts, a one-pager, and one of the don'ts was make sure you don't tag any company using your posts, even if you visit. I fielded a call from a comms director from some Member in Ohio or Michigan, I think, that thought it was a typo:

-You said "don't."

-Yeah, you can't.

-That's shocking. Are you sure?

-I'm absolutely sure. We've done a series of ethics training.

That is what just crystallized how, it's just considered not using your communications effectively. Obviously, that's what we do now.

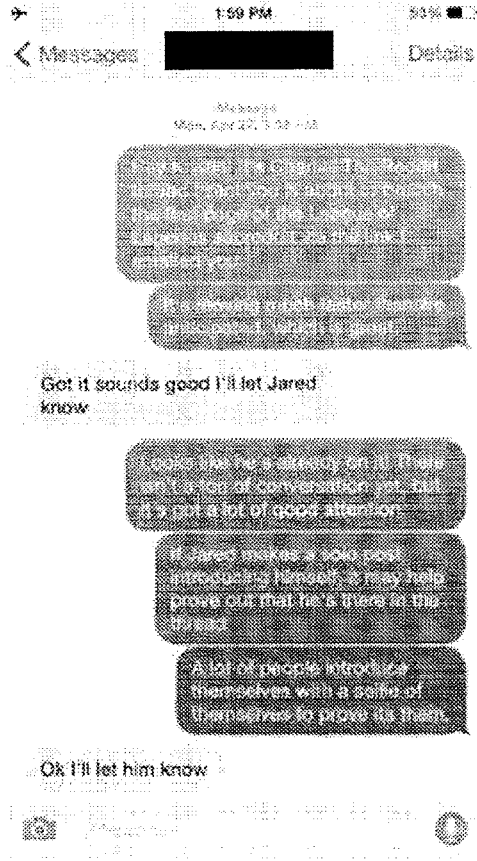
Scott Gast: All right. I believe those are all our questions.

Dan Schwager: Thank you.

275

Comm. Director: Thanks.

Exhibit 17



RG-000623

RG_000624
15-6333_0232

1:59 PM 53%
< Messages [redacted] Details

Ok I'll let him know

Btw yes send any media inquiries to me if you get them

[redacted]

Ha great!

Mon, Apr 23, 2017 1:53

I think he's having a ball! Seems like it went well?

[redacted]

[redacted]

[redacted]

[redacted]

RG-000624

RG_000625
15-6333_0233

1:59 PM 53%
< Messages [Redacted] Details

Ha great!

Mon, Apr 27, 1:02 PM

I think he's having a ball! Seems like it went well?

[Redacted]

[Redacted]

[Redacted]

On 4/27/15

Great! Thanks for including us and shifting your timeline to accommodate our schedule. I imagine he'll jump back on later tonight. I'll pass along your kind words.

[Redacted]

RG-000625

RG_000626
15-6333_0234

Exhibit 18

[REDACTED]

From: [REDACTED]
Sent: Tuesday, July 14, 2015 12:11 PM
To: [REDACTED]
Subject: FW: Polis and NINOX

[REDACTED]

From: Lynch, Kristin
Sent: Tuesday, March 31, 2015 6:22 PM
To: Kaufmann, Lisa
Subject: FW: Polis and NINOX

This is HILARIOUS given what we were just talking about re: Jared's fashion sense. What a coincidence

Kristin Lynch
Communications Director
Congressman Jared Polis (CO-02)
[REDACTED] (cell)
www.polis.house.gov

From: Linda Casels [mailto:[REDACTED]]
Sent: Tuesday, March 31, 2015 4:07 PM
To: Lynch, Kristin
Subject: Polis and NINOX

Hi Kristin,

I am a co-founder of a new menswear line based here in Boulder. Last year Congressman Polis made the news with his now famous bow tie and purple shirt. I did not see any follow up articles by GQ. Did I miss this? We think it would be great to get him into some of our clothing and it may be a fun way to get some press. Do you think this is something he might be interested in?

To give you an idea of our clothing, please look at our site: www.ninox.cc. I would like to see him in our new Carson chinos, which are basic chinos but are made from a technical fabric from Schoeller which is breathable, has stretch and is water and stain repellant. Definitely something he would be comfortable in all day during his lengthy meetings. We also have several colors of a classic button down that has a hidden button to keep the collar in place and it is designed to be worn either tucked in or un-tucked. When it gets cold again, one of our outerwear jackets would be perfect as they are made with technical fabrics, like those found in your outdoor gear, but are styled to be worn to work or out on the town with ease.

Please take a look and let me know what you think. Being as we are here in Boulder, we think dressing him in the most current fashion out of Boulder would be a privilege.

Best,
Linda

Linda Casals

NINOX

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Exhibit 19

[REDACTED]

1:40 PM - 3:30 PM JARED MAKEOVER WITH NINOX - Chautauqua Park ([REDACTED] Boulder, CO)
Topic: Makeover
Agenda:
1:40-3:30PM Try on Outfits/Pictures
Attendees:
Allie Thieleus, Co-Founder & Designer at Nixon
Day of Contact: Allie Thieleus, [REDACTED]
Staff Lead: Kristin
Memo Assignment: Kristin
Important to Note: n/a
Open or Closed to Press: Open
Logistics: Parking will be limited, you should be dropped off at entrance near restaurant. Call Kristin who will be there ahead of time.

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]

[REDACTED]

Katerina Davies-Lazare
Scheidt
Congressman Jared Polis (CO-5)
1433 Longworth HOB | Washington, D.C. 20515



Exhibit 20


Rep. Jared Polis
 @repjaredpoli

Tweets 1,428
 Retweets 954
 Replies 4,815
 Likes 130

Have an account? Log in
 Follow

Rep. Jared Polis (@repjaredpoli)
 Kristin Lynch (@klynch) Retweeted · 1d · 11
 Hey @GDMagazine @RepJaredPolis finally making good on ur advice to get mskeover. Later today with @NHCdesign @maverickbraditt @republican

retweets 2
 replies 2
 likes 11

View all 20 replies · Details

Exhibit 21

Search Twitter [Have an account?](#)

red Polis
@redPolis

TWEETS
1,428

FOLLOWING
854

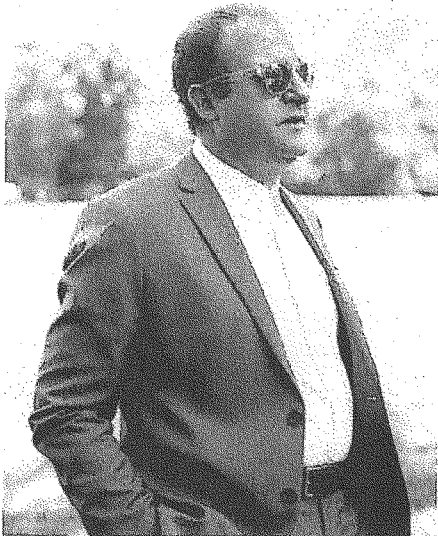
FOLLOWERS
4,815

FAVORITES
130

Rep. Jared Polis @RepJaredPolis · 2012

BREAKING: [GQ Magazine](#) rescinds worst dressed title. I owe it all to [@NINOXdesign](#). [gq.com/story/jared-po...](http://gq.com/story/jared-polis)
#moveonup #polis2.0 #flawless

[GQ Magazine](#)




The Worst-Dressed Man in Washington Got a Style Upgrade
It's enough to make you feel patriotic as hell for the Fourth of July

[View on web](#)

RETWEETS
16

FAVORITES
14



[@RepJaredPolis](#) · [@RepJaredPolis](#) · [@RepJaredPolis](#) · [@RepJaredPolis](#) · [@RepJaredPolis](#) · [@RepJaredPolis](#) · [@RepJaredPolis](#) · [@RepJaredPolis](#) · [@RepJaredPolis](#) · [@RepJaredPolis](#)

