

# CONGRESSIONAL INTEGRITY PROJECT

September 24, 2024

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

**Re: Request for Investigation of Representative Anthony D’Esposito**

Dear Mr. Ashmawy:

I respectfully request that the Office of Congressional Ethics (“OCE”) immediately investigate Representative Anthony D’Esposito’s use of his office funds to hire close associates and family members. Representative D’Esposito’s statements were made in blatant disregard of the Rules of the House of Representatives (“House Rules”).

#### FACTUAL BACKGROUND

Anthony D’Esposito currently serves as a U.S. Representative for the 4th District of New York.<sup>1</sup> In early 2023, shortly after taking his oath of office, Representative D’Esposito hired his fiancée’s daughter, Ms. Tessa Lark as a special assistant to his district office based in Nassau County, New York, eventually offering a salary as high as \$3,800 per month.<sup>2</sup> In April 2023, Representative D’Esposito also added Ms. Devin Faas, a woman with whom he was reportedly having an affair, to the district office’s payroll at a rate of \$2,000 per month.<sup>3</sup> As the *New York Times* reported, “Payments to both women stopped abruptly several months later, in July 2023, records show, around the time that Mr. D’Esposito’s fiancée found out about his relationship with Ms. Faas and briefly broke up with him, according to the four people.”<sup>4</sup> In total, Representative D’Esposito disbursed \$29,000 in taxpayer funds to his soon-to-be step-daughter and a woman with whom he was having a sexual relationship.

#### LEGAL ANALYSIS

In creating the House Code of Official Conduct, and specifically the requirement that Representatives and employees of the House “behave...in a manner that...reflect creditably on the House,”<sup>5</sup> the intent

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<sup>1</sup> *Our District*, CONGRESSMAN ANTHONY D’ESPOSITO, <https://desposito.house.gov/about/our-district>.

<sup>2</sup> A Congressman Had an Affair. Then He Put His Lover on the Payroll, *The New York Times* (September 23, 2024), <https://www.nytimes.com/2024/09/23/nyregion/anthony-desposito-affair-congress.html>.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *See* Rules of the House of Representatives, Rule 23, clause 1.

was to create a code of conduct “that would have a deterrent effect against improper conduct and at the same time be capable of enforcement if violated.”<sup>6</sup> Members are required to “adhere to the spirit and the letter of the Rules of the House.”<sup>7</sup>

The House Code of Official Conduct stipulates that “a Member, Delegate, or Resident Commissioner may not retain the relative of such individual in a paid position,” and, “an employee of the House may not accept compensation for work for a committee on which the relative of such employee serves as a member.”<sup>8</sup> The House Rules further clarify that the term “relative” applies to an individual related to the Member as a “spouse, parent-in-law, child-in-law...stepparent, [or] stepchild...” Moreover, the House Rules explicitly prohibit Members from “engag[ing] “in a sexual relationship with any employee of the House who works under the supervision of the member.” The House Rules also prohibit Members from retaining “an employee who does not perform duties for the offices of the employing authority commensurate with the compensation such employee receives.”<sup>9</sup>

Notwithstanding these obligations, Representative D’Esposito violated his ethical obligations in several ways – first, by placing his fiancée’s daughter Ms. Lark, and his lover Ms. Faas, on the House payroll. The *New York Times* reported that Ms. Faas “first appeared on the House payroll just weeks after her divorce from Mr. Ciaschi was finalized in March 2023.”<sup>10</sup> Second, Representative D’Esposito also violated House Rules by engaging in a sexual relationship with an employee under his supervision.

Moreover, Representative D’Esposito has failed to show that Ms. Faas performed duties for the offices commensurate with the compensation. Records show that she “collected \$7,400 in total, despite continuing to work full time for the Town of Hempstead.”<sup>11</sup> As the *New York Times* reported, “[Representative D’Esposito’s district office’s lead] said Ms. Faas had worked as a ‘liaison to the office’ and helped him track down contact information for local schools and libraries; he would not discuss her hiring. Four former House employees familiar with the office said they never encountered Ms. Faas working for the congressman.”<sup>12</sup>

Representative D’Esposito has violated the public trust and acted in violation of the House Rules and U.S. House Committee on Ethics guidance.<sup>13</sup> Accordingly, I urge the OCE to immediately commence an investigation into Representative D’Esposito’s actions.

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<sup>6</sup> House Ethics Manual, Com. On Standards of Official Conduct, 110th Cong., 2d Sess., 13 (2008) (quoting H.R. Rep. No. 90-1176, 90th Cong., 2d Sess. (1968)), [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf).

<sup>7</sup> Rules of the House of Representatives, Rule 23, clause 2.

<sup>8</sup> Rules of the House of Representatives, Rule 23, clause 8.

<sup>9</sup> Ibid.

<sup>10</sup> A Congressman Had an Affair. Then He Put His Lover on the Payroll, *The New York Times* (September 23, 2024), <https://www.nytimes.com/2024/09/23/nyregion/anthony-desposito-affair-congress.html>.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Rules of the House of Representatives, Rule 23, clause 1; Intentional Use of Audio-Visual Distortions & Deep Fakes, U.S. House Committee on Ethics (Jan. 28, 2020), [https://ethics.house.gov/sites/ethics.house.gov/files/documents/Deep%20Fakes%20Pink%20Sheet%20Guidance-Final\\_0.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/Deep%20Fakes%20Pink%20Sheet%20Guidance-Final_0.pdf).

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.

Sincerely,

A handwritten signature in black ink that reads "Kyle Herrig". The signature is written in a cursive, slightly slanted style.

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