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## THIRD QUARTER 2013 REPORT

July 2013 – September 2013

### I. INTRODUCTION

The Office of Congressional Ethics (“OCE”) is an independent, non-partisan entity charged with reviewing allegations of misconduct involving Members, Officers and staff of the House and, when appropriate, referring matters to the House Committee on Ethics. In all but one set of circumstances, the report and findings of the OCE Board included in a referral to the Committee on Ethics eventually must be publicly released.

The mission of the OCE and its Board is to assist the United States House of Representatives in upholding high standards of ethical conduct for its Members, Officers and staff and, in so doing, to serve the American people.

The following is a report of the OCE’s work in the third quarter of 2013.

### II. CITIZEN COMMUNICATIONS

Any member of the public may bring a matter of suspected misconduct involving a Member, Officer or staff of the House to the attention of the OCE. Approximately 100 private citizens have contacted the OCE during the third quarter of 2013. These contacts were of two types: (1) requests for information about the OCE and its procedures; and, (2) allegations of misconduct. Staff or any Board member may also submit information regarding an alleged violation for consideration by the Board. The OCE requests all submissions of information be made in writing.

### III. OCE PROCESS

The OCE’s investigations have two stages: (1) a preliminary review, which must be completed in 30 days and (2) a second-phase review, which must be completed in 45 days, with the option of a 14-day extension. Two Board members (one appointed by the Speaker of the House and one appointed by the Minority Leader) may authorize a preliminary review if all available information provides a *reasonable basis* to believe that a violation may have occurred.

Three Board members may authorize a second-phase review if all available information provides *probable cause* to believe a violation may have occurred.

A decision to undertake a preliminary review or second-phase review should not be misconstrued. Historically, the majority of reviews have resulted in termination or dismissal of the matter.

At the end of a second-phase review, the Board must recommend to the Committee on Ethics either that the matter warrants further review by the Committee on Ethics or that the Committee on Ethics should dismiss the matter. The standard of proof generally required under OCE Rules to refer a matter to the Committee on Ethics for further review is *substantial reason* to believe a violation may have occurred. A recommendation for further review does not constitute a determination that a violation occurred. Similarly, a recommendation for dismissal does not constitute a determination that a violation did not occur, but only that the information available to OCE does not provide a substantial reason to believe a violation occurred or, in some cases, that the conduct at issue falls outside of OCE’s jurisdiction.

The OCE is not authorized to sanction Members, officers or employees of the House or to recommend any sanctions. The Committee on Ethics has the exclusive authority to determine if a violation has occurred and, if so, what sanction may be in order. When it makes its recommendation, the OCE Board may also transmit to the Committee on Ethics findings that include, among other things, findings of fact and citations to laws, rules or regulations that may have been violated. A chart depicting the OCE’s review process is available on the OCE website at <http://oce.house.gov>.

#### IV. BOARD ACTION

The following is a statistical summary of the Board’s actions in the third quarter of 2013.

<b>Type of Action</b> <b>Date</b>	Commence Preliminary Review	Vote to Terminate Matter	Commence Phase II Review	Commence Phase II Review Extension	Transmit Referral for Review	Transmit Referral for Dismissal
July 26	2	0	0	0	0	2
August 25	0	0	2	0	0	0
August 28	2	0	0	0	0	0
September 27	2	0	2	0	0	0
<b>Total for Quarter</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b>Total for 113<sup>th</sup> Congress</b>	<b>15</b>	<b>0</b>	<b>13</b>	<b>7</b>	<b>7</b>	<b>2</b>

## **V. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS**

The OCE has transmitted seven matters to the Committee on Ethics for further review in the 113<sup>th</sup> Congress. The OCE's report and findings in those matters must be made public according to the schedule contained in House Resolution 895 of the 110<sup>th</sup> Congress, as amended.

A chart depicting this schedule for public disclosure of OCE reports is available on the OCE website at <http://oce.house.gov/process>. There are currently no matters that the OCE has referred to the Committee on Ethics that are pending release.

## **VI. STAFFING UPDATE**

During the third quarter of 2013, the OCE hired Bryson Morgan as an investigative counsel. Previously, Mr. Morgan was an attorney at the law firm Caplin & Drysdale, Chtd., where his practice focused on political law, tax-exempt organizations, and white collar criminal investigations. He advised clients on federal and state campaign finance, lobbying, and ethics law and regulations; conducted internal corporate investigations; and represented clients before various federal and state government enforcement agencies. Mr. Morgan is a graduate of the University of Utah and Harvard Law School, where he served on the Harvard Journal on Legislation.