[Hide replies](#)

Exhibit 22

Rep. Jared Polis
@RepJaredPolis

1,428 Followers 854 Favorites 4,815 Retweets 130 Reposts

Behind the scenes of the @RepJaredPolis makeover! We think he looks pretty good! @DCFashion @DCMagazine @makeover



REPLY TO: @RepJaredPolis

1,428 Retweets 854 Favorites 4,815 Retweets 130 Reposts

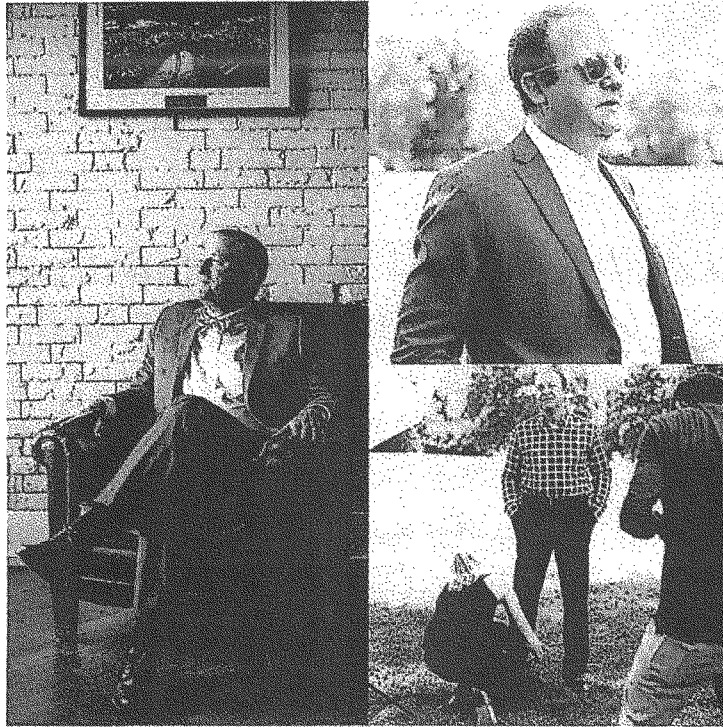
15-6333_0247

Exhibit 23



repjaredpolis

1w



♥ 30 likes

repjaredpolis How do you like me now, @gq ?
@bennyajohnson @ninoxdesign #iwokeuplikethis
#makeover



APPENDIX B

The Honorable Charles W. Dent, Chairman
 The Honorable Linda T. Sánchez, Ranking Member
 U.S. House of Representatives Committee on Ethics
 1015 Longworth House Office Building
 Washington, DC 20515

Re: Review No. 15-6333

Dear Chairman Dent and Ranking Member Sánchez:

On behalf of Representative Jared Polis, we respectfully request that the House Committee on Ethics ("the Committee") dismiss the above-referenced referral. The referral arises from commonplace representational activities that did not result in any personal benefit for Representative Polis. The record clearly demonstrates that the Congressman acted in good faith and did not violate any standard of conduct. Having previously established a Committee-approved blind trust and having frequently requested Committee guidance on a wide array of issues, Representative Polis reaffirms his commitment to the standards of conduct, and to cooperating with the Committee to resolve this matter.

On a rare, narrowly divided 4-2 vote, the Board of the Office of Congressional Ethics referred a claim that the Congressman impermissibly engaged in commercial endorsements: first, by granting an interview to the producer of an online video game, and second, by holding a press availability with a local business. The referral relies on a bizarre and sweeping interpretation of the rules that would curtail how Members routinely interact with constituents, businesses in their districts, and media companies.

Every day, Members and other federal public officials find innovative ways to connect with the public. They appear at sports games and entertainment programs, visit independent bookstores on Small Business Saturday, sample products at factories and distribution centers, pose for photos with employees during site visits, dress in uniforms with logos and work behind counters, express their enthusiasm for musicians and TV shows, and keep mobile district offices in front of branded supermarkets. The logic of OCE's referral would throw all of these perfectly legitimate activities into legal doubt, and practically every Member of Congress would be in violation of these rules, often unknowingly, in numerous appropriate interactions that regularly occur with constituent businesses and other private entities.

An example of the appropriate activities that innumerable Members regularly perform in their official capacity was the recent filming of distinguished Members of both parties in their House offices reading the lines of Kevin Spacey's character, Frank Underwood, from the popular program "House of Cards" against the show's iconic score and introductory theme.¹ One Member said, against a cut-away shot of Underwood's chief of staff, Doug Stamper, "that's how

¹ NBC News, *Now This News presents "House of Cards" with actual members of Congress reading lines from Kevin Spacey's character, Frank Underwood*, Feb. 13, 2014, <http://www.nbcnews.com/watch/now-this-news-members-of-congress-act-out-house-of-cards-150775875847>.

you devour a whale, Doug, one bite at a time.” The Member activity was not unlike a host of common and legitimate constituency outreach and press functions, such as tweeting about Taylor Swift, posting about owning an AR-15,² congratulating a NASCAR driver in a video appearing on a speedway’s website, retweeting a photo from an official meeting with the retailer Home Depot,³ or telling the NHL Network in an interview that their network is a “godsend.” The standard advanced in OCE’s referral would diminish the forms and means of communication that Members can use to connect with their constituents and place Members at a greater distance from the interests of their constituents.

The Committee has consistently shown great caution in distinguishing between these types of permissible activity, which is meant to bring the Congress closer to the public, and the sort of hard commercial appeals which the rules really restrict. Like the examples listed above, Representative Polis accepted the invitation of a media corporation to talk about his official duties in an appropriate new media context: in his case, with millions of people who play an online game, including many thousands in his district. It was nothing more than a constituent communication commonly understood to adhere to both the spirit and letter of the standards of conduct. And like countless Members of the House, who are filmed and photographed while visiting local businesses, Representative Polis teamed up with a small startup clothing company located in his district to be photographed at a press availability in a local park, so that he could lampoon his status as the so-called “worst-dressed Member of Congress.” Representative Polis did not ask anyone to buy anything, had no financial interest at stake, did not receive any remuneration, and acted for no reason except as an ordinary part of his official role and to communicate with the public as a Member of Congress.

The Committee on Ethics should reject the sweeping, thinly supported interpretation which OCE has now advanced. It should affirm that Members may continue to engage in the types of creative outreach and communications which are so common in the House, and which are vital to bringing the Congress closer to the lives of everyday people given the fragmentation of the media landscape and the importance of new media outlets. The Committee should quickly dismiss the referral in order to prevent the significant chilling effect it would otherwise have, and take no further action.

FACTUAL BACKGROUND

At issue in this matter are two media requests to which Representative Polis and his office responded in 2014 and 2015. The first was a request by the producers of a free online game, League of Legends, to be interviewed for a “human interest piece” about the Congressman, who was a longtime player of the free game, and who had previously discussed legislative issues with its millions of players in an online forum. The second was an offer by a small clothing company in the district, Ninox, to participate in a media availability in response to a widely publicized story that the Congressman was the “worst dressed Member of Congress.” In both cases, the Congressman complied with the standards of conduct.

² See <https://twitter.com/RepKenBuck/status/588725017342451713/photo/1>.

³ See <https://twitter.com/JasonHD1508/status/641696060734369792>.

A. *League of Legends Video*

On April 27, 2015, Representative Polis appeared in a web-based video produced by Riot Games, an entertainment company that produces the popular video game League of Legends.⁴ According to Riot Games, over 67 million individuals play League of Legends every month.⁵ Representative Polis has played League of Legends for many years and is well-known among his fellow players.⁶ He is simply, a “gamer.” Because Representative Polis maintains most of his investments in a blind trust, he has no private economic interest in Riot Games that could have affected his interactions with the company.

