

October 5, 2022

Corey Amundson  
Chief, Public Integrity Section  
Department of Justice, Criminal Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

**Re: Request for Investigation into Barbara Kirkmeyer**

Dear Mr. Amundson:

I am writing to request that you investigate Barbara Kirkmeyer for her ongoing violation of federal law by failing to file a timely, complete, and accurate Financial Disclosure Statement, as required by the amended Ethics in Government Act of 1978 (the “Act”).<sup>1</sup>

Kirkmeyer’s failure to disclose timely, accurate, and complete information regarding her finances is a breach of public trust and a violation of the law. The Act was designed to “preserve and promote the integrity of public officials and institutions” by ensuring that federal candidates are not able to conceal their financial interests, including those that may conflict with official duties, from voters and members of the public.<sup>2</sup> Kirkmeyer’s failure to timely file her Financial Disclosure Statement (“FD Statement”) is in blatant disregard for those important objectives. This disregard for the law is alarming for someone who is a candidate for federal office. Colorado voters must have the opportunity to review properly filed reports to assess Kirkmeyer’s fitness for elected office. I respectfully request that you promptly investigate this matter.

I. Factual Background

Barbara Kirkmeyer is a candidate for Congress in Colorado’s 8<sup>th</sup> Congressional district.<sup>3</sup> She became a candidate on November 16, 2021, and subsequently filed her first required personal FD Statement on December 16, 2021.<sup>4</sup> However, Kirkmeyer has not yet filed an FD Statement in 2022 – a blatant violation of the law.

II. Legal Background and Analysis

Candidates are subject to civil and criminal penalties for failing to properly file their Financial Disclosure Statements.<sup>5</sup> Specifically, the Act authorizes the Attorney General to bring a civil

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<sup>1</sup> 5 U.S.C. App. 4 §§ 101-111.

<sup>2</sup> *Id.*

<sup>3</sup> Barbara Kirkmeyer, Statement of Candidacy, FEC Form 2 (Nov. 16, 2021), <https://docquery.fec.gov/pdf/674/202111169468501674/202111169468501674.pdf>.

<sup>4</sup> *Id.*; U.S. House of Representatives, Barbara Kirkmeyer – Financial Disclosure Report (Dec. 16, 2021), [https://disclosures-clerk.house.gov/public\\_disc/financial-pdfs/2021/10044235.pdf](https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2021/10044235.pdf).

<sup>5</sup> 5 U.S.C. App. 4 § 104(a).

action against any individual who knowingly and willfully fails to file a required financial disclosure report.<sup>6</sup> In addition, such a violation exposes the individual to criminal liability under Title 18 of the U.S. Code.<sup>7</sup>

The Act requires candidates to not only file their initial FD Statement “within thirty days of becoming a candidate” or May 15 of that year – whichever is later – but it *also* requires them to file an FD Statement “on or before May 15 *of each successive year*” that the filer continues to be a candidate.<sup>8</sup> Guidance by the House Ethics Committee reiterates this requirement by stating that individuals who qualify as a candidate during a non-election year (as Kirkmeyer did) “are .. required to file a **second FD Statement on May 15 of the following year** if [they] are still a candidate on that date.”<sup>9</sup> Candidates are only exempt from filing the second FD Statement if the candidate “takes action that is legally recognized under applicable state law as legally sufficient to withdraw as a candidate *before* the date on which their FD Statement is due[.]”<sup>10</sup>

Kirkmeyer is unquestionably still a candidate for Congress in Colorado’s 8<sup>th</sup> Congressional district, and is the Republican nominee. She was required to file an FD Statement no later than May 16, 2022, or request an extension beyond this deadline. Yet, more than four months after that deadline, Kirkmeyer has still not filed an FD Statement or requested an extension.<sup>11</sup>

This blatant failure to comply with the law and follow her responsibilities as a candidate for federal office puts Kirkmeyer in violation of the Ethics in Government Act. By refusing to file an FD Statement, she is hiding from Colorado voters important information regarding her personal wealth – information that she is required to share so they can make informed choices about who is best to represent them in Congress.<sup>12</sup>

Congress has determined that the public interest in financial disclosure is strong enough to warrant civil penalties of up to \$66,190 for knowingly and willfully failing to file such a report.<sup>13</sup>

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<sup>6</sup> *Id.* § 104(a)(1).

<sup>7</sup> *Id.* § 104(a)(2).

<sup>8</sup> 5 U.S.C. App. 4 § 101(c) (emphasis added).

<sup>9</sup> U.S. House of Representatives Committee on Ethics, Instruction Guide - Financial Disclosure Statements and Periodic Transaction Reports at 3 (2021),

<https://ethics.house.gov/sites/ethics.house.gov/files/documents/FINAL%202021%20FD%20Instructions.pdf>

(emphasis added). In 2022, because May 15 fell on a Sunday, the deadline was extended to May 16, 2022. *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> U.S. House of Representatives, Office of the Clerk, Financial Disclosure Reports Database, <https://disclosures-clerk.house.gov/PublicDisclosure/FinancialDisclosure>.

<sup>12</sup> Importantly, this is not the first election cycle in which Kirkmeyer has been a candidate for federal office nor is it the first time Kirkmeyer has been subject to financial disclosure requirements. *See* U.S. House of Representatives, Barbara Kirkmeyer – Financial Disclosure Statement, Barbara Kirkmeyer (May 12, 2014), [https://disclosures-clerk.house.gov/public\\_disc/financial-pdfs/2014/8215350.pdf](https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2014/8215350.pdf). As a repeat candidate, Kirkmeyer is undoubtedly aware of her financial disclosure obligations.

<sup>13</sup> 5 U.S.C. App. 4 § 104(a)(1); 2022 Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations, 87 Fed. Reg. 2523 (Jan. 18, 2022); *see also* U.S. House of Representatives Committee on Ethics, Instruction Guide - Financial Disclosure Statements and Periodic Transaction Reports at 9 (2021), <https://ethics.house.gov/sites/ethics.house.gov/files/documents/FINAL%202021%20FD%20Instructions.pdf>.

III. Request for Action

I respectfully request that you commence an immediate investigation into this matter. Prompt action is necessary to ensure that Kirkmeyer complies with federal law and that the public is granted full disclosure of Kirkmeyer's finances as a candidate for the U.S. House of Representatives.

I understand that 18 U.S.C. § 1001 applies to the information I am providing. To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tiffany M. White". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.