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# Congress of the United States

## House of Representatives

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## THIRD QUARTER 2011 REPORT

July 2011 – September 2011

### I. INTRODUCTION

The Office of Congressional Ethics (“OCE”) is an independent, non-partisan entity charged with reviewing allegations of misconduct against Members, Officers and staff of the House and, when appropriate, referring matters to the Committee on Ethics (“Committee”). In all but one set of circumstances, the report and findings of the OCE Board included in a referral to the Committee 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 2011.

### 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 2300 private citizens have contacted the OCE in the July through September 2011 period. These contacts were of two types: (1) requests for information on the OCE and its procedures and (2) allegations of misconduct. The vast majority of these contacts related to the same subject. 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. BOARD ACTIONS

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 any second-phase review, the Board must recommend to the Committee on Ethics either that the matter warrants further review by the Committee or that the Committee should dismiss the matter. 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; *substantial reason* is the standard of proof required under OCE Rules to refer a matter to the Committee for further review. The OCE is not authorized to sanction Members, officers or employees of the House or to recommend any sanctions. The Committee 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>.

The following is a statistical summary of the Board's actions in the third quarter of 2011.

<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 17	0	0	0	1	0	0
July 22	0	3	0	0	0	0
July 23	0	0	3	0	0	0
September 6	0	0	0	3	0	0
September 29	5	0	0	0	0	0
<b>Total for Quarter</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>0<sup>1</sup></b>	<b>0</b>
<b>Total for 112<sup>th</sup> Congress</b>	<b>18</b>	<b>4</b>	<b>9</b>	<b>6</b>	<b>4</b>	<b>1</b>

<sup>1</sup> The OCE Board considered and voted to refer to the Committee on Ethics two matters in the third quarter, which were finalized and transmitted in the fourth quarter. These cases will be accounted for in the fourth quarter report.

#### IV. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

The OCE's reports and findings in the matters transmitted to the Committee on Ethics for further review 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>. The following is a summary of the various matters pending release that the OCE has referred to the Committee on Ethics.

Review No.	Status	Release Date
09-9812	On October 18, 2011, the Committee on Ethics announced that the Department of Justice had withdrawn its request to defer consideration of this matter and that the Committee would take the remaining days permitted under the rules to consider the matter.	By December 2, 2011, the Committee on Ethics must release the OCE report or make a public announcement that: (1) the Committee has voted to empanel an investigative subcommittee or (2) the Department of Justice has requested the Committee to defer and the Committee has voted to defer.
11-3175	The OCE transmitted a referral for further review to the Committee on Ethics on October 13, 2011.	By November 27, 2011, the Committee on Ethics must release the OCE report or make a public announcement that: (1) the Chair and Ranking of the Committee are taking an additional 45 days to consider the matter or (2) the Committee has voted to empanel an investigative subcommittee.
11-6736		

#### V. STAFFING UPDATE

The OCE recently hired Kelly Brewington as a part-time Communications Director. Prior to joining the OCE, she was a senior media relations manager at AARP, specializing in health care. She came to the communications field after a 13-year career as an award-winning journalist at the Baltimore Sun and the Orlando Sentinel.