League of Legends is a “fast-paced, competitive online game” in which two teams of players battle in an online arena.⁷ It is downloaded and played for free. Players assume the role of an unseen “summoner” that controls a “champion” and competes to destroy the opposing team’s “nexus,” a structure protected by defensive elements.⁸ Since it was launched in the fall of 2009,⁹ the game has become incredibly popular; by 2012, it was the most-played computer game in the world, having logged almost 1.3 billion hours of play in a single year.¹⁰ More than 27 million people play the game each day.¹¹

As with the National Football League or Major League Baseball, an ardent community of enthusiasts has sprung up around League of Legends. A Championship Series consisting of ten professional teams competes annually and culminates in a World Championship, which attracted 32 million online viewers and sold out the Staples Center in Los Angeles in 2013.¹² Hundreds of thousands of players post and review messages on the League of Legends message boards, and the online community hosts leagues, viewing parties, and meet-ups.¹³

Given the enthusiasm of the League of Legends community and Representative Polis’ personal interest in the game, the Congressman has found participation in that community to be an effective way to interact with his constituents, many of whom play the game. For example,

⁴ See *Jared Polis: Community Congressman*, YouTube, <https://www.youtube.com/watch?v=WTQmAY4wd9s>; Riot Games, *About*, <http://www.riotgames.com/riot-manifesto>.

⁵ Riot Games, *About*, <http://www.riotgames.com/riot-manifesto>.

⁶ Report and Findings ¶ 21.

⁷ League of Legends, *What is League of Legends?*, <http://gameinfo.na.leagueoflegends.com/en/game-info/get-started/what-is-lol/>.

⁸ League of Legends, *New Player Guide*, <http://na.leagueoflegends.com/en/site/guide/index.html>.

⁹ Riot Games, *League of Legends Launches Fall 2009*, <http://www.riotgames.com/articles/20090602/240/league-legends-launches-fall-2009>.

¹⁰ John Gaudiosi, *Riot Games’ League Of Legends Officially Becomes Most Played PC Game In The World*, Forbes, July 11, 2012, <http://www.forbes.com/sites/johngaudiosi/2012/07/11/riot-games-league-of-legends-officially-becomes-most-played-pc-game-in-the-world/>.

¹¹ Ian Sherr, *Player Tally for ‘League of Legends’ Surges*, Wall Street Journal, Jan. 27, 2014, <http://blogs.wsj.com/digits/2014/01/27/player-tally-for-league-of-legends-surges/>.

¹² Eddie Makuch, *32 million people watched League of Legends Season 3 World Championships*, GameSpot, Nov. 19, 2013, <http://www.gamespot.com/articles/32-million-people-watched-league-of-legends-season-3-world-championships/1100-6416259/>.

¹³ League of Legends, *Community Programs*, <http://na.leagueoflegends.com/en/community/>. A “meetup” is when people sharing a common interest use the Internet to arrange a place to gather in person about that common enthusiasm. See, e.g., FEC Adv. Op. 2004-06 (Meetup).

when Congress considered H.R. 3261 in the 112th Congress, the “Stop Online Privacy Act,” the Congressman discussed the legislation on the League of Legends online forum.¹⁴

Committee members can watch the video for themselves at <https://www.youtube.com/watch?v=WTQmAY4wd9s>. It focuses on Representative Polis’ background and official duties as a Member of Congress. The video contains no direct commercial appeal for the game, which users download and play for free, nor is there any promotion of the products Riot Games sells in connection with the game. Representative Polis discusses his biography, why he decided to run for office, how he serves as a Member of Congress, and his role in opposing the Stop Online Piracy Act. For instance, on his experience in Congress, Representative Polis said that “all of a sudden [upon being elected] you’re yielding to people on the floor, you’re introducing bills and you have the same authority as somebody that has been there for 20 or 30 years, the same vote.” With respect to H.R. 3261, the Congressman described the legislation as “kind of an internet censorship type law,” and the video features footage of him speaking against the bill. The vast majority of the video is devoted to Representative Polis’ background, policy priorities, and how the game’s online community can affect the legislative process.

In the video, Representative Polis also discusses his longstanding passion for gaming and his previous interactions with the League of Legends community in the context of his legislative role. Representative Polis states that “it was actually a computer game that first got me interested in politics,” that he’s “been a gamer pretty much as long as [he] can remember.” He says “I [] hope to be somebody that the community of League of Legend players across the country and the world can turn to as a person in Congress who understands an experience and wants to protect it and is very much a part of that community.” At no point does Representative Polis encourage individuals to play League of Legends; indeed, the record shows the video was directed to people who already avidly play the game. Instead, he encourages members of the League of Legends community to engage in the legislative process, stating it “should not give up just by defeating SOPA and PIPA.” Less than 1:16 of the 4:21 video talks about League of Legends, and even then, the bulk of that footage places the game in relation to Representative Polis’ duties in Congress.

The video itself, which focused on civic participation, contained no “sales pitch.” The extensive record built by OCE showed there was no intent by the sponsor or the Congressman to sell products. A Riot Games employee told the OCE that “[t]here was no economic goal for the project.”¹⁵ Similarly, Riot Games reported that it rejected the notion that the goal of the product would be to “move product.”¹⁶ The initial request to Representative Polis’s office expressed the company’s interest in “producing and featuring a human interest piece on congressman [sic] Polis.”¹⁷

The record shows that Representative Polis and his staff, who cooperated completely with OCE at all times, saw the request in the same way. Representative Polis’ chief of staff saw the video

¹⁴ Report and Findings ¶ 24.

¹⁵ Report and Findings ¶ 35.

¹⁶ *Id.* ¶ 43.

¹⁷ *Id.* ¶ 50.

“purely as a documentary - [Jared had been asked to do a number of documentaries since we’d been in office.”¹⁸ Representative Polis’ scheduler also understood the request to be related to producing “a human interest piece documentary about the congressman and his life and why he played League of Legends and to talk a little bit about the advocacy around how he worked during the SOPA-PIPA debates.”¹⁹ The scheduler’s memo to Representative Polis, headlined “PRESS CALL,” identified the interaction as a press-related documentary “about your career.”²⁰ The office’s communications director said the video did not raise any red flags, as “it was heavily focused on [Representative Polis’] legislative work.”²¹ The Congressman’s staff views discussions with the community as a way of “engaging with constituents that don’t read the newspaper every day.”²²

Representative Polis viewed the video as “[e]ssentially a documentary that would talk about my life, gaming as part of my life.”²³ He never viewed the documentary as “anything to do with promoting a product,”²⁴ but rather as “journalistic content” for the League of Legends community.²⁵ Further, Representative Polis noted that he could not endorse a product, stating “if I were to go and be part of a commercial, or to tell people to play a particular game, or buy a particular game, that would be an inappropriate use.”²⁶

No direct outlay of official funds was made to support the interview. The official resources used were minimal and indirect: staff time to schedule and support the Congressman; office space and supplies used in the normal course of official duties; House computers and electrical power; and telephone service.

B. Ninox “Worst-Dressed” Park Event

The second request at issue in this matter, which OCE did not disclose to Representative Polis as the subject of any allegation until well after the review was underway, came from Ninox, a small men’s clothing startup located in Representative Polis’s district. A story published by GQ Magazine in February 2014 gained widespread attention when it named Representative Polis the worst-dressed Member of Congress.²⁷ A Ninox employee emailed Representative Polis’ communications director, suggesting that trying on some of their clothes as a follow up to the

¹⁸ *Id.* ¶ 53. In fact, the League of Legends video is very similar in tone and content to an interview Representative Polis gave previously to ReasonTV. See YouTube, ReasonTV, *A Gamer in Congress: Q&A with Rep. Jared Polis (D-Colo.)*, <https://www.youtube.com/watch?v=5nk5C7vADj0>. The similarity of the interviews, both of which focused on his official duties, helps explain why he and his staff saw nothing unusual about the League of Legends interview. See also “An Interview With Rep. Jared Polis: Why We Need To Stop SOPA” Forbes Magazine, Jan. 18, 2012 (including the question: “You were an internet entrepreneur and you are a gamer. Is there a problem that needs to be addressed with piracy? Games especially seem to get hit by piracy, and organizations like the ESA have stated they support SOPA. Why should gamers not support the bill?”).

