

David Skaggs, Chair
Jay Eagen
Lynn Westmoreland
Paul Vinovich

Board

Allison Hayward, Co-Chair
Karan English
Belinda Pinckney, BG (R)
Michael Barnes

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FIRST QUARTER 2019 REPORT
January 2019 – March 2019

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 first quarter of the 116th Congress.

II. 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 the OCE does not provide a substantial reason to believe a violation occurred or, in some cases, that the conduct at issue falls outside of the 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>.

III. 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 3,753 private citizens have contacted the OCE during the 116th Congress. 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.

IV. BOARD ACTIONS

The following is a statistical summary of the Board’s actions in the first quarter of 2019.

Type of Action Date	Commence Preliminary Review	Matter Terminated	Commence Phase II Review	Commence Phase II Review Extension	Transmit Referral for Review	Transmit Referral for Dismissal
Total for Quarter	0	0	0	0	0	0
Total for 116th Congress	0	0	0	0	0	0

V. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

The OCE has transmitted no matters to the Committee on Ethics for further review in the first quarter of 2019. The OCE's report and findings in all matters must be made public according to the schedule contained in House Resolution 895 of the 110th Congress, as amended.

VI. BOARD UPDATE

OCE Co-Chair for the 115th Congress, the Honorable Doc Hastings, resigned from the OCE Board at the end of the 115th Congress.

On March 18, 2019, House Speaker Nancy Pelosi and Minority Leader Kevin McCarthy appointed David Skaggs to Chairman and Allison Hayward to Co-Chairwoman of the OCE Board, and appointed two new board members to the OCE, Mr. Paul Vinovich and former Representative Lynn Westmoreland.

The eight members of the OCE Board are currently:

- Former Rep. David Skaggs, Chairman
- Former Law Professor and Election Law Expert, Allison Hayward, Co-Chairwoman
- Brigadier General Belinda Pinckney, U.S. Army (Ret.)
- Former House Chief Administrative Officer Jay Eagen
- Former Rep. Karan English
- Former Rep. Lynn Westmoreland
- Former Rep. Mike Barnes, Alternate
- Mr. Paul Vinovich, Alternate

As only the Board may authorize a preliminary review, and the Board was appointed on March 18, 2019, no matters were initiated in the first quarter of 2019.