

APPENDIX H

1 RPTS DEAN

2 DCMN HOFSTAD

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5 PENDING BUSINESS

6 Tuesday, November 16, 2010

7 House of Representatives,

8 Committee on Standards

9 of Official Conduct,

10 Adjudicatory Subcommittee,

11 Washington, D.C.

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15 The adjudicatory subcommittee met, pursuant to call, at

16 11:50 a.m., in Room 1310, Longworth House Office Building,

17 Hon. Zoe Lofgren [chairwoman of the subcommittee] presiding.

18 Present: Representatives Lofgren, Butterfield, Castor,

19 Welch, McCaul, Conaway, Dent, and Harper.

20 Staff present: Heather Jones, Counsel; Todd Ungerecht,

21 Counsel; Daniel Taylor, Counsel to the Chair; Amelia Johnson,

22 Staff Assistant; Joanne White, Administrative Staff Director;

23 Deborah Bethea, Senior Financial Disclosure Manager; Donald

24 Sherman, Counsel; Blake Chisam, Chief Counsel and Staff

25 Director; and Deborah Morris, Counsel.

1 Chairwoman Lofgren. The adjudicatory subcommittee has
2 met for a number of hours to consider the 13 counts forwarded
3 to us in the Statement of Alleged Violations and has reached
4 a conclusion that we are reporting at this time.

5 Count I, conduct in violation of the solicitation and
6 gift ban, has been proved by clear and convincing evidence.

7 Count II, conduct in violation of the Code of Ethics for
8 Government Services, has been proved by clear and convincing
9 evidence.

10 Count III, conduct in violation of the House gift rule:
11 The committee was unable to reach a conclusion by clear and
12 convincing evidence and divided on a 4 to 4 vote.

13 Count IV, conduct in violation of the Postal Service
14 laws and Franking Commission regulations: The committee
15 found a violation by clear and convincing evidence.

16 Count V, conduct in violation of the franking statute:
17 The committee found that that conduct was completely covered
18 by the conviction in count IV, and the interpretation of the
19 statute was more properly before the executive and judicial
20 branches.

21 Count VI, conduct in violation of the House Office
22 Building Commission regulations: We found a violation by
23 clear and convincing evidence.

24 Count VII, conduct in violation of the purpose law and
25 the Member's Handbook: We found a violation by clear and

1 convincing evidence.

2 Count VIII, conduct in violation of the letterhead rule:
3 The committee found that was proven by clear and convincing
4 evidence.

5 Count IX, conduct in violation of the Ethics in
6 Government Act and House Rule XXVI, the financial disclosure
7 provisions: We found a violation by clear and convincing
8 evidence.

9 Count X, conduct in violation of the Code of Ethics for
10 Government Services relating to Lenox Terrace: The committee
11 found a conviction by clear and convincing evidence.

12 Count XI, conduct in violation of the Code of Ethics for
13 Government Services, clause 2: We found a conviction by
14 clear and convincing evidence.

15 Count XII, conduct in violation of the Code of Conduct:
16 Letter and Spirit of House rules: The committee found that
17 to be proved by clear and convincing evidence.

18 Count XIII, conduct in violation of the Code of Conduct,
19 reflecting discredibly upon the House: We found -- a
20 majority found that to be proven by clear and convincing
21 evidence on a vote 7 to 1.

22 I would note that that does conclude the deliberations
23 of the administrative subcommittee.

24 I would note that our deliberations are covered by Rule
25 7 of the Committee on Standards of Official Conduct, which

1 prohibit discussion of our deliberations publicly and require
2 us to keep the confidentiality of our session. And I would
3 ask members of the public to respect our obligations relative
4 to the rules.

5 Before asking the ranking member if he would like to
6 make a brief comment, I would just like to conclude by saying
7 that none of the members of this committee are volunteers.
8 This has been a difficult assignment, time-consuming. And we
9 have approached our duties diligently, and that includes
10 every member of this subcommittee. We have tried to act with
11 fairness, led only by the facts and the law. And I believe
12 that we have accomplished that mission.

13 And I do give thanks to each of the Members who have
14 worked so hard to do the right thing, as well as the staff,
15 who have worked extraordinarily hard and many, many hours to
16 present this case to us.