¹⁹ *Id.* ¶ 58.

²⁰ *Id.* ¶ 60.

²¹ *Id.* ¶ 67.

²² *Id.* ¶ 99.

²³ *Id.* ¶ 61.

²⁴ *Id.* ¶ 69.

²⁵ *Id.* ¶ 62-63.

²⁶ *Id.* ¶ 69.

²⁷ Dennis Tang, *Worst Congressional Style Ever? Yeah, Probably*, GQ, Feb. 25, 2014.

GQ story "may be a fun way to get some press."²⁸ The record shows that the Congressman's press staff saw the event solely as a fun, self-deprecating way of playing off the GQ story.²⁹ It shows no discussion of the possibility of any advertising by Ninox, nor any appeal by the Congressman to shop there or buy its products.

Representative Polis' communications director facilitated the event with Ninox and invited local and national press to observe the makeover session, which was held in a local park and was open to the press.³⁰ Articles covering the event were published in the *Boulder Daily Camera*, the *Denver Post*, the *Washington Post*, and *GQ Magazine*. After the makeover, Representative Polis' official Twitter account sent the following tweet: "BREAKING: @GQMagazine rescinds worst dressed title. I owe it all to @NINOXdesign."³¹ Representative Polis also re-tweeted a message from the @NINOXdesign Twitter account and posted a photo of the event on his official Instagram account.³² Again, because Representative Polis maintains most of his assets in a blind trust, he has no interest in the company that could have affected his interactions with it.

The record shows that the interactions between Ninox and Representative Polis were limited solely to the press availability and that Ninox sought no clearance from Representative Polis to use his image in any advertising and none was provided. However, without Representative Polis' consent and knowledge, Ninox later posted a number of images from the makeover event on its social media pages, including on Facebook, Twitter, and Instagram that did not simply describe the event but advertised discrete products.³³ One of the Facebook posts advertised a particular product as the "\$89 Polis Special."³⁴ The Congressman learned of the advertisements for the first time when OCE interviewed him. He said that he was "not happy that they're using my name . . . we will immediately contact them and tell them they shouldn't be calling this the Polis Special."³⁵ The Congressman's communications director also did not know of this use of Representative Polis' likeness.³⁶

To avoid receiving a prohibited gift while participating in the press availability, prior to the event it was agreed that Representative Polis would purchase the clothes he wore at full price with personal funds.³⁷ As with the League of Legends activity, Representative Polis made no direct outlay of official funds to support the event with Ninox. Again, only minimal and indirect use of official resources were provided to support the event, such as staff time, House computers, phones, and House power. The engagement between Representative Polis and Ninox was the first time the Congressman had interacted with the company. The Congressman received no compensation for his activities.

²⁸ Report and Findings ¶ 113.

²⁹ *Id.* ¶¶ 116, 124.

³⁰ *Id.* ¶¶ 116, 123-124.

³¹ *Id.* ¶ 131.

³² *Id.* ¶¶ 132, 133.

³³ *Id.* ¶¶ 136, 137.

³⁴ *Id.* ¶ 138.

³⁵ *Id.* ¶ 140.

³⁶ *Id.* ¶ 146, 147.

³⁷ *Id.* ¶ 148.

DISCUSSION

I. Representative Polis Complied With the Standards of Conduct, Engaging in Core Representational Activities

A. *The Standards of Conduct Give Members Discretion to Perform Their Representational Duties and Permitted the Congressman's Participation in These Events*

The U.S. Constitution assigns Members of the House of Representatives the duty of representing their constituents in exercising their weighty responsibility of “mak[ing] all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.”³⁸ Multiple features of the Constitution’s structure were designed to foster proximity and familiarity between House Members and their constituents. Unlike any other federal institution, Representatives have always been directly elected by their constituents.³⁹ And, the Constitution’s assignment of two-year terms and the ratio of Members to constituents encourages Representatives to be aware of and respond to the needs of their districts.⁴⁰

The Framers’ discussion of the House of Representatives shows that Representatives were expected to closely represent their constituents, and that the Constitution was designed to guarantee proximity between constituents and Members of the House of Representatives. In Federalist No. 52, James Madison said “as it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration [the House of Representatives] should have an immediate dependence on, and an intimate sympathy with, the people.”⁴¹ And, in Federalist No. 58, discussing the proper number of Members of the House, he stated “[i]t is a sound and important principle that the representative ought to be acquainted with the interests and circumstances of his constituents.” Further, Madison contrasted the House with the Parliament of Great Britain, which as a result of its small size, featured representatives “who do not reside among their constituents, are very faintly connected with them, and have very little particular knowledge of their affairs.”⁴² The House of Representatives, in other words, was custom-made to ensure that Members’ intimate awareness of the needs of their constituents would render the chamber “a safe and competent guardian of the interests which will be confided to it.”⁴³

Courts have accordingly recognized the broad nature of a Member’s representational duties. Though these judicial cases have arisen in diverse circumstances, their reasoning on the scope of a Representative’s official duties has much in common. The Supreme Court has stated that “Members of the Congress engage in many activities other than the purely legislative activities,”

³⁸ U.S. Const., art. I, § 8.

³⁹ *Id.* § 2 (“members chosen every second year by the people”); *cf. id.* § 3 (Senators “chosen by the legislature thereof, for six years”).

⁴⁰ *Id.* § 2 (“shall not exceed one for every thirty thousand”);

⁴¹ The Federalist No. 52.

⁴² The Federalist No. 58.

⁴³ *Id.*

including “legitimate errands performed by constituents” and “speeches delivered outside the Congress,” activities that have “grown over the years . . . in part because they have come to be expected by constituents.”⁴⁴ The D.C. Circuit Court of Appeals noted as well that “the House has not attempted to define a Member’s ‘official and representative duties,’ and has in large measure vested Members with ‘discretion to fix the terms and conditions of employment’ of staff members.”⁴⁵ The appeals court stated that “House Rules certainly contemplate a line between the ‘official’ and the ‘personal’ but ‘do little to indicate where that boundary lies.’”⁴⁶ And, it remarked that “[f]or the ‘ordinary person,’ unlike a legislator, the distinction between work and life may be relatively clear . . . [but] [f]or a Congressman, it is not so clear; service in the United States Congress is not a job like any other, it is a constitutional role to be played upon a constitutional stage.”⁴⁷

In its current guidance to Members, the Committee on Ethics cites *Brewster* and *McCormick* for the principle that Members possess discretion in their exercise of official and representational duties.⁴⁸ It says “[t]here is no conclusive listing of a Member’s ‘official and representational duties.’”⁴⁹ The Committee has acknowledged that “it is sometimes difficult to define comprehensively what is and is not an official activity.”⁵⁰ For example, the Committee dismissed an allegation that a Member impermissibly sent soliciting letters on official House stationery on behalf of an employee of a substantial campaign contributor, because “[t]he Committee is particularly sensitive when its actions might be viewed as limiting a Member’s ability to speak publicly on issues,” citing *Brewster*.⁵¹

Far from presenting a “bright line,” the House Ethics Manual instead urges Members to act prudently when working with businesses or referring to them in official communications. While it distinguishes normal representational duties from endorsements by the government, the Manual leaves much to the discretion of the Member. Thus, the Manual recognizes that “it is usually appropriate publicly to congratulate a local business for achieving an award or celebrating a significant anniversary,” but says also that “Members should refrain from overtly commercial promotions.”⁵² And, it states that “an outside entity should never be permitted to use congressional stationery to promote a commercial or other unofficial endeavor” and communications should be drafted “so that they do not lend themselves to misinterpretation as an

⁴⁴ *United States v. Brewster*, 408 U.S. 501, 512 (1972); see also *McCormick v. United States*, 500 U.S. 257, 272 (1991) (“serving constituents and supporting legislation that will benefit the district and individuals and groups therein is the everyday business of a legislator”).

