

- a. the definition of “reflect creditably” utilized by the Committee and the basis for such definition under House rules, government codes or other precedent;
- b. the factual basis for the Committee’s conclusion that “OneUnited . . . would have failed if it did not receive capital [from the Department of the Treasury];”
- c. the definition of “continued assistance” utilized by the Committee and the basis for such definition under House rules, government codes or other precedent;
- d. the specific nature of the “continued assistance” alleged in this matter;
- e. the factual basis for the Committee’s conclusion that the alleged “continued assistance” was provided to OneUnited and not to a broad range of banks comprising the membership of the National Bankers Association (“NBA”);
- f. the specific nature of “this funding” that purportedly preserved Respondent’s husband’s financial interest;
- g. the factual basis for the Committee’s conclusion that Respondent failed to instruct her Chief of Staff “to refrain from assisting OneUnited;”
- h. the definition of “continued involvement,” the basis for such definition under House rules, government codes or other precedent and if the Committee’s use of that term differs from its use of “continued assistance;”
- i. the specific nature of the “continued involvement” alleged in this matter.

3. As to Count Two of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

- a. the definition of “compensation” utilized by the Committee and the basis for such definition under House rules, government codes or other precedent;
- b. the definition of “beneficial interest” utilized by the Committee and the basis for such definition under House rules, government codes or other precedent;
- c. the definition of “influence improperly exerted” utilized by the Committee and the basis for such definition under House rules, government codes or other precedent;
- d. the specific nature of the “influence . . . exerted from the position of the Respondent in Congress” in this matter;
- e. the rationale underlying the Committee’s conclusion that the “preservation of the value of Respondent’s husband’s investment in OneUnited would constitute compensation accruing to the beneficial interest of Respondent.”

4. As to Count Three of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

- a. the definition of “discriminate unfairly” utilized by the Committee and the basis for such definition under House rules, government codes or other precedent;
- b. the definition of “special favors or privileges” utilized by the Committee and the basis for such definition under House rules, government codes or other precedent;

- c. the definition of “favors or benefits” utilized by the Committee and the basis for such definition under House rules, government codes or other precedent;
- d. the specific nature of the Respondent’s actions that purportedly “discriminate[d] unfairly;”
- e. the specific nature of the “special favors or privileges” and “favors or benefits” purportedly dispensed by Respondent.

An Oral Hearing is requested on this Motion.

Respectfully submitted this 30th day of June, 2010

A handwritten signature in black ink, appearing to read 'SMB/ADH', written over a horizontal line.

Stanley M. Brand
Andrew D. Herman
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923 15th Street, NW
Washington, DC 20005

Counsel for Representative Maxine Waters

CERTIFICATE OF SERVICE

The undersigned declares under penalties of perjury that on June 30th, 2010, I hereby served a copy of the foregoing Motion for a Bill of Particulars, on Blake Chisam, Counsel, House Committee on Standards of Official Conduct:

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Andrew D. Herman

some abuse. However, the Committee believes it was for the very purpose of evaluating **particular situations against existing standards, and of weeding out baseless charges from legitimate ones**, that this Committee was created.

In the Matter of Charles H. Wilson, H.R. Rep. No. 96-930 at 61-2 (quoting House Committee on Standards of Official Conduct, Ethics Manual for Members and Employees of the U.S. House of Representatives, H.R. Doc. No 96-134, 96th Cong. 1st Sess. at 8-9 (1979)) (emphasis added). *See also* In the Matter of Representative Robert L.F. Sikes, H.R. Rep. No 1364, 94th Cong. 2d Sess. at 8 (1976).

4. In this matter, the Statement of Alleged Violations relies on the most general standards applied to members of Congress. Count One alleges that Respondent's conduct failed to "reflect creditably on the House" in violation of House Rule XXIII, clause 1; Count Two alleges that Respondent's conduct violated "the spirit" of House Rule XXIII, clause 3 by receiving compensation by virtue of improper influence; Count Three alleges a violation of the Code of Ethics for Government Service, clause 5, by dispensing favors and accepting a benefit for such actions. Of the three counts, only the third can reasonably be described as presenting any specific guidance for a member's conduct.

5. Moreover, the facts cited in the Statement of Alleged Violations are ambiguous and convoluted. In essence, the Statement of Alleged Violations alleges that Respondent violated the aforementioned general standards of conduct by failing to adequately supervise her Chief of Staff's conduct and that such allegedly improper conduct redounded to her benefit by assisting an entity in which Respondent's husband held a financial interest as a member of a class.

6. In sum, the Statement of Allegations against Respondent presents exceedingly general allegations that are premised upon an unclear set of facts. The Respondent therefore requires an explication of the definitions and standards which the

Committee intends to utilize in order to assert any defenses available to her under the House Rules of Conduct and the Code of Ethics for Government Service.

Respectfully submitted this 30th day of June, 2010.

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Counsel for Rep. Maxine Waters

CERTIFICATE OF SERVICE

The undersigned declares under penalties of perjury that on June 30th, 2010, I hereby served a copy of the foregoing Memorandum of Points and Authorities In Support of Motion for a Bill of Particulars, on Blake Chisam, Counsel, House Committee on Standards of Official Conduct:

A handwritten signature in black ink, appearing to read 'ADH', with a long horizontal flourish extending to the right.

Andrew D. Herman