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August 11, 2015

By Email and Regular Mail

Omar Ashmawy, Esq.  
Staff Director and Chief Counsel  
Office of Congressional Ethics  
U.S. House of Representatives  
425 3rd Street, S.W.  
Suite 1110  
Washington, DC 20024

Re: Baku Trip Referrals

Dear Mr. Ashmawy:

I am writing to request access to the referrals made by the Office of Congressional Ethics to the House Committee on Ethics on May 8, 2015 with regard to the following matters: (1) Review No. 15-6069 (Rep. Bridenstine); (2) Review No. 15-8048 (Rep. Clarke); (3) Review No. 15-6646 (Rep. Davis); (4) Review No. 15-8523 (Rep. Hinojosa); (5) Review No. 15-7713 (Rep. Jackson Lee); (6) Review No. 15-5211 (Rep. Lance); (7) Review No. 15-2786 (Rep. Lujan Grisham); (8) Review No. 15-5316 (Rep. Meeks); and (9) Review No. 15-9180 (Rep. Poe).

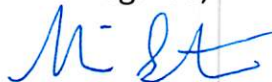
As you know, these referrals, including both OCE's report and findings in the referenced matters, constituted OCE's final official action in each matter, pursuant to H. Res. 895 (110<sup>th</sup> Cong.) as renewed for the 114<sup>th</sup> Congress by H. Res. 5. They therefore qualify as "public records" subject to the public's common-law right of access and inspection. *See Washington Legal Foundation v. U.S. Sentencing Comm'n*, 89 F.3d 897, 905 (D.C. Cir. 1996) ("public record" is "a government document created and kept for the purpose of memorializing or recording an official action, decision, statement, or other matter of legal

significance, broadly conceived"); *see also Pentagen Technologies Int'l, Ltd. v. Committee on Appropriations*, 20 F. Supp.2d 41 (D.D.C. 1998), *aff'd* 193 F.3d 174 (D.C. Cir. 1999) (*per curiam*). Although OCE and the Ethics Committee have released OCE's one-page report in each matter, they have not released the detailed findings portion of the referrals.

In the circumstances here the public interest in disclosure clearly outweighs any governmental interest in confidentiality. Under applicable House rules disclosure of OCE referrals, including both report and findings, is required when OCE recommends further review, as it did here. The Ethics Committee apparently refused to disclose OCE's findings because it believed that the referrals were *ultra vires*. If the Committee was incorrect in this assessment, disclosure is clearly mandated by the terms of the controlling House resolutions. Even if the Committee was correct, however, punishing the public by denying it access to OCE's findings is not a proper remedy and is inconsistent with the spirit of transparency in H. Res. 895. It is particularly inappropriate here where the content of OCE's findings have already been leaked to one media outlet, The Washington Post, which has selectively published portions of those findings.

For these reasons I respectfully request that you permit me to inspect and copy the materials in question. Thank you for your attention to this matter.

Best regards,



Michael Stern