⁴⁵ *United States v. Rostenkowski*, 59 F.3d 1291, 1309 (D.C. Cir. 1995) (citing Members’ Handbook at 2.3, 2.14).

⁴⁶ *Id.* (quoting P.L. 101-520; Member’s Handbook § 2.1.A).

⁴⁷ *Id.* at 1312; see also *United States v. Kolter*, 71 F.3d 425, 432 (D.C. Cir. 1995).

⁴⁸ House Ethics Manual at 279.

⁴⁹ *Id.* The Members’ Handbook also recognizes the flexible and hard-to-characterize scope of official duties, stating that a “Member must determine the primary purpose” of expenses and that the Members’ Representational Allowance (“MRA”) may be used for “reasonable expenditures in support of official and representational duties.” Handbook at 1.

⁵⁰ Statement of the Committee on Standards of Official Conduct Regarding Complaints Against Rep. Newt Gingrich, at 62 (Comm. Print Mar. 8, 1990).

⁵¹ *Id.* at 63.

⁵² House Ethics Manual at 326.

official endorsement from the Congress.”⁵³ By contrast, the rules on outside employment, which do not apply to this referral, are not cautionary, but prohibitive. The Manual states that Members may not “undertake any outside employment that would involve the Member personally in the selling or endorsement of any goods or services.”⁵⁴ Implicit here is the recognition that Members perform no representational duties through outside employment.

The Committee offers no express guidance on how to distinguish between permissible representational activities and prohibited endorsements. The Manual recognizes that outside organizations may appear at House events and that Members may appear at events sponsored by outside organizations, while cautioning that Members “must avoid becoming too closely affiliated with any commercial entity, in order to avoid any appearance that they are accruing benefits by virtue of improper influence.”⁵⁵ The Manual also recognizes the tension between a Member’s interest in supporting their constituents and the importance of avoiding an implication that Congress endorses an outside organization. It says that Members may insert “an Extension of Remarks in the *Congressional Record*, noting the accomplishments of a district business,” but cautions Members to avoid “overtly commercial promotions.”⁵⁶

B. Representative Polis Exercised His Discretion to Perform His Representational Duties

At the heart of this matter are two events in which Representative Polis participated to show “a common interest with the people” and an “acquaint[ance] with the interests and circumstances of his constituents.”⁵⁷ Both the League of Legends appearance and the Ninox press availability arose directly from his role as a Member. Neither involved any personal profit for Representative Polis, nor any favorable treatment for any campaign contributor. Neither involved any direct appeal by the Congressman for any business transaction. In each case, Representative Polis was reaching out to his constituents where they are, in the ordinary circumstances of their day-to-day lives in a manner that is customary among Members of Congress.

Representative Polis has identified the community of enthusiasts that play League of Legends as an important constituency in terms of his congressional district and his legislative agenda. Over 67 million individuals play League of Legends every month,⁵⁸ including thousands that live in his district.⁵⁹ His Communications Director described talking to the League of Legends community as a means of “engaging with constituents that don’t read the newspaper every

⁵³ *Id.* at 350.

⁵⁴ *Id.* at 188.

⁵⁵ *Id.* at 350.

⁵⁶ *Id.* at 326. While not binding on the House, the Office of Government Ethics (OGE) offers additional guidance on separating permissible activities from prohibited promotion. It says that “[t]he determination as to whether a particular reference to an employee’s title, position, agency, or government affiliation could reasonably be construed as implying government sanction or endorsement is necessarily fact-specific” and must be evaluated based on the “totality of the circumstances.” See Office of Government Ethics, Advisory Op. LA-14-08 (Nov. 19, 2014).

⁵⁷ The Federalist Nos. 52, 58.

⁵⁸ Riot Games, *About*, <http://www.riotgames.com/riot-manifesto>.

⁵⁹ Report and Findings, Exhibit 3 at 10.

day.”⁶⁰ Representative Polis sees the League of Legends community as a part of the coalition of groups that should be aware of one of his legislative priorities, protecting online privacy.⁶¹

Representative Polis’ participation in Riot Games’ video thus was an effort to reach his constituents, speak to them about public issues that matter to them, and interact with them on terms and in a forum they frequent. In the current media landscape, where a Member of Congress cannot reach his or her constituents simply by speaking with the editorial board of the local newspaper or local television network, Members must be creative and proactive about how they communicate with their constituencies and encourage them to engage in public issues. Where a Member of Congress appears in a video issued by an outside organization to speak about his biography and official responsibilities and not to sell products or otherwise endorse a commercial product or service, he acts in support of his representational duties, whether the video be produced by a local sports franchise, advocacy organization, or specialty media organization as here. As the Committee has previously stated, it must be “particularly sensitive when its actions might be viewed as limiting a Member’s ability to speak publicly on issues.”⁶²

Representative Polis likewise was engaging in representational duties when he convened a light-hearted press event in his district in response to being called the worst-dressed Member of Congress by a national press outlet. The event served the purpose of making Representative Polis available to his constituents and local press, as it was held in a public park and local reporters were invited to participate. It also provided an opportunity for Representative Polis to become familiar with a business located in his congressional district. In this sense, the event was no different than any local site visit, which is a routine activity commonly featured on Members’ schedules, during which photographs are routinely taken by company representatives and others.

Finally, Representative Polis’ activities comply with the more detailed analysis OGE uses in the Executive branch to distinguish permitted interactions with private businesses from prohibited government endorsement by examining the “totality of the circumstances.” Neither League of Legends nor Ninox had a strong nexus to the government. He had no position with either entity, except to play League of Legends in his free time. League of Legends did not use his name to promote any product, and Ninox did so without his knowledge and consent. Both appearances referenced his official role, but only toward legitimate official ends: encouraging good citizenship and awareness of his legislative work among the League of Legends community, and lampooning his Member persona in the Ninox press availability while gaining familiarity with a local small business.

Ninox’s later unauthorized use of Representative Polis’ image to sell sunglasses does not affect the evaluation of his conduct. First, Representative Polis has and retains publicity rights under common law that he would have had to waive in order for the company to exploit his image for commercial gain. Second, the record shows that no such use was proposed or contemplated when the event was planned. Third, any Member making any site visit would have faced the same risk, whether he was eating a hot dog at a restaurant or driving a car at an auto factory.

⁶⁰ Report and Findings ¶ 99.

⁶¹ *Id.* ¶ 24.

⁶² Statement of the Committee on Standards of Official Conduct Regarding Complaints Against Rep. Newt Gingrich, at 63 (Comm. Print Mar. 8, 1990).

Members cannot be expected in the ordinary course to obtain releases from constituent businesses before making a visit to confirm that the Representative does not consent to the commercial use of their likeness.

C. *The OCE Board Misapplied the Law While Identifying No Express Prohibition With Which Representative Polis Failed to Comply*

As discussed above, the House Ethics Committee has been sensitive to the appearance of limiting how Members may speak on issues or communicate with their constituents. In contrast, OCE advanced a sweeping view of the standard that is unsupported by any express authority. The Board justified its findings based on three authorities (1) the purpose statute, 31 U.S.C. § 1301(a), and related authority, including the House Ethics Manual; (2) language in the House Ethics Manual regarding commercial endorsement; and (3) the House Office Building Commission Rules and Regulations.⁶³ None of these provisions has been applied to find activities like Representative Polis' to violate these rules, and none provided a basis for referral.