17 With that, I would like to turn to the ranking member,
18 Mr. McCaul, for any brief comments he may have.

19 Mr. McCaul. Thank you, Madam Chair.

20 Just let me say first that, as you mentioned, no one
21 asked for this assignment. Sitting in judgment of a fellow
22 Member, a colleague, is a very difficult task. But I believe
23 that you, Madam Chair, and all the members of this
24 subcommittee have handled yourselves in a very nonpartisan,
25 professional manner and dignified manner, which I hope will

1 restore credibility to the House of Representatives.

2 As you mentioned, Madam Chair, we were able to reach
3 consensus on 12 of the 13 counts, with count III being a
4 split vote, 4 to 4.

5 When we look at count XIII, it talks about reflecting
6 credibility on the House and discussing dishonor. I am
7 hopeful as we move forward with this matter into the next
8 phase that, at the end of the day, we will be able to begin
9 an era of transparency and accountability, a new era of
10 ethics that will restore the credibility of this House, the
11 people's House.

12 And, with that, I yield back.

13 Chairwoman Lofgren. Thank you.

14 The gentleman yields back.

15 And I would note just technically, it was 11 of 13
16 because we rolled V into IV.

17 I would just like to note the next procedures. We will
18 be meeting briefly just to approve the brief report that goes
19 to the full committee. After we recess from this session, I
20 will be contacting the ranking member of the full committee
21 so that we can schedule the sanction hearing that is the next
22 step in this process under our rules. And we will certainly
23 give notice of that.

24 Mr. McCaul. Madam Chair, may I make just one
25 clarification?

1 Chairwoman Lofgren. Certainly.

2 Mr. McCaul. We did achieve consensus, though.

3 Chairwoman Lofgren. We did -- we did achieve consensus;
4 you are correct.

5 With that, we will recess to the closed session this
6 afternoon to briefly go through the language.

7 And thanks to all of you.

8 [Whereupon, at 11:56 a.m., the subcommittee was
9 adjourned, to be reconvened in closed session later this same
10 day.]

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APPENDIX I

ZOE LOFGREN, CALIFORNIA
CHAIR
BEN CHANDLER, KENTUCKY
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CHIEF COUNSEL AND STAFF DIRECTOR

ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

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November 16, 2010

Representative Charles B. Rangel
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Mr. R. Blake Chisam
Chief Counsel
Committee on Standards of Official Conduct
Suite HT-2, The Capitol
Washington, DC 20515

Re: In the Matter of Representative Charles B. Rangel

Dear Representative Rangel and Mr. Chisam:

As Chair of the Committee on Standards of Official Conduct (Committee), I am writing with regard to the adjudicatory hearing in the Matter of Representative Charles B. Rangel.

As the parties are aware, on November 16, 2010, the Adjudicatory Subcommittee (ASC) in the Matter of Representative Charles B. Rangel determined that 11 of the 13 counts in the Statement of Alleged Violation in this matter were proven by clear and convincing evidence.

Pursuant to Committee Rule 24, the members of the full Committee will determine by majority vote what action should be taken with respect to possible sanctions in this matter. Under Committee Rule 24(b), the Committee shall hold a sanction hearing to receive information from the parties regarding their recommendations for appropriate sanctions. By this letter, the parties are hereby provided notice that a sanction hearing in this matter will be held on **Thursday, November 18, 2010, at 12:00 p.m.** in the Committee on House Administration Hearing Room, Room 1310 in the Longworth House Office Building. By rule, the hearing will be open to the public unless a majority of the Committee's members votes to close the hearing.¹

The parties are advised that, pursuant to Committee rules, the Committee may receive oral and/or written submissions from Committee counsel and the respondent (or counsel for respondent).² Witness testimony may not be heard "except by written request and vote of a majority of the Committee."³

¹ Committee Rule 5(d).

² Committee Rule 24(b).

³ *Id.*

The parties will each be allotted 30 minutes to make an oral presentation to the Committee at the sanction hearing. Pursuant to Committee Rule 26(a), a respondent has “the right to be represented by counsel, to be provided at the respondent’s own expense.” Following the hearing, the Committee “shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action.”⁴

As with other aspects of the disciplinary process, the respondent may seek to waive this procedural step.⁵ Any such waiver “must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive.”⁶

A copy of the Committee’s rules is enclosed for your reference.

Sincerely,



Zoe Lofgren
Chair

cc: Representative Jo Bonner, Ranking Republican Member

⁴ Committee Rule 24(c).

⁵ Committee Rule 26(b).

⁶ *Id.*