1. Purpose Statute

The "purpose statute," 31 U.S.C. § 1301(a) provides that "[a]ppropriations shall be applied only to the objects for which the appropriations were made." The House Committee on Administration rules accordingly provide that the Members' Representational Allowance (MRA) may be utilized "to support the conduct of [] official representational duties."⁶⁴ The Handbook provides that "[o]rdinary and necessary expenses incurred by the Member . . . in support of [] official and representational duties" means "reasonable expenditures in support of official and representational duties."⁶⁵ Consistent with these authorities is the GAO's authoritative Principles of Federal Appropriations Law, which states that:

31 U.S.C. § 1301(a) does not require, nor would it be reasonably possible, that every item of expenditure be specified in the appropriation act. While the statute is strict, it is applied with reason. The spending agency has reasonable discretion in determining how to carry out the objects of the appropriation. This concept, known as the 'necessary expense doctrine,' has been around almost as long as the statute itself.⁶⁶

The Handbook provides nineteen rules governing MRA funds, including prohibitions on the use of funds for events that are primarily social in nature, personal expenses, campaign expenses, the

⁶³ OCE also cited House Rule 23, cl. 1-2, which requires Members to behave "in a manner that shall reflect creditably on the House" and to "adhere to the spirit and letter of the Rules of the House." Report and Findings at 5. Compliance with these standards of conduct hinges on the underlying substantive standards. Further, OCE discussed the Joint Committee on Printing's prohibition on commercial advertising in government publications, which does not apply to the present review because the communications at issue were not government publications and did not include any material showing that the government endorses or favors any specific commercial product.

⁶⁴ Members' Congressional Handbook at 1; see House Ethics Manual at 125 (explaining relationship between Handbook and purpose statute).

⁶⁵ *Id.*

⁶⁶ Principles of Appropriations Law, at 4-20 (emphasis added).

use of personal funds to send franked mail, and the use of funds that may directly benefit Members, relatives of Members, or persons with whom the Member has a professional or legal relationship.⁶⁷ The Handbook also describes a host of categories for which MRA funds can be spent, including “[o]rdinary and necessary expenses related to conducting official meetings,”⁶⁸ “[o]rdinary and necessary expenses . . . to solicit input/information from constituents related to official business,”⁶⁹ and “[o]rdinary and necessary expenses related to audio and video recording and materials, including but not limited to . . . [f]ilming related to the appearance of a Member [] at an official event.”⁷⁰

To our knowledge, until OCE’s referral, no authority has ever recognized the type of representational activities at issue in this review as a violation of the purpose statute. The referral ignores the “necessary expense” doctrine, disregarding Member discretion, and citing no precedent to support its contention that Representative Polis may have misused official resources.⁷¹

2. House Ethics Manual on Commercial Endorsements

Representative Polis’ appearance in the League of Legends video and at the Ninox “worst-dressed” press availability were consistent with the Committee’s precedent and guidance: first, with its broad sensitivity toward limits on how Members may communicate and its acknowledgement that Members may refer to or even congratulate local businesses; and second with its admonitions against participating in “overtly commercial promotions,” allowing entities to use House stationery to promote unofficial endeavors, and to giving the appearance of enjoying improper benefits. OCE did not discuss the Committee’s reluctance to interfere with what Members say on official business, and it gave short shrift to the language in the Manual that expressly permits Members to recognize and praise businesses in official communications in many circumstances.

While not applicable to the conduct in this matter, House Rule XXIII, Clause 11 is the most explicit prohibition on lending official resources to private entities. Yet even regarding this unambiguous Rule, the Ethics Manual makes clear that “Clause 11 of House Rule 23 is not intended to restrict a Member’s official communications . . .”⁷² Finally, in analyzing how the House approaches promotional activity, OCE failed to consider that Members are explicitly permitted to promote home state products in their offices. House Rule XXV, Clause 5(a)(3)(V) permits Members to accept “[d]onations of products from the district or State that the Member, Delegate, or Resident Commissioner represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any single recipient.”

It would be a bizarre twist if Members were permitted to explicitly promote their home state products by displaying or even distributing them in their office, but they were not permitted to

⁶⁷ Members’ Congressional Handbook at 1-2.

⁶⁸ *Id.* at 16.

⁶⁹ *Id.* at 18.

⁷⁰ *Id.* at 19.

⁷¹ See Report and Findings ¶¶ 1, 3, 23.

⁷² House Ethics Manual at 347.

tweet about those companies, or to appear publicly with the companies that produce those products when they might be photographed.

3. House Office Building Commission

Finally, OCE relied on the Rules and Regulations Governing the House Office Buildings, which cover “the use and occupancy of rooms and space, including terraces, entrances, lobbies, foyers, corridors, cafeterias, restaurants and areas appurtenant thereto, in the Cannon, Longworth, and Rayburn House Office Buildings.”⁷³ The Rules provide that “photographing, filming (including news filming), television, recording or broadcasting in buildings under the jurisdiction of the Commission is prohibited.”⁷⁴ In addition, the rules prohibit “soliciting [] alms and contributions, commercial soliciting for products or services, [] vending of all kinds, [and] the display or distribution of commercial advertising,” among other activities, “in any of the areas covered by these regulations.”⁷⁵

On their face, these particular regulations apply only to the “use and occupancy of rooms . . . in the Cannon, Longworth, and Rayburn House Office Buildings,” and do not apply to an event in Boulder, Colorado. With respect to the League of Legends video, the rule does not apply because Representative Polis was not engaging in “commercial soliciting for products or services,” but rather discussing his personal background, legislative priorities, and the relationship between his official duties and a community of video game enthusiasts. As discussed above, the video featuring Representative Polis contained no “sales pitch” and there was no “economic goal for the project.”⁷⁶

The alleged violations in the Board’s report and findings lack two significant characteristics common to House Ethics Committee actions finding a violation of a standard of conduct: (1) the existence of precedent that recognizes analogous conduct as a violation; and (2) clear language in the House Ethics Manual or Members’ Handbook that prohibits the conduct at issue. For example, when the Committee has found violations of the purpose statute and accompanying authority, Members had violated particular prohibitions on the use of official funds identified in the House Rules, Members’ Handbook, or House Ethics Manual. Specifically, violations of the purpose use statute have entailed at least one of the following three circumstances: (1) the use of official resources for campaign or political purposes; (2) conflicts of interest or self-dealing; or (3) other particular actions expressly prohibited. Thus, in multiple ethics proceedings, the Committee has reprimanded Members or taken other adverse action for using House resources for campaign work.⁷⁷ This activity is expressly prohibited in the Members’ Handbook and

⁷³ House Office Building Commission Regulations, Dec. 1995.

⁷⁴ *Id.* § 2.

⁷⁵ *Id.* § 4.

⁷⁶ Report and Findings ¶ 35; *see also id.* ¶¶ 43, 50.

⁷⁷ *See, e.g., In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rep. 112-642 (2012); Statement of Chairman Doc Hastings and Ranking Minority Member Howard L. Berman Regarding Representative Conyers (Dec. 29, 2006); *Statement of Alleged Violation in the Matter of Representative Barbara Rose-Collins*, H. Rep. 104-886 (1997); *In the Matter of Representative E.G. “Bud” Shuster*, H. Rep. 106-979 (Oct. 16, 2000).

House Ethics Manual.⁷⁸ A number of Ethics Committee reports have also criticized Members for using official resources for their own personal benefit.⁷⁹ Again, the Members' Handbook and House Ethics Manual clearly proscribe conduct of this nature.⁸⁰ Lastly, a number of Ethics Committee actions have addressed other "official use" allegations clearly proscribed in the regulations, such as improper use of the frank,⁸¹ or improper use of congressional stationery.⁸² In contrast, the violations found by the OCE are not grounded in House Ethics Committee precedent or clear provisions in the House Ethics Manual.

D. The OCE Board implies a duty of inquiry and duty of prevention that does not currently exist and may not be imposed on Members by the OCE

While the multitude of vague statements about commercial endorsements is discussed above, there is no clear legal standard for Members to follow. As described above, whatever standard the Committee may fairly imply, it is certainly far short of the broad prohibition the OCE suggests by finding the possibility of a violation in this matter. In addition, as there is no evidence of any knowledge by Representative Polis or his staff of the sunglasses sale by Ninox, OCE's findings suggest that Members have some previously unknown duty to proactively inquire of every private entity they interact with about the details of how the entity will use any photographs or recordings of their interaction. The breadth of interactions that would implicate such duties shows any attempt to impose them to be impractical and likely to chill the many free-flowing interactions Members regularly have with their constituents and other private citizens or entities. If the Committee were to endorse the implied duties that the OCE's logic would require, Members would be forced to prohibit photography or recording of any kind, or at least the public release of any photographs, before they agreed to any meetings or site visits with any private entities. This result would dramatically curtail Congress' interactions with the private sector and would actually reduce the transparency of whatever interactions remain.

II. Unless the Committee Corrects OCE's Misreading of the Rules, Common and Widespread Representational Activities Would Be Chilled and a Significant Increase in Complaints Would Result

OCE's referral in this matter is an unprecedented application of the rules that, unless corrected, will chill the exercise of representational duties throughout the House. By OCE's logic, whenever a Member is filmed by a for-profit company; whenever the company uses the video in connection with its business; whenever the company spends substantially to produce the video;

⁷⁸ Members' Handbook at 2; House Ethics Manual at 123 ("official resources of the House must, as a general rule, be used for the performance of official business of the House, and hence those resources may not be used for campaign or political purposes").

⁷⁹ See, e.g., *In the Matter of Representative Austin J. Murphy*, H. Rep. 100-485 (Dec. 16, 1987); *In the Matter of Allegations Relating to Representative Phil Gingrey*, Comm. Report (Dec. 11, 2014); *In the Matter of Representative Charles B. Rangel*, H. Rep. 111-661 (Nov. 29, 2010).

⁸⁰ Members' Handbook at 2 (No Member may benefit from expenditure of MRA funds); House Ethics Manual at 71 (gifts), 187 (outside employment).

⁸¹ Compare *In the Matter of Representative Newt Gingrich*, H. Rep. 101-995, with Members' Handbook at 20 (prohibiting unofficial use of frank).

⁸² Compare *In the Matter of Representative Dick Arney*, H. Rep. 104-886, with Members' Handbook at 20 (prohibiting private use of House stationery) and House Ethics Manual at 347, 350 (same).

or whenever any part of the video is filmed in a Member's office, the Member can be perceived as impermissibly promoting a commercial endeavor.⁸³ Similarly, whenever a Member "engage[s] in and publiciz[es]" an official event with a for-profit company, the Member likewise can be perceived as impermissibly endorsing a company's product.⁸⁴ Yet these conditions can be easily met whenever a Member is filmed by a media corporation; or whenever a Member makes a site visit or holds and publicizes a constituent meeting at a particular restaurant or grocery store. The thin support which OCE provides for these sweeping propositions, and the actual day-to-day conduct of Members, show powerfully that the true standard is much different, and that OCE erred.

Countless press releases, social media communications, and descriptions of appearances by Members of the House of Representatives show that Representative Polis' engagement with the League of Legends community and meeting with Ninox rest comfortably within the common practice of House Members and their understanding of the standards of conduct. A few examples highlight why the standard advanced by OCE against Representative Polis could be applied to almost any Member of Congress. In no way does this mean that any of these Members violated any standard of conduct. Rather, these examples show that a proper application of the rules allows Members to connect with the public in diverse ways, as their representational duties require.

A. *National Sports Franchises*

Many Members of the House have announced their support for local sports franchises on social media, in broadcast interviews, and even on the floor of the House, despite the fact that these franchises are for-profit corporations that spend substantially on promotional activities. For instance, one congressman recently sang the New York Mets' fight song, *Meet the Mets*, on the House floor. Several tweeted about the Los Angeles Dodgers and Kansas City Royals from their official accounts. Another Member of Congress spoke about his "ownership" share in the Green Bay Packers in a recorded interview. Yet another expressed his support for the Chicago Blackhawks and the NHL Network in an interview filmed by the NHL Network.

Multiple Members have posted on their social media pages about NFL franchises, including announcing the opening of Eagles training camp, the record of the Denver Broncos, a Monday Night Football game between the Arizona Cardinals and the Baltimore Ravens, and the score of a Patriots game. Although local sports franchises are undoubtedly key and beloved local institutions, they are still for-profit entities that engage in promotional activity. Lastly, another Member of Congress paid tribute to NASCAR driver Jeff Gordon in a video posted on the Charlotte Motor Speedway's website, featuring the speedway's 1-800 number and a banner imploring fans to "BUY TICKETS."

B. *TV Shows/Bands*

Members of the House just as frequently express their allegiance to particular television shows and bands. As with sports franchises, these bands and television programs are profit-seeking

⁸³ Report and Findings ¶¶ 106-107.

⁸⁴ *Id.* ¶ 149.

ventures that engage in extensive promotional activity. For instance, one Member of Congress said at a *National Review* event that he enjoys Taylor Swift. Many Members of Congress have discussed their enjoyment of “House of Cards” on HBO, putting out press releases about the show and bragging that they binge-watch the program. As described above, a half-dozen Members of Congress were even filmed in their House offices reading lines from the show. Another Member of Congress tweeted the news that Kiwi-based duo Flight of the Conchords would be releasing a film. For a historic example, a former House Speaker appeared in an episode of “Cheers” during its first season.

C. *Miscellaneous*

In addition to the examples above, Members of the House have posted about owning an AR-15, visiting a local coffee roasting company, appearing on a Wheaties Box, purchasing books written by David Brooks (as well as the book store from which it was purchased) and about Justice Ginsburg, appearing at the Sugar Sands Inn to promote the tourism industry, the biscuit and pies at a Fort Worth coffee shop, a PGA Golf Championship event in the district, a visit to a Home Depot, and a chocolate shop that made a product named after the Member. A number of House Members and automobile companies have also posted on their social media about Member test-drives of automobiles. Unless and until the Committee corrects the interpretation that OCE only narrowly advanced, a prudent Member will have no alternative but to stand down from a wide range of permissible representational activities in which Members now commonly engage. The result, ironically, would be a Congress that is less responsive and thereby accountable to the public and “less acquainted with the interests and circumstances of [its] constituents.”⁸⁵

III. **At All Times Representative Polis Acted in Good Faith, and He Has Cooperated Fully and Forthrightly With OCE**

Representative Polis is fully committed to complying with all standards of ethical conduct. As a matter of policy, he has not hesitated to seek Committee advice, stating “[w]e use the Committee on Ethics regularly . . . [w]e would typically use it around anything that could relate to any possible impropriety before it happens.”⁸⁶ There is nothing whatsoever in the record to suggest that he or his staff purposely departed from this general practice. Precisely because Members so frequently interact with for-profit enterprises in media events, and precisely because Representative Polis endorsed no product, made no commercial appeal, and did not stand to benefit financially from the companies’ activities, neither he nor his staff saw any “red flags” indicating that these requests somehow raised ethics concerns. According to the Congressman, the League of Legends request “did not trigger any alarm bells because it was not for any type of personal gain . . . [w]e also didn’t feel that it had anything to do with promoting a product.”⁸⁷ That sentiment was apparently shared by the Congressman’s staff.⁸⁸ The request from Ninox

⁸⁵ The Federalist No. 58. Should the Committee require documentation of the examples of permissible representational activity described above, we would be happy to provide it.

⁸⁶ Report and Findings, Exhibit 3 at 13.

⁸⁷ Report and Findings ¶ 69.

⁸⁸ *Id.* ¶¶ 53 (Chief of Staff), 58 (Scheduler), 65-67 (Communications Director).

also did not suggest a possible ethics violation, because Representative Polis did not view the event as something that he would gain from, or that would involve a personal endorsement.⁸⁹

In several respects, Representative Polis has taken remedial action to ensure compliance with his ethical obligations. Upon learning that Ninox had used Representative Polis' likeness in commercial advertising without his knowledge and consent, the Congressman told his communications director to contact Ninox and direct them to remove posts using his image for the purpose of advertising.⁹⁰ In addition, Representative Polis also took appropriate remedial action by having his office "delete any tweets from the official Twitter account that 'tagged' a specific company."⁹¹ Lastly, his office has "gone back and forth with Ethics, just to clarify [some] of the rules regarding social media," and his communications director noted that "going forward, I make sure that we don't tag companies."⁹² This is despite the fact that the Committee on House Administration has given conflicting advice, and clearly this absolute prohibition on using the handles of private entities is not understood by the vast majority of Members of Congress. The widespread practice of House Members mirrors common usage of social media platforms, where users frequently "tag" companies and other entities.

Finally, Representative Polis has demonstrated his commitment to Congress' ethics oversight mechanism by fully and forthrightly cooperating with the Office of Congressional Ethics. He reaffirms that commitment by pledging to the House Ethics Committee to fully cooperate in its review of the Board's findings and recommendations.⁹³

⁸⁹ *Id.* ¶ 119-120; *see also id.* ¶ 134 (Communications Director).

⁹⁰ *Id.* ¶ 143.

⁹¹ *Id.* ¶ 135.

⁹² *Id.*

⁹³ OCE's review was marred by several procedural deficiencies. First, OCE referred an allegation that was not disclosed to Representative Polis -- the claim that Representative Polis misused official resources and impermissibly endorsed a commercial product during his "worst-dressed" media availability with Ninox. Representative Polis had no adequate opportunity to respond to this allegation. *Cf.* H. Res. 5 § 4 (114th Cong.) (barring OCE from taking any action that would deny any person any right or protection under the Constitution). Second, OCE failed to comply with its deadlines under the Resolution, taking nearly four months to complete a process that is supposed to take "at most three months" and pushing the release of its referral into an election year. Report of the Members of the Special Task Force on Ethics Enforcement at 14 (Dec. 2007) (hereinafter "the Capuano Report"). Third, OCE impermissibly identified cooperative witnesses throughout its findings. *See* H. Res. 895, 110th Cong. § 1(c)(2)(C)(i). "Cooperative witnesses, who will not be named by the board within the Findings in order to preserve confidentiality, should be listed within the supporting documents for the Committee's information." Capuano Report at 13. Yet, the findings identify by name the Riot Games Brand Manager, Representative Polis' scheduler, and a staffer in Representative Polis' district office, all of whom cooperated voluntarily with OCE's review. *See* Report and Findings ¶¶ 60, 149, 122 n.156. Fourth, while OCE produced some of the clearly exculpatory excerpts from the Riot Games staff interviews, they failed to produce other exculpatory material, such as the internal Riot Games document labeling the video a "documentary." Report and Findings Exh. 4. It is of course unknown what other exculpatory material OCE may have withheld that is not in the findings. Fifth, OCE included materials as exhibits to findings that should not be disclosed publicly, but should be submitted as "supporting materials" to the Committee for further review and scrutiny. *Compare* H. Res. 895, 110th Cong. § 1(c)(2)(C)(i)(II), *with id.* § 1(c)(2)(C)(i)(III).

CONCLUSION

OCE's unprecedented, sweeping and narrowly-adopted report requires swift Committee correction for at least three reasons. *First*, because the House and the Committee have stopped short of prohibiting this conduct, the Board has usurped the Committee's and the House's constitutional prerogative provided in the Rulemaking Clause of Article I, which "clearly reserves to each House of the Congress the authority to make its own rules."⁹⁴ *Second*, such a novel and aggressive application of general standards would expose Representative Polis and other Members to ethics-related consequences for which they lacked any kind of reasonable notice.⁹⁵ *Third*, the Board's proposed expansion of the ethical standards of conduct runs into headfirst conflict with the Framers' vision of the role of the House of Representatives and the way in which Members commonly perform their representational duties. The Committee should promptly dismiss the findings for imposing a novel set of standards of conduct.

It is worth noting that Representative Polis' conduct in both instances involved novel forms of communications.⁹⁶ Such cases, especially when new technologies and alternative media are involved, can raise questions and ambiguities that are not clearly established or well-understood.⁹⁷ To the extent the rules require adjustment or clarification, the proper forum for such an effort is through the House Ethics Committee's authority to explain and clarify its Rules, and the authority of the House to set its own rules. OCE could have dismissed this review for

⁹⁴ *United States v. Rostenkowski*, 59 F.3d 1291, 1306 (D.C. Cir. 1995); *see also* U.S. Const., art. I, § 5 ("each House may determine the rules of its proceedings").

⁹⁵ *See generally* *McBoyle v. United States*, 283 U.S. 25, 27 (1931) ("fair warning should be given to the world in language that the common world will understand, of what the law intends to do if a certain line is passed") (Holmes, J.); *see also* *United States v. Kolter*, 71 F.3d 425, 430 (D.C. Cir. 1995) (House Rule so vague that Member "did not have constitutionally adequate notice that his conduct would expose him to criminal liability").

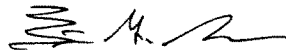
⁹⁶ For example, the Federal Election Commission's current interpretation of the "media exemption" under federal campaign finance law would likely treat Riot Games as a media entity for the communications activities at issue in this referral, which is consistent with Representative Polis' office's treatment of the request as a "PRESS CALL." Report and Findings ¶ 60; *see also* FEC Adv. Op. 2005-16 (Fired Up LLC); MUR 5928 (Kos Media LLC); *see also* Statement of Reasons, Commissioners Bradley A. Smith, Michael E. Toner and David M. Mason, MUR 5315 (Wal-Mart Stores, Inc.).

⁹⁷ Significantly, during the two weeks between OCE's referral and this response, two federal entities issued guidance on the use of social media. The Senate Rules Committee on November 10, 2015, released new regulations and guidance "designed to accommodate the fact that Members visit locales such as farms and factories as part of their official duties. Accordingly, Members are permitted to use Senate Internet Services to communicate to the public about these visits and even link to a non-Senate website so long as it is not done for commercial or promotional purposes." U.S. Senate Committee on Rules and Administration, *Frequently Asked Questions Regarding Use of Senate Technology* (November 2015). The Dear Colleague letter accompanying the revisions noted that "[g]iven the many advances in technology since the last regulations were adopted [in 2008], an update was required to facilitate the use of modern communication tools . . . [t]he new regulations modernize our rules so Senate offices can utilize new technologies [] to more effectively communicate with constituents." U.S. Senate Committee on Rules and Administration, *Dear Colleague Letter* (Nov. 10, 2015). Similarly, the U.S. Office of Special Counsel on November 12, 2015, updated its guidance to federal employees on the rules governing the use of social media at the workplace. U.S. Office of Special Counsel, Press Release, *OSC Updates Hatch Act Guidance for Social Media* (Nov. 12, 2015) (stating the updated guidance makes "some notable changes" and addresses "new issues"). While neither controls this matter, both show quite clearly that the referral involves an area in which the law is developing.

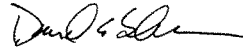
being “de minimis in nature” or because an applicable rule was not in effect at the time.⁹⁸ The OCE referral process is the wrong forum to transmit and evaluate novel applications of the rules.

Representative Polis appreciates the Committee’s consideration of his views on this matter. We respectfully request that the Committee dismiss the referral.

Very truly yours,



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⁹⁸ Office of Congressional Ethics, *Rules for the Conduct of Investigations*, Rules 1, 7(F). H. Res. 895, 110th Cong. § 1(c)(2)(F)(i)(II).